



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

**COMMISSIONED UNDER THE PROVISIONS OF THE
COMMISSIONS OF INQUIRY ACT 1950**

**PUBLIC HEARING
BRISBANE MAGISTRATES COURT**

**WEDNESDAY, 29 JULY 2026
AT 10.00 AM**

DAY 39

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms G Feely and Mr S Jenkins – Counsel Assisting
Mr D de Jersey KC – Counsel for the State of Queensland
Ms S Amos – Counsel for the State of Queensland
Mr D Payard – Counsel for Leigh Hahn
Mr C O'Grady KC – Counsel for the CFMEU Administration
Mr C Murdoch KC – Counsel for the BMD Group and Ben Weston
Mr A Duffy KC – Counsel for The Honourable Grace Grace MP
Ms K Hillard – Counsel for The Honourable Grace Grace MP
Mr C Jennings for SMEC Australia and its associated entities
Mr B Kidston for SMEC Australia and its associated entities
Mr Leigh Hahn - Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Deal with appearances. Mr Gisonda, you appear today with Ms Feely and with Mr Jenkins?

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MR GISONDA: Yes, Commissioner.

COMMISSIONER: Mr Payard, you appear for Mr Leigh Hahn?

10 **MR PAYARD:** Yes, thank you, Commissioner.

COMMISSIONER: Mr O'Grady, you continue to appear as counsel for the administrator of the CFMEU?

15 **MR O'GRADY:** Yes, Commissioner.

COMMISSIONER: Mr de Jersey, you appear with Ms Amos for the State of Queensland?

20 **MR DE JERSEY:** Yes, Commissioner.

COMMISSIONER: Mr Murdoch, you continue to appear for the BMD Group and Ben Weston?

25 **MR MURDOCH:** Yes, may it please the Commission.

COMMISSIONER: Mr Jennings, you appear with Mr Kidston as counsel for SMEC Australia?

30 **MR JENNINGS:** Yes, thank you, Commissioner.

COMMISSIONER: And Mr Duffy and Ms Hillard, you continue to appear as counsel for the Honourable Grace Grace MP.

35 **MR DUFFY:** Yes, Commissioner.

COMMISSIONER: Mr Gisonda.

40 **MR GISONDA:** Thank you, Commissioner. This morning, we begin looking at the Centenary Bridge project. Do you have a bundle of documents styled BPIC and Transport Projects Bundle Number 4?

COMMISSIONER: Bundle number 4. Yes, I do.

45 **MR GISONDA:** Whilst I want to go to bundle 4 first, I might, to try and keep things as simple as possible, tender the folder or the bundle of documents entitled BPIC and

Transport Projects Bundle 2, and that can be given the number - or the exhibit number BPIC-2.

5 **COMMISSIONER:** Is there any objection to that course? No? How do I describe this document? Just as BPIC and Transport Projects Bundle 2, 385 pages?

MR GISONDA: Yes, that's how you did bundle number 1, so -

10 **COMMISSIONER:** That's how I described bundle number 1?
MR GISONDA: Yes.

15 **COMMISSIONER:** Actually, 386 pages. 386-page bundle of documents entitled BPIC and Transport Projects Bundle 2 will be exhibit BPIC-2.

<EXHIBIT BPIC-2 386-PAGE BUNDLE OF DOCUMENTS ENTITLED BPIC AND TRANSPORT PROJECTS BUNDLE 2

20 **MR GISONDA:** And then there is bundle number 3, BPIC and Transport Projects Bundle 3, which is 166 pages.

COMMISSIONER: Yes, I've got that one. Do you wish to tender this bundle as well?

25 **MR GISONDA:** Yes, Commissioner.

COMMISSIONER: There's no objection to this? No? 166-page bundle of documents entitled BPIC and Transport Projects Bundle 3 shall be exhibit BPIC-3.

30 **<EXHIBIT BPIC-3 166-PAGE BUNDLE OF DOCUMENTS ENTITLED BPIC AND TRANSPORT PROJECTS BUNDLE 3**

35 **MR GISONDA:** And then the bundle I do want to take you to is BPIC and Transport Projects Bundle 4.

COMMISSIONER: And you want to tender that as well?

MR GISONDA: Yes, and that is 422 pages.

40 **COMMISSIONER:** No objections to this either? No? 422-page bundle entitled BPIC and Transport Projects Bundle 4 will be exhibit BPIC-4.

45 **<EXHIBIT BPIC-4 422-PAGE BUNDLE OF DOCUMENTS ENTITLED BPIC AND TRANSPORT PROJECTS BUNDLE 4**

MR GISONDA: Thank you, Commissioner. In 1959, a company known as Hooker Rex Pty Ltd, which was the real estate development division of Sir Leslie Joseph

Hooker's entity, LJ Hooker, began planning to develop farmland situated south-west of central Brisbane, to be known as Centenary Estates, marking a hundred years of Queensland's statehood.

5 **COMMISSIONER:** There's a little photo on page 2 of this bundle, which I imagine is the promotional material.

10 **MR GISONDA:** That's the promotional material that came out in the very early 1960s. That company acquired some 3500 acres for the development of these estates, it becoming one of the earliest master-planned suburban developments in Queensland. To connect that new development to central Brisbane, there was the construction of a river bridge which came to be known as Centenary Bridge, funded, when it was first constructed, privately by the developer, LJ Hooker, and that bridge cut the travel distance to central Brisbane from that area down to six and a half miles.
15 When it was constructed, it was constructed in a way that allowed it to be enlarged as deemed necessary in future years.

20 **COMMISSIONER:** So the bridge was built somewhere on that photo - sorry, I shouldn't say "photo" - drawing?

MR GISONDA: I don't know how forensically accurate the promotional drawing is from 1961, but yes, there was a bridge over some water at some position. It was actually one of four bridges that was constructed by the developers as part of that development. Construction commenced in 1963 officially, and it was opened in
25 October 1964. In the mid-1980s, the bridge was then duplicated for the first time, which allowed for two lanes of traffic in each direction, and that opened in 1987. Now, that bridge -

30 **COMMISSIONER:** Is that the photo I've got at page 3?

MR GISONDA: No. What you have at page 3 is the project that's currently on foot.

35 **COMMISSIONER:** To convert from a two-lane to a three-lane. Is that what the gravamen is? It was one lane, then two lanes in the 80s, and now three lanes in the 2000s.

40 **MR GISONDA:** Yes. If you look at page 4, that might give you a better sense. So it's effectively a doubling of the bridge. So all the traffic that is currently on the bridge will now just be going in one direction, and there will be a duplication of the bridge. Do you see that on page 4?

COMMISSIONER: I see. So is that going from four lanes to eight lanes? Is that the -

45 **MR GISONDA:** It's three to six.

COMMISSIONER: Three to six.

MR GISONDA: Four to six.

COMMISSIONER: Four to six.

5

MR GISONDA: Now, this bridge, which is part of the Centenary Motorway, is one of the primary arterials that connects Brisbane and Ipswich, and Ipswich has experienced a population boom in recent times, primarily due to the development of master-planned suburbs in undeveloped land around the historical centre of Ipswich.

10 And Ipswich, since 2001, the population of the Local Government Area of Ipswich has doubled from about 123,000 to 260,000 last year. And so in order to alleviate congestion on the Centenary Motorway, it has become necessary to duplicate the bridge or upgrade the bridge.

15 And Commissioner, you'll see at page 5, in March of 2019, there was a call for tenders for the design of the bridge, noting that the project with which we are concerned is for the construction only of the bridge, but I just point to this press release on page 5 to tell you that that's when the design tender went out. And over the next page, at page 6, there's the announcement from the Premier and the Minister
20 for Transport and Main Roads that funding had been locked in to build a second Centenary Bridge.

COMMISSIONER: Sorry, where's this? Which page?

25 **MR GISONDA:** Page 6. And the Queensland State Government would commit \$112 million for construction, and the Federal Government would also contribute \$112 million. So at that point in time, October 2020, it was a \$224-million construction cost to be split fifty-fifty between the State and Federal Government. So that was announced on the eve of a state election in the State of Queensland, and as
30 you now know, Commissioner, in October the BPIC policy was approved, and the first project in which the BPIC policy was to be implemented during procurement, as opposed to retrospective application, was this Centenary Bridge project. At page 8 of the bundle, you'll see a letter from the Minister for Transport and Main Roads to the Deputy Prime Minister.

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COMMISSIONER: So on the previous page, you talk about a new Centenary Bridge at Jindalee. Was there both a widening of the existing bridge and a new bridge?

40 **MR GISONDA:** It's technically a new bridge, but it sits right alongside the existing bridge.

COMMISSIONER: I see. So you can call it a new bridge or you can call it a widening.

45

MR GISONDA: A duplication.

COMMISSIONER: A duplication, yes.

5 **MR GISONDA:** At page 8, as I said, there's a letter from the Minister for Transport and Main Roads to the Deputy Prime Minister at the time, who was also the Minister for Infrastructure, Transport and Regional Development, and over on page 10, at the fourth paragraph from the bottom, he explains - and we now know all this, but he explains to his federal counterpart that there was this proposal to agree a new set of procurement and contracting arrangements through an initiative known as KRAs or key result areas, and we'll look at the key result areas and how they were applied to
10 this project shortly. And then over the page at page 11, the third paragraph from the end, he says:

15 "As this is a step-change for the industry, I propose a staged approach to implementation. Commencing with full implementation on the Centenary Bridge, TMR will apply the KRAs supported with clear performance standards and backed up by active contractor monitoring and assurance."

COMMISSIONER: So I presume - the evidence of Ms - was it Ms Hawkswood?

20 **MR GISONDA:** Ms Hawkswood, yes, from two weeks ago.

COMMISSIONER: She was saying that there was consultation with the unions during this period, six months, July to December. Industry was then told about BPIC in December, reacted badly. Is this the first time the co-funder of this duplication or
25 new bridge or widening, however you described it, has been told about BPIC? You can take it on notice if you -

MR GISONDA: Yes.

30 **COMMISSIONER:** It's asking you to sort of prove a negative, I guess, so -

MR GISONDA: Yes.

35 **COMMISSIONER:** I assume it is.

MR GISONDA: The evidence from Mr Balmer was that they knew that BPIC was coming to the transport portfolio, but it wasn't until late 2020 that that was confirmed. But we'll see if we can find whether - I mean, the policy wasn't approved until October of 2020 in Queensland, so -
40

COMMISSIONER: And it wasn't announced to industry until December 2020.

45 **MR GISONDA:** Correct. And you'll see at page 13, at the bottom of the page, there's an email from Mr Chapman, who's the CEO of the Queensland Major Contractors Association, and he says - this is to Ms Yeates, who was Ms Mitchell's predecessor, you'll recall:

5 "Thank you for the opportunity to meet with Minister Bailey and to enable a discussion on the current program and industry issues, including QMCA's views of the proposed BPIC document, that you have indicated would form part of the KRAs as part of the collaborative contracting approach. As I noted to the minister, the industry has significant concerns with the form of the current proposal. We are disappointed to hear that it is proposed to be used on the forthcoming Centenary Bridge and highway upgrade project; that is scheduled to come to market [early next year]."

10 **COMMISSIONER:** What's that last bit? The highway upgrade project? There's some widening of the Centenary Motorway as well associated with the widening/duplication of the bridge; is that what that's referring to?

15 **MR GISONDA:** Well, I think it's part and parcel of the same package of works.

COMMISSIONER: Same thing.

MR GISONDA: Then he says:

20 "As the industry has only just seen a version of this document in the last couple of days."

25 So that means that right on the eve of Christmas of 2020, they were provided - that is, the industry - was provided with a form of the Transport BPIC document and told that it would apply to the procurement of Centenary Bridge.

COMMISSIONER: He's writing this at 11.30 am on Christmas Eve.

30 **MR GISONDA:** Yes, and the - yes, that's right. And he follows up at the top of this page. You see the very first line, that meeting with the minister was on 22 December. And then he says - he's now writing to Ms Hawkswood:

35 "Can you shed any light after our meeting whether you are still thinking that Centenary Highway would be the first application of the BPIC? We strongly recommend against this."

And then there is a response from Ms Hawkswood on page 12. After some pleasantries, she says:

40 "Thanks for sending the email through and happy to provide as much light as I can. At the moment it is our understanding that the Centenary Highway Bridge Upgrade will include the KRAs (including the Transport BPIC) as part of the procurement process. This will be a trial implementation of the process with learnings to inform future projects."
45

At page 18 of the bundle, this is now May of 2021, this is an industry briefing on the project, and this will give you some further detail and answers to your questions, Commissioner. At page 20, you see in the middle of this picture it says:

5 "Existing bridge rehabilitated into three lanes southbound, with a shared path for active transport."

In other words, pedestrians and -

10 **COMMISSIONER:** Cyclists.

MR GISONDA: - cyclists. And then next to it:

"New three-lane northbound bridge."

15

And then there's more details in this document about what's proposed in the project.

COMMISSIONER: What's the next page? 21. It's not bad, is it, in terms of explaining what's going on.

20

MR GISONDA: Yes. And then at page 31 - we'll go into a bit more detail on this with Mr Leigh Hahn - an explanation of how the KRAs will be applied to the project, and the KRAs is the vehicle through which the Transport BPIC policy was to be implemented throughout procurement. And at page 40, shortly thereafter, the ABCC published some advice using, you will see at the bottom of that page, the Centenary Bridge Upgrade Project, the ABCC saying it will examine how this new policy will apply on that project. And over at page 42, under the heading on page 42 Cascading Requirements - the highlighting is from someone within DTMR, so you can ignore the highlighting, but it was this part of the advice in particular where the ABCC warned about some of the risks associated with the BPIC policy, particularly with regards to the engagement of subcontractors, that caused particular consternation within the department and amongst industry.

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COMMISSIONER: This is the jump-up clause that Mr Hadgkiss gave evidence about?

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MR GISONDA: This is a requirement that not only must the head contractor agree to implement BPIC, it must also ensure that its subcontractors on the site do the same. And in a way, it was, "The way that we are procuring this project for you, head contractor, you must essentially replicate down the line with your subcontractors."

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At page 50 of the bundle, there's a file note from the acting deputy regional director of DTMR, Mr Graham Kerr, who receives a phone call from Andy Blakely at the CFMEU. And in the third bullet point, he says that Graham - speaking about himself in the third person:

45

"Graham mentioned that during the meeting between John Ryan..."

And just pausing there, you'll hear from Mr Ryan, Commissioner, after Mr Leigh Hahn, Graham mentioned that during the meeting between John Ryan and Mr Blakely in June, Mr Blakely had offered to provide information about construction firms tendering for the works. Graham asked what that information was specifically and asked whether it was safety notices that the panel may already have access to. Mr Blakely mentioned that it was safety notices and other safety related information, and he asked where the tender evaluation panel would get that information. Graham said the panel will get the notices from WHSQ. Mr Blakely said that there was a considerable time lag to obtain that information, which the CFMEU had readily available. Graham thanked Mr Blakely for the offer to provide information, however, didn't suggest whether or not TMR would ask for that information. Mr Blakely said he would be willing to meet in person about which firms were tendering.

And you'll remember that Ms Mitchell gave evidence yesterday about her shock and concern at the approach that the Public Works department seemed to have when it came to these sorts of matters. At page 51, there's a document -

COMMISSIONER: There's also the issue that's come up, I can't remember which witness talked about it previously, that - why has the CFMEU got this information?

MR GISONDA: Yes. And then at page - and also, not only safety notices, but he says "other safety-related information as well". That could be anything, objective or subjective. At page 51, you've seen this document before, the week before last. It was tendered in bundle 1, but just bringing it to your attention again, this was a briefing to the minister, who was about to meet with the relevant unions and Crown Law about the implementation of BPIC. And there's a background to this briefing about what has happened so far. The background begins at the bottom of that page.

And over the page at 52, you'll remember this document, page 52, at the bottom of the page, the second-last bullet point, that the Building Trades Group had said that - they had expressed their intention that if the implementation of the BPIC policy at the front end of the process does not work to their expectations, they will focus their efforts on ensuring compliance with industrial and safety-related matters of major transport civil construction projects.

And then you'll remember another document that I took you to the week before last, and you can see this at page 62, that in meeting that took place with the CFMEU and ETU, a commitment was made to provide the terms and conditions that would apply to the Centenary Bridge construction works so that they could see how the BPIC policy would be introduced into that agreement, and that agreement is found at page 64. And the department has then marked up the relevant provisions for the union's attention and that can be seen at page 86. That's clause 3.2.5; at page 109, clause 9.2.2; and then at pages 122 to 123; and then at page 180, clause 44.2(b)(vii) and (viii), failures to comply with those requirements would constitute substantial breaches by the contractor. So that's how the policy hangs together in a contractual sense.

5 So the commitment was made to give it to the unions, and then you'll remember
someone from the department said, "Well, as a matter of probity you can't do that
and not give it to the contractors," and so at page 203, it's also given to the
contractors, who were at that point in time putting in their expressions of interest for
the project, and that's on 15 July. And then on page 224, on 1 September, there's a
media release to say that four contractors had now been short-listed for the project,
and community consultation was set to start, and Ms Hawkswood there is forwarding
that media release to Mr Ingham from the CFMEU and other union officials from the
10 BTG.

And at page 226, in the middle of the page, it tells you who the four short-listed
contractors are in alphabetical order: Bielby Hull Brady Joint Venture, BMD
Georgiou Joint Venture, Fulton Hogan Watpac Joint Venture and John Holland. And
15 can I then show you page 228, please.

COMMISSIONER: And who ends up winning it? BMD Georgiou Joint Venture?

20 **MR GISONDA:** BMD Georgiou.

COMMISSIONER: Sorry. I cut you off.

25 **MR GISONDA:** Page 228. And this is an email from Dean Misso, who's the
executive director of the Office of Deputy Director-General - you've seen his name
on quite a few emails now - sending an email to a general manager portfolio
investment and programming. His name's Tony Philp, and he says in this email at the
bottom of the page:

30 "I just wanted to let you know that I have been in discussions with the Metro project
team in the last week about funding for the Centenary Bridge upgrade project. The
concern is that there will not be enough funding to cover the BPP/BPIC elements as
the project contingency/escalation estimates are reasonably tight. They wanted to put
a briefing note up with an estimate, but I have suggested that we wait to understand
the offers before proceeding."

35 In other words, let's see what the short-listed tenderers say it will all cost before we
ask for more funding.

40 **COMMISSIONER:** Because the budget is 224 million.

MR GISONDA: Half of 224 million.

COMMISSIONER: Half, of course, yes. The Federal Government's paying half.

45 **MR GISONDA:** And then over the page at 227, so going back a page, this is Mr
Philp's response to Ms Yeates, then copying others in, and he says:

"For your information, will be meeting with the director-general tomorrow..."

At that point, it's Mr Scales:

5 "...to discuss a number of items, including options to start signalling to government the cost impacts of BPICs and the current/future market conditions. The Centenary email below is one of several that are starting to pop up, including RRR."

That's the Rockhampton Ring Road. He then says:

10 "It is clear that there isn't any willingness at a ministerial level to lead with highlighting the BPICs impacts, rather the approach is one of hope that this can be managed within existing funded project contingencies, noting that this won't be possible when coupled with what we're seeing from the market."

15 **COMMISSIONER:** What's the sentence above? Is that saying that there's a 35 per cent increase for the Rockhampton Ring Road; 103.5 billion for a \$1 billion project? Am I reading -

20 **MR GISONDA:** Yes, it reads that way. And he says:

"Note, dealing with these issues with a funding solution has been largely exhausted. We'll be able to deal with smaller items, not the larger ones though, noting what we've had to do with registration uplift to address the Coomera Connector project."

25 And then he says:

30 "I'm thinking the approach at this time is to alert government to the issue, ie, looking to avoid the scenario of in the next 12 to 18 months of us having to constantly front CBRC coupled with an accusation that we didn't provide them with an early warning signal."

And you understand CBRC is the Cabinet Budget Review Committee?

35 **COMMISSIONER:** Yes. I sort of had in my mind expenditure review committee, but that's the state equivalent.

MR GISONDA:

40 "Also, it is uncertain how this will play out, however suspect that difficult scope decisions will be part of the solution."

COMMISSIONER: So you're going to build a smaller project.

45 **MR GISONDA:** So we have - we have concerns that the contingencies that are in place for packages of works that are already funded is too tight and it won't allow us to compensate for potential BPIC elements.

The response then from the general manager is to note that there's no willingness at the ministerial level to deal with that; it's really a just "proceed and hope for the best" approach, and he's saying, "Well, that's just not going to be a satisfactory outcome going forward. We have to let them know about this problem, and one consequence might be difficult decisions, in particular in relation to scope." And as you've said, Commissioner, that's another way of saying less or smaller projects.

And then at page 231, you've seen this document already, but I'll just remind you of it. That's the ranking of the tendered amount that had been given by the four short-listed companies. So that's the - that's where they sit in terms of their price for the project. And you'll remember at page 232 that found its way into the hands of the CFMEU. No one knows, and I don't think we still know, how it got into the hands of the CFMEU. And at page 239, Mr Ingham says to Ms Hawkswood that he had obtained that document, and he's concerned that the highest ranked on that list are not aligned on BPIC and those ranked lowest are aligned on BPIC.

And one assumes that the reason for that view is that at around this time, the CFMEU was in the process of concluding, if they had not already concluded, enterprise agreements with Watpac, who are ranked last in terms of price, in relation to the Kangaroo Point Green Bridge, and John Holland, who are ranked second last, in relation to Gold Coast Light Rail. And then at page -

COMMISSIONER: Because they were saddled with those agreements, that's why their pricing was so high?

MR GISONDA: No, I don't think that's right.

COMMISSIONER: Right.

MR GISONDA: Because what you'll see is that this must only be based on the pricing that's found in what's known as envelope 2, and what you'll see shortly is that it's envelope 3 that contains the BPIC elements, and you don't know - you don't open any of the envelope 3s, save for the company that's ranked number 1. But Mr Ryan will explain that in more detail.

COMMISSIONER: Just going back to page 227, if that analysis is right, this is September 2021, about nine months after the policy is - well, almost a year after the policy is made and nine months after it's announced. If the department - and this is the Department of Transport and Main Roads - is getting information that there's a 35 per cent blow-out in the cost of the Rockhampton Ring Road, and they're saying, "We have to approach the government at this time," that does - that's slightly different to Ms Hawkswood's evidence, who was suggesting that numbers of this type weren't really coming to her until late '23/early '24, when they had an external, I don't know, call them accountant, I'm not sure what you would call them, financial estimator -

MR GISONDA: Fission?

COMMISSIONER: Sorry?

5 **MR GISONDA:** Fission.

COMMISSIONER: Fission. I don't know what their skill set is, but someone who estimates the costs of these projects. You start to get up to these numbers. But at this point, on her evidence, it was 3.6 per cent and by mid '22 about eight per cent, but
10 Treasury didn't agree with the eight per cent because she hadn't calculated everything. But that looks like a very big number, very early, 35 per cent.

MR GISONDA: Yes. We'll look more into that particular estimation there and see the extent to which that's attributed to BPIC as opposed to something else.
15

COMMISSIONER: I see.

MR GISONDA: Because it is quite early on in the - you will remember from Mr Balmer's evidence that the Rockhampton Ring Road wasn't - didn't really get
20 underway until late 2023. So this is still almost two years before then.

COMMISSIONER: One thing I'm interested in - and you're probably onto this already, but do it in your own time - is what did the government know and when about the cost blow-out from BPIC, particularly in relation to the transport projects?
25 Because we're getting hints of it here through these emails from the public servants, but we're not quite high enough to know exactly what they were told and what the reaction was.

MR GISONDA: Yes. And we're hoping that at some point soon, we'll be able to work out a way in which more detail on that question can be given to you, Commissioner, in a way that adequately navigates the various privilege or immunity issues that attend the - when you get into looking at Cabinet discussions and decisions.
30

COMMISSIONER: Are you having some discussions with Mr de Jersey about that, are you? Is that what's going on?
35

MR GISONDA: Let me describe it this way: I am in the process of thinking about what those discussions will look like.
40

COMMISSIONER: All right.

MR GISONDA: But we have some documents, claims have been made in relation to those documents, and we just have to work all that out.
45

COMMISSIONER: All right. Sorry, I've taken you off course. I think you were at - were you at 239?

MR GISONDA: Yes, and I was about to go to page 244, and this is more detail from Ms Hawkswood about her discussion with Mr Ingham. And at point 4, she says that Mr Ingham had raised concerns that using BPIC - assessing BPIC as only 30 per cent of the evaluation criteria was not sufficient, in his view, because what they - the way that they did it was 70 per cent of the evaluation for the short-listed proponents was based on price and 30 per cent was based on their commitment to, amongst other things, BPIC, as demonstrated through the KRAs. As I said, I'll take you to that in more detail when Mr Leigh Hahn gives evidence.

And as Ms Hawkswood says in response at subparagraph (a), in fact, the first stage was 100 per cent non-price. So that was - in order to be short-listed, that was based entirely on non-price considerations, and then this current stage of picking amongst the short-listed proponents was 30 per cent and 70 per cent non-price to price. And she says it's appropriate as the department must balance value for money, constructability and government priorities. Then she says at subparagraph (b):

"Regarding BPIC threshold his view is that if you don't comply, you won't be recommended in line with EPW and government commitment."

EPW being the Department of Energy and Public Works. So that's consistent with what Ms Mitchell said yesterday, which was time and again the CFMEU's position was, "You should approach the same way as the Department of Public Works, and if you're not prepared to sign up to BPIC in a way that's deemed satisfactory, you just won't get the work." And heading then into 2022, at page 263, you'll see under the heading Issues and Suggested Approach, this is a briefing to the minister.

COMMISSIONER: What page, sorry?

MR GISONDA: Page 263. And there's to be a meeting with the Office of the Premier - you'll see the attendees at page 262, sorry.

COMMISSIONER: Just remind me who Ms van Alphen was? Is she the chief of staff or someone else?

MR GISONDA: Ms van Alphen was originally the chief of staff to the Minister for Transport and Main Roads, and then she moved to the Office of the Premier.

COMMISSIONER: But not as chief as staff?

MR GISONDA: No, I think she was the deputy chief of staff.

COMMISSIONER: So she was chief of staff to Minister Bailey; is that right?

MR GISONDA: Yes. And then Ms Mel Pugh is from Crown Law, and then you have Ms Hawkswood and Mr Walsh from the department. And this is a Crown Law briefing regarding the changes to the federal Building Code. And the question that

had been put, back at page 263, is at this stage of the procurement - so this is the first bullet point under the heads Issues and Suggested Approach:

- 5 "At this stage of the procurement, where the department are in post-offer negotiations with the highest ranked tenderer, can the department introduce a new requirement for an industrial agreement? If we can, what are the risks and what process and information would be required?"

- 10 **COMMISSIONER:** So the subtext of this is that the Albanese Government has been elected, the ABCC is or will be soon abolished, and the federal Building Code is or will soon be abolished. Therefore, the roadblock that the federal Building Code placed and the implementation of that code by the ABCC might have placed has gone. Is that -

- 15 **MR GISONDA:** Exactly. Exactly. Then at page 266, there is an email from a representative - Mr Leigh Hahn, sorry - representative of the joint venture, who at this point is trying to explain to the department the efforts that they have gone into to negotiate with all relevant unions, including the CFMEU, in relation to an enterprise bargaining agreement for the project. They were doing so in their position as the
20 highest-ranked tenderer. They had not yet been awarded the contract, but they had a letter of comfort to effectively give them the green light to try and conclude an EBA with whichever union they thought was appropriate, because remembering DTMR's position was BPIC is a guide, and we're not going to tell you who you have to have an EBA with.

- 25 And you won't have a lot of evidence about this in relation to Centenary Bridge, but you can infer fairly that because Georgiou is one of the two members of the joint venture, and because Georgiou was also one of the two joint venturers for Coomera Connector North with Acciona, and you do have evidence from Mr Balmer about
30 that progress, you can assume that the strategy or approach that was seen on Coomera Connector North was the same as it was for Centenary Bridge, and that means that they negotiated with the AWU and the CFMEU separately. They said to the CFMEU, "Well, the AWU is refusing to sign an agreement with you," and the CFMEU then refused to sign the agreement. The AWU agreed to sign the agreement,
35 and that's how they got the greenfields agreement with the AWU only.

- COMMISSIONER:** This may be not a question for you, but this does seem a long time. This project was announced, tenders called in March - anyway, April, whatever it was - 2019. Funding achieved - co-funding with the Federal Government, October
40 2020. And we're now two years on from that, three and a half years from the announcement of the call for tenders.

MR GISONDA: Yes.

- 45 **COMMISSIONER:** And no contract has been entered into for a \$250-million bridge.

MR GISONDA: Mr Leigh Hahn says it was an unusually long time.

COMMISSIONER: It was?

5 **MR GISONDA:** It was. And it's not awarded until December, right on the eve of Christmas, December 2022.

COMMISSIONER: And is there anything I should read into that, or is it just something to observe?
10

MR GISONDA: There are a couple of reasons for that, and Mr Leigh Hahn will give some evidence about some of that.

COMMISSIONER: Right. And when was the EBA with the AWU signed?
15

MR GISONDA: December 2022.

COMMISSIONER: Right.

20 **MR GISONDA:** Now, there's then a request at page 276 for additional funding on this project. This is a decision brief for going to the Minister for Transport and Main Roads, and you'll see there at the third bullet point:

25 "Due to escalations because of key materials supply issues and increased costs, in addition to implementation of KRAs including the Transport BPIC, it is established that additional funding of about 54.5 million will be required to complete the project. This funding increase will bring the project's total revised budget to \$298 million."

30 And, Commissioner, that's perilously close to \$300 million, and you'll remember once you cross \$300 million you're then into BPIC+ territory. A request for additional funding was sent to the Australian Government. However, that was not approved in the Federal Budget of October 2022. And so the recommendation that is that you approve the department proceeding with the project, including tender award, with additional Queensland Government funding of \$27.25 million, and if the
35 Australian Government eventually doesn't provide the additional funding, then the Queensland State Government will have to provide it.

COMMISSIONER: But how do we get to 244 million? I thought it was 224, 112 million each from the State and the Federal Government back in October '20. This
40 figure of 54.5 million to get to 298.5 million assumes a cost of 244 million. That's another 20 million.

MR GISONDA: I think that's a manifestation of the delay. So just the price of project went up. But then -
45

COMMISSIONER: But then on top of that there's another 54.5.

MR GISONDA: Yes. And of that, you'll see over the page at the top there, page 277 -

5 **COMMISSIONER:** No, it's not delay. It's in the press release of October '20. But the State Government put an original 20 in for planning and design, so there's 20 in, then there's 224 million on top of that, 112 each. So that gets you to 244.

MR GISONDA: Quite right.

10 **COMMISSIONER:** And then on top of that, there's another 54.5 to get to close to 300 mil. But, sorry, you're going to tell me about the 54.5?

15 **MR GISONDA:** Yes. So at the bottom, sorry, Operator, at the bottom of 276, 27.5 million is due to escalation due to the passage of time, and then over the page, 277, \$22 million, that's the BPIC cost. And that \$22 million you'll see comes from the joint ventures' envelope 3. So envelope 3 says, "If we are to implement BPIC, here's what we would do and this is how much it would all cost," and that came in at around \$22 million.

20 **COMMISSIONER:** So if you say it's a \$224-million project, then it's a 10 per cent increase. You say it's 244 million. It's, I don't know, eight per cent or something.

MR GISONDA: Yes.

25 **COMMISSIONER:** So we're up to 300 million by - what's the date of this?

MR GISONDA: This is November '23.

30 **COMMISSIONER:** '23?

MR GISONDA: Sorry, '22.

COMMISSIONER: '22. Before the contract has been - what's the final cost been?

35 **MR GISONDA:** The final cost?

COMMISSIONER: Yes.

40 **MR GISONDA:** Well, that's going to be the evidence.

COMMISSIONER: Right. I need to wait, do I? You don't want to give me the ending right now?

45 **MR GISONDA:** That's right.

COMMISSIONER: All right. Okay.

MR GISONDA: Then at page 291, after the contract's been awarded, there's an RTI request put in by the CFMEU, right to information or freedom of information in other jurisdictions, request for all documents essentially that relate to the tender of the Centenary Bridge project -

5

COMMISSIONER: Sorry, just go back. Just that 54.5 million increase. Did I hear you right that the State Government had to pay all that? That wasn't - the Federal Government wouldn't go fifty-fifty on that extra 54.5 mil?

10 **MR GISONDA:** At that point, that was the decision of the Federal Government, and I'll try and get you the answer as to whether they eventually did provide that funding.

COMMISSIONER: All right.

15 **MR GISONDA:** At page 293, they're the two projects that they put in the application for information, Centenary Bridge and Coomera Connector Stage 1 North, and you will - sorry, I think that might actually be Central. And you will recall from the week before last, that there was a view promulgated by the CFMEU that these two projects had been corruptly procured. Yes, sorry, I just corrected
20 myself; it was Coomera Connector Central, that request. That is the project that you heard evidence about yesterday.

COMMISSIONER: From Mr Ellis?

25 **MR GISONDA:** Yes. And then at page 304, there's an email from Ms Hawkswood to Mr Scales, and she says that there was a briefing of the Building Trades Group with the chief of staff to the minister, and that second bullet point, the Building Trades Group said they were disappointed with the rates in the Transport BPIC and represented past TMR projects with BPIC which they view as failures, for example,
30 Coomera Connector and Centenary Bridge.

COMMISSIONER: Just tell me when Mr Scales didn't have his contract renewed?

MR GISONDA: 2023.

35

COMMISSIONER: So some - was it later in - obviously after March '23.

MR GISONDA: Yes.

40 **COMMISSIONER:** I thought it was around then, but I might have the dates wrong.

MR GISONDA: At page 312, this is again another email you've seen before, but it now has some more context, which is that Ms Stannard had spoken to Mr Ravbar on Friday in relation to Rocky Ring Road, and his view was that:

45

"It should be a five-union deal. Why have a BPIC at all if unions are not going to be involved? DTMR as the buyer needs to insist it's done and don't sign a contract if they don't do a multi-union deal."

5 And then two bullet points down:

"Government hasn't learned from Cross River Rail and they will be all over Centenary and Rocky Ring Road making Cross River Rail look tame in comparison."

10 You might recall that at paragraph 314 of Ms Hawkswood's evidence, she said that Mr Ingham was very angry at the outcome of the Centenary Bridge industrial enterprise agreement negotiations that had taken place and which led to the greenfields agreement with the AWU only, and that he said to her words to the effect of "It was a shit deal. The joint venture did not follow policy" and that the
15 department let them do it and that before he finished the conversation, he said words to the effect of, "Well, that is it then. We are going to bomb that site. You have been warned."

20 So Mr Ingham says that. Mr Ravbar then says that the government "hasn't learned from Cross River Rail and they will be all over Centenary and Rocky Ring Road making Cross River Rail look tame in comparison".

COMMISSIONER: And when had the blow-up at Cross River Rail occurred? Was that that previous year, where they'd -

25 **MR GISONDA:** The safety reset was in August 2023.

COMMISSIONER: August '23.

30 **MR GISONDA:** Yes.

COMMISSIONER: So right in the middle of it.

35 **MR GISONDA:** And, again, there's a meeting with the new Minister for Transport, Minister Mellish, at page 319. So he was made minister, I believe, on 18 December 2023. You'll remember there had been a campaign against him by the CFMEU - sorry, not him, Minister Bailey. Minister Bailey's then replaced with Minister Mellish, and Minister Mellish has a meeting with Mr Ravbar on 31 January, and the report at page 320 is that three things were discussed. Point 2 was that
40 Centenary Bridge didn't deliver what said they would.

45 So of the three things he raised with the new minister, one of them was that they were still upset with what had happened on Centenary Bridge, and then you'll see at point 3 he advises of the Cross River Rail industrial action, which commenced in February and took place throughout most of 2024.

5 **COMMISSIONER:** I think the implication from your Cross River Rail study was that the safety reset in August '23, which led 12 or 14 non-working delegates to be employed - or non-working health and safety reps, however they were labelled - was really a vehicle for those people, or at least some of them, to drum up numbers for the CFMEU in its campaign for its enterprise agreement in place of the AWU.

10 **MR GISONDA:** Yes. And in February of 2024, activity - union activity on Centenary Bridge really starts to heat up. And I might pause there going through the documents, because from this point on you'll start to see some of the things that were happening on that project. You've already seen some evidence of some activity on Centenary Bridge, and perhaps we'll play that again, just to remind you. This was a feature of Mr Watson's report. And you received two videos, and I'll play one of those videos for you now again. It's exhibit GW-8, and it's a video of the AWU officials being targeted in their car.

15 (Video played).

COMMISSIONER: When was that again? The AWU had an agreement -

20 **MR GISONDA:** 23 February.

COMMISSIONER: In 2024 - '23?

25 **MR GISONDA:** Sorry, what's the question? Sorry, Commissioner.

COMMISSIONER: Sorry, which year?

MR GISONDA: 2024.

30 **COMMISSIONER:** '24. So the AWU had an agreement with the joint venture, or at least one of the parties to the joint venture, in December 2022.

MR GISONDA: Yes.

35 **COMMISSIONER:** And I take it there's been some difficulty in trying to identify who those gentlemen from the CFMEU are precisely.

MR GISONDA: Well, can I show you how a document, which is marked CBU-9.

40 **COMMISSIONER:** This is something you asked the public for some assistance with?

MR GISONDA: It is.

45 **COMMISSIONER:** All right.

5 **MR GISONDA:** So the first person who was yelling at the vehicle and calling them "show ponies", to begin with, we have reason to believe that's Mr Hayden Turner-Davey, who is an organiser of the CFMEU. He was made redundant by the administrator in July of 2025. His area as organiser was Brisbane North. Page 2, reason to believe that's Mr Christopher Clarkin, who was a delegate for the contractor, Cogent Scaffolding, working on a Multiplex site at the time at Surfers Paradise.

10 **COMMISSIONER:** Sorry, he wasn't working on site?

MR GISONDA: Not on Centenary Bridge, no.

15 **COMMISSIONER:** Oh, of course not. Right. Well, could have been if - but anyway, he wasn't. Do you know whether he's a home-grown delegate or one that was imposed on Cogent Scaffolding by the union?

MR GISONDA: We don't have that information for you today with respect to any of these delegates.

20 **COMMISSIONER:** Sorry, that last bit?

MR GISONDA: With respect to these delegates, we won't have that information for you today.

25 **COMMISSIONER:** You don't know whether they're home-grown or imposed?

MR GISONDA: Yes.

30 **COMMISSIONER:** All right.

35 **MR GISONDA:** The next page, Mr Brodie Wood, who at that time was a delegate for Built Queensland, working at the TRI research facility, but in mid-2024 he was appointed as an organiser for Brisbane North West, and he was also made redundant by the administrator of the union in July of 2025. The next page, Mr Clinton Davis, a delegate with Hutchinson Builders. Then the next page, Mr Bon Maui, a delegate with Mirvac, working at the Mirvac Quay Apartments in Newstead. Next page, Mr Stephen Garbutt, a delegate for Vealstruct, working at Queens Wharf. Next page, Mr Michael Hawkins, delegate for Met Tile, working at Tarragindi. The next page, Mr Shannon Hall, a delegate for BESIX Watpac working at the Kangaroo Point Green
40 Bridge. Next page, Mr Trent Oliver, delegate for Cree8 Commercial, working at Arundel.

45 So you might recall I said the week before last that when you're weighing up the Rockhampton Ring Road project and Centenary Bridge project, it's far easier to marshal delegates and others to the site in metropolitan Brisbane than it is up in Rockhampton, and as it turns out, the campaign on Centenary Bridge was intense, and it was the confluence of a number of issues, a number of problems. One was a

campaign against the AWU. One was a desire to target this particular project, and at least one inference is that that was a campaign against the procurement policies of the Department of Transport and Main Roads. And then the third element was a campaign against BMD.

5

COMMISSIONER: I think you've identified nine out of that group. I think there were more than - I think you've identified nine.

10 **MR GISONDA:** Those were the nine at the front of the pack. There were then more towards the back who were - well, they were there. They were supporters, but they weren't as actively involved as these people here.

15 **COMMISSIONER:** Two of them were employees of the union, or sorry, later - one of them was an employee of the union, the organiser. The other eight were at the time delegates, so one later became an organiser. The two organisers, the one at the time and the one later, have both been made redundant. In relation to the other seven, or perhaps also in relation to the one that was a delegate and then an organiser, I would assume that given their attendance at this rally, they would have been imposed non-working delegates at the sites that they were assigned to by the union rather than
20 home-grown delegates, because I doubt that a home-grown delegate of Met Tile Commercial Pty Ltd at Tarragindi would wander up to the Centenary Bridge. Or maybe they would. But it sounds more like - they look more like the sort of people that are imposed upon the contractor or subcontractor on a non-working basis who then can be deployed for these sort of activities.

25

MR GISONDA: They look more like the Trent Broadhurst type of delegate rather than the man that he replaced.

30 **COMMISSIONER:** Yes, I have forgotten his name, at Rosenlund.

MR GISONDA: Yes. Perhaps I should try and - well, I shouldn't say "try". Perhaps I should -

35 **COMMISSIONER:** If they are, it just makes me wonder about the administrator is doing, because presumably there are - Mr Irving said these non-working delegates are very - he called them site delegates; call them imposed delegates, non-working delegates, site delegates, whatever you want to call them - are very important in this industry. So I just wonder what's being done, if anything, in relation to the delegates who have been involved in, to put it at its broadest, inappropriate behaviour over the
40 last few years - take this question on notice, Mr O'Grady; you don't need to answer now - and what should be done about them.

MR GISONDA: Can I tender this document, Commissioner?

45 **COMMISSIONER:** Is there any objection? No? What do I call it? Identification or possible identification of nine persons at Centenary Bridge protest associated with the CFMEU -

MR GISONDA: On 23 February 2024.

COMMISSIONER: - on 23 February 2024 will be exhibit -

MR GISONDA: CBU-1.

**<EXHIBIT CBU-1 POSSIBLE IDENTIFICATION OF NINE PERSONS AT
CENTENARY BRIDGE PROTEST ASSOCIATED WITH CFMEU ON
23/2/2024**

COMMISSIONER: Maybe it's 10. Maybe I got it wrong. No, I think it's nine.

MR GISONDA: Is that a convenient time?

COMMISSIONER: Yes. Very well. We'll come back at 25 minutes to 12.

<THE HEARING ADJOURNED AT 11.22 AM

<THE HEARING RESUMED AT 11.49 AM

COMMISSIONER: Sorry about that delay. I think we had a few administrative issues with the next bundle of documents to be tendered, so I apologise to everyone for keeping them longer than we anticipated.

MR GISONDA: Thank you, Commissioner.

COMMISSIONER: We might go till 1 o'clock now, Mr Gisonda.

MR GISONDA: That's fine. So can I now turn to bundle 5, BPIC and Transport Projects Bundle 5.

COMMISSIONER: Yes.

MR GISONDA: And there are a couple of documents that have since been taken out of that bundle, so that will be uploaded accordingly, but can I tender that bundle of documents, please.

COMMISSIONER: Do I need to know which ones have been taken out, or is it enough that you've done that?

MR GISONDA: It's enough that we've done it. So the -

COMMISSIONER: Administratively?

MR GISONDA: As far as the non-publication order is concerned, it expires only in relation to those documents that end up on the - into evidence.

COMMISSIONER: So although the last document is page 211, I take it there are less than 211 pages of documents as a consequence of the changes you've made?

5 **MR GISONDA:** I think what will happen is two or three pages will now be redacted, so the number of pages should be the same, and perhaps just for the benefit of the parties, without bringing up those documents on the screen, I'll just say that it's page 56 of the bundle that was given to the parties.

10 **COMMISSIONER:** Page 56?

MR GISONDA: Yes.

COMMISSIONER: Is that it?
15

MR GISONDA: And page 97 and 98.

COMMISSIONER: I've got a marking on page 55. Is that also one of the ones that's redacted?
20

MR GISONDA: Sorry, and 55, yes.

COMMISSIONER: Are there any objections? No? 211-page bundle of documents entitled BPIC and Transport Projects Bundle 5, noting that pages 55, 56, 97 and 98 are fully redacted, will be exhibit BPIC-5?
25

MR GISONDA: Yes.

30 **<EXHIBIT BPIC-5 211-PAGE BUNDLE OF DOCUMENTS ENTITLED BPIC AND TRANSPORT PROJECTS BUNDLE 5, PAGES 55, 56, 97 AND 98 FULLY REDACTED**

COMMISSIONER: Very well.

35 **MR GISONDA:** I said that the Centenary Bridge project was the subject of a campaign against the AWU, it was the subject of a campaign against the procurement policies of DTMR, and it was also the subject of a campaign against BMD. And at page 3 of this bundle, in April 2023 the divisional executive of the CFMEU had a meeting. So that is the national members - the members of the
40 national Construction and General Division of the union. And over the page at page 5, each of the respective secretaries and assistant secretaries give a report from their respective branches.

45 And at the bottom of this page, you see the Queensland/Northern Territory branch report. Mr Ravbar there is reporting that they've experienced nine per cent growth in membership, and he says, amongst other things, the third bullet point from the end of his report, that the Youth Crew was going well. And then Mr Ingham reports that the

AWU campaign has started, lots of activity. He says the propaganda war is underway. It's not sure what that propaganda war is directed to, but there is nonetheless a propaganda war underway. And he says Youth Crew are picketing jobs.

5

And then over the page, there's a report from the Victorian/Tasmanian branch, Mr Derek Christopher reports - you will see five bullet points from the end of his report:

"BMD the next campaign."

10

Do you see that?

COMMISSIONER: Yes.

15 **MR GISONDA:** Then also just two bullet points on from that, interestingly, something that was referred to in the evidence from John Holland, which you see there:

"98 per cent CFMEU coverage on all tunnel projects."

20

Now, at page 9 -

25 **COMMISSIONER:** Just going back to 5, I think you identified an email from Mr Scott Gartrell which was explaining the motivations, at least from his perspective, of the CFMEU activity, and one of the points he made is you have more influence within the ALP if you grow your membership and there's nine per cent growth in membership.

30 **MR GISONDA:** Yes. At page 9 of the bundle - perhaps, actually, start at page 10 - this is a social media post from the minister, Mark Bailey. The sod-turning ceremony on the Centenary Bridge, for the Centenary Bridge project. This is in April of 2022 - 2023, sorry. \$298 million joint funding, and there's the local member and - two respective local members and the minister. And over the page, or the previous page, page 9, you see the antagonism towards him from Mr Ingham, 35 sending an email round to Mr Ravbar and Ms Jacqui Collie, amongst others, Mr Lowth:

"Need to respond to this. The fucken hide of this bloke trying to get kudos on a job where workers are getting done over..."

40

COMMISSIONER: I think we've seen the names of the other people: Mr Ravbar, Mr Lowth, Ms Collie. Have I seen Paul Syvret's name before?

45 **MR GISONDA:** No, I don't think so, but he is the - at the bottom of page 10, he's the digital campaigns and communications officer.

COMMISSIONER: Yes, all right.

MR GISONDA: So that's a continuation of, if you like, the campaign against DTMR and the responsible minister for what they see as deficiencies in the procurement process. At page 11 -

5

COMMISSIONER: The cost hasn't gone up for six months at least. It was still the pricing as at late 2022.

MR GISONDA: Yes. See at page 11, then, Mr Zach Smith, who at that point is the national secretary. You might recall he was removed by Mr Irving earlier this year. He had been kept on but has since been let go.

10

COMMISSIONER: Was he removed for meeting with Mr Gatto, or have I got the wrong official?

15

MR GISONDA: I don't want to get - Mr O'Grady might have more details. There was media reporting about the reason. I just don't want to get it wrong, so -

COMMISSIONER: I don't really need to know at the moment, do I?

20

MR GISONDA: You'll see that there's a running order for the divisional conference that's coming up, and the second bullet point from the end is that:

25

"Resolutions endorsing national civil/infrastructure organising strategy and BMD campaign will be debated."

And then he says:

30

"The national office will prepare the two resolutions."

And then that resolution is given to Mr Smith and Mr Ingham - this is at page 12 - and you'll see that, in effect, it's the national conference resolving to organise a national campaign to address issues against the BMD Group, and the divisional national office will be responsible for overseeing that strategy, which includes a media and social media campaign, messaging and branding.

35

At page 15, these are the minutes, then, of that divisional national conference, and the delegates are there on that first page. They include the likes of Mr Derek Christopher, Mr Setka and Mr Myles from the Victorian/Tasmanian branch, as well as Mr Elias Spervasilis. You have the greenfields from New South Wales and then Mr Ingham and Mr Ravbar from Queensland. And they pass - the resolution then is at page 17. It hasn't changed, the resolution, in substance, anyway. And then at page 19 - again, these are the minutes from that conference:

40

Third theme: Vision. We've come out of this conference with a clear vision. We've endorsed two major national campaigns. First, to fight for Australian made building products on Australian building sites. Second, to take on BMD."

45

So that's in late October 2023. In December of 2023 at page 21, these are the executive meetings of the division. You'll see at page 22 the campaign is on foot. They're giving an update on the campaign. There's issues about using BMD copyright as part of their campaign, and action includes, point 1:

"Organisers to go to sites and ask on their procurement in the next few weeks."

At page 23 -

COMMISSIONER: I just wonder about Mr Sutherland. He's a former Queensland official who left Queensland around the time of the Myles brothers leaving to go to Victoria, but he went to South Australia and then came back? Or something happened with him.

MR GISONDA: Yes. So at page 15, he's recorded there as a delegate from South Australia. And then at page 21, he is noted as the national assistant secretary. So Mr Ingham's the national president, Zach Smith's the national secretary, and then you've got two assistant secretaries. But yes, otherwise from the South Australian branch. And at page 23, you have - there's obviously been a Facebook post about the death of a worker on a site, construction site, for which BMD was the contractor, and BMD's solicitors request the immediate removal of the post on grounds that it's inaccurate and also that it presents a psychosocial hazard to those workers on site who were directly involved in performing CPR on the worker until emergency services arrived. You see at page 25, the response at the bottom of that page from Mr Ingham:

"Apparently telling the truth is a breach. Unfortunately I think we cannot ignore this dribble, and should provide a 'go fuck yourself' response."

To which Ravbar says at the top of the page that he agrees. Then at page 27, Mr Ravbar is sending to Mr Lowth and Mr Ingham some artwork that's been prepared by the graphics designer, Mr Alzola, from the CFMEU here in Queensland, seeking their thoughts, and at page 29, you see an example of the graphic that has been prepared. That's an attack on both BMD and the AWU. Then over the page at 30 -

COMMISSIONER: There's a - sorry. You go.

MR GISONDA: You'll see a video soon where Mr Hahn complains about stickers that are being put up on vehicles and around the site, and Mr Howard says, well, he doesn't - there's nothing he can do. They must be disgruntled workers. It's not his doing.

COMMISSIONER: Who said there's nothing he could do?

MR GISONDA: Mr Howard. Dylan Howard.

COMMISSIONER: Yes, okay.

MR GISONDA: You'll see here, however, in February of '24, he's copied in on the artwork and the ordering of various of those stickers, as well as posters. So you see at the bottom of the page there - and there's a thousand number 1 stickers against
5 AWU, a thousand number 2 stickers. There's 500 "AWU is your union" poster. There's 3,000 stickers and 500 posters of the AWU boss love poster. Over the page, 500 posters and 3,000 stickers. AWU useless. And it goes on. AWU weakest. AWU worst. AWU scratchie.

10 **COMMISSIONER:** I think it's over 20,000 items when you add them all up. Just over.

MR GISONDA: Something like that. Then at page 32, another BMD poster is sent around, and that can be seen at 33. And at 34, Mr Ravbar's heavily involved in this
15 material. He's there saying it's not right; it can't go out. And you start to see some of the costs involved in the campaign. At 37, that's \$6,287 for some of the design and printing, and that is itemised at page 39. That's just 500 AWU A2 posters times 6. So six different kinds of those AWU posters, sorry, 500 each. Youth Crew posters, 500. BMD posters, 500. And "The Way Forward". Not sure what that is, but the total is
20 \$6,287. Then at page 44, Mr Zach Smith says:

"In order to get around the strategy approach that BMD has adopted of making vexatious copyright claims to social media platforms..."

25 They were going to create their own website, and that website was to be called bmdtherealstory.com.au. At page 46, there's a meeting to discuss the BMD campaign, and Mr Ravbar's asked who he wants from the Queensland branch to be involved in that meeting, and it ends up being Jacqui Collie, Connor Weeden and - no, sorry, I withdraw that. He's just asked who he wants to attend that meeting.
30 But at page 47, it appears that this email is sent to Ms Jacqui Collie. He's annoyed and frustrated at things that aren't going right with the campaign, and he makes the point at the end of this email that:

35 "For this campaign to be successful needs the leadership of our communications team..."

So he understands the communications strategy, that it needs to be right in order for this campaign to be successful. He says:

40 "...because BMD are a massive company in Queensland. This company makes its fortunes through the ALP around the country and are a huge political donator to them. Talk shortly."

45 **COMMISSIONER:** Why has Andrew Sutherland popped back up? He's the Queenslander that went to South Australia. Now he's popping back up on this.

MR GISONDA: Because he's a - this campaign was to be run through the national office.

COMMISSIONER: Oh, I see.

5

MR GISONDA: And he was the one responsible in the national office for coordinating it.

COMMISSIONER: Yes.

10

MR GISONDA: At page 51, that's the invoice for the design and set-up of the BMD website, bmdtherealstory.com.au. At page 53, Mr Ingham is added to the BMD campaign team. This is in late February 2024. And you'll see things are really kicking off now, Commissioner, on the Centenary Bridge site. At page 62, there's another flyer that's prepared, and that QR code you will see at the bottom of that takes you then to that website that the CFMEU had put together about BMD. At page 64 and 65 are posters directed to the use of steel on the Centenary Bridge project. You'll see quite a bit about that, Commissioner, shortly. That's part of the campaign against BMD.

20

And again at page 66, you see Mr Ravbar doesn't, at the top of that page, at 66, doesn't like it at all, that draft artwork. So continuing to remain involved and managing the communications, having identified himself early on that communication - getting the communications strategy right was key. At page 69, we now have monthly meetings dedicated to the BMD campaign, with campaign staff.

25

COMMISSIONER: Sorry, which page?

MR GISONDA: 69.

30

COMMISSIONER: Oh, I see.

MR GISONDA: First bullet point. There are then some more documents that contain invoices for various flyers and meeting invites for the campaign team that includes Mr Ingham, Mr Howard and Ms Collie from Queensland, and then a couple of others from around the country, including Joe Myles from Victoria. An example of that can be seen at page 73. Now, BMD is heavily involved or involved in sports sponsorship, in particular with rugby. They are a major partner of the North Queensland Cowboys rugby team. At page 75, you see at the top there, from Ms Collie:

40

"As discussed updated flyer attached for distribution at Cowboys game. Please let me know if you have changes."

45 So the Cowboys play at the Queensland Country Bank Stadium, otherwise known as the North Queensland stadium. That's the stadium in Townsville constructed by Watpac between 2017 and 2020, and what they did was, if you look at page 77, a

flyer like that was distributed to persons who were attending a Cowboys game at that stadium, and it looks like at page 78 that there was 5,000 of those flyers distributed. Do you remember the video you saw yesterday that - it was one of those safety videos that the CFMEU put on Facebook in relation to the Coomera Connector Central project. At page 91, this document was circulated to the BMD campaign team, giving instructions on how to put together one such video, and you see instructions that include:

"Filming all videos in portrait, which means holding the phone straight up, holding the phone steady, panning around slowly, placing the object in centre of shot, keeping the videos short."

And amongst other things, the narration at the bottom:

"Tell the viewer what's happening in simple, clear language. Avoid jargon. Only have one narrator per video. No swearing or foul language."

All those instructions were followed. If you now go back and watch that video, you'll see all those instructions being followed. At page 99, there's a text message that's to be sent around to all the members of the branch:

"7 cents per message."

And it says:

"BMD are putting profits ahead of workers' lives. We need our members' help to share the real story of BMD."

And then there's a link to that website. Very quickly, page 100, 101, 102, 104 and 105, all examples of the sort of material that was being circulated around the community targeting BMD, online and physically. At page 110, that's - you don't need to worry about the reimbursement, but that just confirms that the BMD campaign was put into effect at the Cowboys against Penrith game in April of 2024, that is, they went to that game and distributed flyers to the patrons targeting BMD.

You remember a short moment ago, I showed you that text message that was to be sent to the membership. At page 114, it was meant to go out on Wednesday 1 May. That's the same day as the violence that took place at Dutton Park on the Cross River Rail project. You've seen videos of that, where they were fighting next to the roadway with trucks and cars streaming past. The question is:

"Can you please ask Mr Ravbar if he still wants this text sent today with everything that's going on with CPB."

The answer at 119 is that it did go out.

COMMISSIONER: What's the text, sorry? What is it?

MR GISONDA: It's that one where - you'll see it at the - on 119. Yes. You see in bold:

- 5 "BMD are putting profits ahead of workers' lives. We need our members' help to share the real story of BMD."

And then the link to the website.

- 10 **COMMISSIONER:** The message back at 114 is someone saying, "We've got so many messages going out. We've got a big campaign against Cross River Rail. Do we really want to have lots of messages going out?" Is that what -

- 15 **MR GISONDA:** I think that's what they're saying, and, "There's obviously a lot of focus at the moment on what's happening at Cross River Rail. Do you still want this message about a different campaign going out on the same day?" And this is important to just reflect that you've got very intense, sustained campaigns on both Centenary Bridge and Cross River Rail at the same time, so they don't really have the resources nor indeed the need at this time to put all their men, or all their best
20 performers, on Coomera Connector Central. It was enough at this point just to have Mr Gibson storming through the office.

- But as Mr Ellis said, it was this type of campaign that they were concerned was coming later, when the project started to ramp up and 500-odd workers went on site.
25 But it's important to just put Coomera Connector Central in that context. The main game - the main activity at this point was Centenary Bridge and Cross River Rail. At page 121 -

- 30 **COMMISSIONER:** "If you don't give in to our demands, it'll be coming to your site soon."

- MR GISONDA:** Mr Gibson said Cross River Rail 2.0. Just look at what's - people are getting assaulted next to a freeway. Things were happening on Centenary Bridge. If you - "I'm just one person now, coming through the office, asking for names,
35 doing what I want, opening doors, ignoring my obligations under the Workplace Health and Safety regime or at least ignoring your requests that you think you're entitled to under that regime. This is nothing compared to what might come." That's the message.

- 40 At page 121, there's now proposed advertising on various billboards, including for a billboard in Townsville close to that stadium, and what they're wanting, you will see at page 122, is they've sought several quotes and locations for billboards across Brisbane, but it seems that there's also an inquiry whether it can extend further throughout Queensland. And then at page 130, at the top of that page, there are three
45 types of billboards that they're looking at, and then underneath that, digital billboards and bus shelters - 37 sites. You would have seen those, Commissioner, not BMD ones necessarily, but advertising on bus stops and public phone booths and the like.

That purchase goes ahead. So at 138, Ms Collie sends this information to Mr Ravbar, Mr Howard and Mr Ingham, and you'll see at 139 those are all the locations of the billboards and the other outdoor advertising, all throughout Brisbane. There doesn't
5 at this stage appear to have been the Townsville purchase. At page 145, that's what the billboard looks like, or at least that's the artwork. And then you'll see in-site examples, page 150 and 151 and 152. Then I'm going to show you a video very shortly from late April of 2024. In early May here, you've got, in the third paragraph:

10 "Sutho..."

That's Mr Sutherland:

"...would like to hit them..."
15

That's BMD:

"...with a letterbox drop in the suburbs that board members live. I've attached the flyer for you to review. It is the current 'Don't trust BMD' design."
20

Lists the suburbs then and says it will cover around 36,000 homes.

COMMISSIONER: That was a tactic that was deployed against Ms Jones four years earlier when she was perhaps not transport minister but at least minister
25 responsible for Cross River Rail?

MR GISONDA: Yes, that's right. That's perhaps a more usual tactic, to put political flyers in the electorate of the local representative, but this is now putting these flyers solely around the homes of the directors. Now, BMD also sponsors a rugby league club known as the Wynnum-Manly Seagulls club, and at page 161, there's a page
30 from the CFMEU's quarterly - I think quarterly magazine. Maybe it's monthly. But on the right-hand side, there's a story in this magazine that:

"On Sunday 24 March, the CFMEU Youth Crew members attended the
35 Wynnum-Manly Seagulls' first home game of the rugby league season to protest their major sponsor, BMD. Across town, CFMEU members were holding another protest at the Centenary Bridge, where the lead contractor, BMD, was bringing in cheap Chinese steel to use on the taxpayer-funded bridge project. At both locations, members distributed flyers to the public to let them know about one of Australia's
40 worst construction companies. BMD uses sport to sell itself as a family friendly Queensland company and a good corporate citizen. For example, it pays for its logo to be splashed across the coaches' boxes at North Queensland Cowboys NRL games, while the Wynnum-Manly club is now called BMD Wynnum-Manly Seagulls, and its home ground is officially known as BMD Kougari Oval."
45

Now, at 167, 14 May:

"Text message sent to construction delegates today. All construction delos. Urgent. Please support orgs [organisers] ASAP at the BMD Centenary Bridge jobsite, Jindalee. Nearest landmark is Jindalee Bowls Club. Thanks Jade."

5 **COMMISSIONER:** It couldn't possibly go to all delegates in the state. That must -

MR GISONDA: I think it does.

10 **COMMISSIONER:** Does it? But, what, it's a direction to the delegates who are working or if they're not non-working delegates, not working, but at least at site - or maybe not - to stop what they're doing, or not doing, and turn up at the Jindalee Bowls Club immediately. Is that what it means?

15 **MR GISONDA:** It looks like that's what it means. And there'd be an appreciation that some people ignore these messages, some people can't get there, but if you send it out to everyone, 30 people might turn up.

COMMISSIONER: Well, I think we've seen some data that there's around 400 delegates -

20

MR GISONDA: Throughout the state.

COMMISSIONER: - throughout the state. So maybe, I don't know, 350 in South East Queensland, say. Do we know any division between home-grown delegates and
25 so-called site - union-imposed, non-working delegates within those numbers?

MR GISONDA: No, not at this stage. At page 171, that billboard campaign and the letterbox drop, which totalled 37,491 flyers in the homes around the homes of the directors of BMD, the total cost was \$61,652. That's at page 171.

30

COMMISSIONER: Just going back to 167, that's a very powerful weapon, isn't it, if you've got people who are working or not at site who can stop work without recrimination from their employer and go straightaway to a protest, people who are making - I think, on your evidence of Mr Broadhurst, 120,000 per annum, and on
35 some other evidence, up to a quarter of a million dollars per annum. It's a very powerful tool.

MR GISONDA: Very powerful.

40 **COMMISSIONER:** And when I say "making", being paid by the employer, not by you, the union.

MR GISONDA: At page - there's more invoices for more advertising. I'll just - at
45 page 196, this is now in June of 2024:

"Mr Ingham outlined the BMD campaign so far and the need to review the campaign at this point. Andrew Sutherland reported strong pushback from BMD, noting a

number of Federal Court injunctions. The branches provided updates on BMD sites. Mr Ravbar suggested that the national secretary write to ministers in every state, territory and Federal Government advising not to extend contracts with BMD."

5 And then the third paragraph:

"The executive discussed BMD's sensitivity to..."

10 **COMMISSIONER:** Look at the sentence above. I remember I asked Mr Ellis yesterday why didn't you just kick Mr Gibson out, get some security guards? And he said, among other things, it's very costly to get security guards. Then you look at what Mr Ravbar is saying: "We should write to ministers in every state saying don't employ BMD because they're employing security guards." And that adds to the cost.

15 **MR GISONDA:** And it's one thing to talk about security guards in the abstract. People say, "Well, this person's coming on site, and he's not complying with various rules and regulations. We should be able to do something to prevent someone like him coming on site." It's easy enough to talk about that in the abstract. What does that actually look like in reality? How do you get security to enforce basic rules and
20 order on your site? And in about five or so minutes I'm going to show what you that looks like.

And that particular approach is - can be effective if it's well manned and well resourced, which is why you then - and that's what BMD was doing, which is why
25 you then have Mr Ravbar saying - or, sorry, the executive discussing, "Well, BMD is sensitive to damage to their public image; let's continue to attack the brand." So they've got two ideas here. One is, let's try and cut them out of procurement, and let's continue to go after the brand, because, as Mr Ingham notes, or Mr Sutherland also notes, I should say, they're coming up against Federal Court injunctions, but what
30 they're also coming up against is actual resistance on the sites.

COMMISSIONER: Which is the first time that's happened, hasn't it? There's no case study so far where there's been any resistance.

35 **MR GISONDA:** It's not the first time that it's happened, but it's the first time that you're going to see visual evidence of it.

COMMISSIONER: Right.

40 **MR GISONDA:** They then organise - this must be one of the last pre-administration invoices that are issued, on 2 August 2024, page 209, two mobile billboards at Game 3 of State of Origin. So, Commissioner, you heard evidence yesterday from Mr Ellis about Coomera Connector Central, and as I said to you a short moment ago, that project's still in its early stages. Full ramp-up of work on that site was probably about
45 four months away. At the same time, the Centenary Bridge campaign was in full flight, and that's both the Centenary Bridge project campaign and a BMD campaign

at once. The Cross River Rail campaign was in full flight. They were engaged in industrial action there in 2024.

5 All the heavy hitters of the CFMEU are involved in those two campaigns. Mr Gibson, as I say, is warming up the Coomera Connector Central project, storming through the premises, at least according to the joint venture, trespassing, refusing to cooperate, engaging in generally intimidatory behaviour. And Mr Ellis says that he was genuinely, and in my submission fairly, concerned about what the future held. And there was an exchange yesterday and you heard evidence about how security
10 could be managed on a site like that.

And that ties in to other evidence that we've heard, especially from CPB on Cross River Rail, and from Mr Balmer, QMCA, and we also heard a bit of it from Ms Mitchell yesterday, which was in 2024, you had - the ABCC was gone. You had
15 Queensland Police Service. They, generally speaking, could not or would not assist, either because of a lack of resources or these sorts of matters being lower priority to other matters, criminal matters, or because they would come to a site and say, "Well, this is an industrial relations matter, and we've got an understanding with Workplace Health and Safety that they'll attend to it, not us." WHSQ was perceived by some in
20 the industry as captured, as not being able to properly assist in these sorts of issues, and in any event their powers are -

COMMISSIONER: I think the evidence so far goes a bit further than that, doesn't it? The evidence so far is at this stage the construction unit within WHSQ was doing
25 the CFMEU's bidding?

MR GISONDA: Yes. I'm speaking about it from the perspective of a contractor who's got these issues on site. They see that the ABCC is gone. There's a general view that WHSQ is captured. There's a general view that the police either cannot or
30 are unable to assist. And the court system is slow, and there's - you'll hear evidence in a subsequent case study that then when it does get to resolution, two or so years after the fact, the remedy loses its effectiveness and sometimes the case is dropped anyway.

35 So one of the - Mr Ellis said that one of the things you can do is you can engage in reasonable measures to prevent someone coming onto site, but how on earth do you do that when the CFMEU - forget Coomera Connector Central - how do you do that when you've got a full-fledged campaign on your site? And so at this point, let me - I'm sorry, Commissioner. These incidents don't go for one minute. I want to
40 begin by playing a video. This is from 23 April 2024. It's marked as CBU-2. And I just want to have you watch this video, Commissioner.

COMMISSIONER: So where's this? Is this at Coomera Connector or at -

45 **MR GISONDA:** Centenary Bridge.

COMMISSIONER: Centenary Bridge.

MR GISONDA: And so just before we start - BMD has engaged security to try and manage its project site, and this is what you see.

5 (Video played).

MR GISONDA: Just stop there for one second. That's Mr Hayden Turner-Davey, the first person on the list of identified persons from the car incident at the AWU, and he's the one who leads the attack on the AWU.

10

COMMISSIONER: Yes.

(Video played).

15 **MR GISONDA:** Then could I then next play the video that's marked CBU-3, please.

(Video played).

20 **COMMISSIONER:** So I couldn't pick up what happened there. Did he event actually leave site?

MR GISONDA: No, they noted that Mr Vonhoff and Mr Howard had just arrived.

25 **COMMISSIONER:** Right.

MR GISONDA: So the next two videos total only four or so minutes, so I might just play those before the lunch break. So the next video is CBU-4.

30 **COMMISSIONER:** Just before you do, the last - yesterday you had these videos captioned. Is it possible to do it with these videos?

MR GISONDA: We can try, but you will appreciate that at times it gets pretty heated. It's not going to be -

35 **COMMISSIONER:** Pretty?

MR GISONDA: Pretty heated. It's not going to be as helpful as it was yesterday. But I'm sure that we can give it a go.

40 (Video played).

MR GISONDA: And the final video is CBU-5.

45 (Video played).

MR GISONDA: Commissioner, I note the time. I might tender those four videos. They are all 23 April 2024, consisting of body-worn camera footage of the Centenary Bridge site.

5 **COMMISSIONER:** Is there any objection? Four videos of body-worn camera footage of the Centenary Bridge site, 23 April 2024, will be exhibit -

MR GISONDA: CBU-2, CBU-3, CBU-4 and CBU-5.

10 **COMMISSIONER:** Thank you.

**<EXHIBITS CBU-2, CBU-3, CBU-4 and CBU-5 FOUR VIDEOS OF
BODY-WORN CAMERA FOOTAGE OF CENTENARY BRIDGE SITE,
23/4/2024**

15 **COMMISSIONER:** They went for about two and a half hours or so, spread over that length of time, is that right? About 7 to 9.30?

20 **MR GISONDA:** That's right. So from 7 to 9.30, it starts with Mr Turner-Davey. He's then joined by Mr Vonhoff and Mr Howard, and then the police are called, and that's the end of the events on that morning. And then a week later, the union comes back, and you'll see what happens the week after, after lunch.

25 **COMMISSIONER:** All right. Anything before we adjourn? Adjourn till 2 pm.

<THE HEARING ADJOURNED AT 1.09 PM

<THE HEARING RESUMED AT 2.00 PM

30 **COMMISSIONER:** Mr Gisonda.

MR GISONDA: Thank you, Commissioner. So on 23 April 2024, Mr Turner-Davey attempted to gain access to the site. He was then joined by Mr Howard and Mr Vonhoff. That all took place over about two hours, and the following week, on 29
35 April 2024, the CFMEU returned. And if I could play next the video marked CBU-6, please.

COMMISSIONER: What's the date, sorry?

40 **MR GISONDA:** 29 April 2024.

(Video played).

MR GISONDA: Then the next video is CBU-8, please.
45

COMMISSIONER: What happened to 7?

MR GISONDA: CBU-7, sorry.

(Video played).

5 **MR GISONDA:** And the next video is CBU-8, please.

(Video played).

10 **MR GISONDA:** Can I tender those three videos, please. CBU-7, 8 and - sorry, 6, 7 and 8, please.

COMMISSIONER: Any objection? Body-worn camera footage of Centenary Bridge site, 29 April 2024 from about 6.45 to 7 am, CBU-6.

15 **<EXHIBIT CBU-6 BODY-WORN CAMERA FOOTAGE CENTENARY BRIDGE SITE 29/4/2024 FROM APPROXIMATELY 6.45 TO 7 AM**

COMMISSIONER: Body-worn camera footage, Centenary Bridge site, 29 April 2024 from approximately 7 am to 7.15 am, CBU-7.

20

<EXHIBIT CBU-7 BODY-WORN CAMERA FOOTAGE CENTENARY BRIDGE SITE 29/4/2024 FROM APPROXIMATELY 7 AM TO 7.15 AM

25 **COMMISSIONER:** Body-worn camera footage, Centenary Bridge site, 29 April 2024, from approximately 7.30 am to 7.45 am, CBU-8.

<EXHIBIT CBU-8 BODY-WORN CAMERA FOOTAGE CENTENARY BRIDGE SITE 29/4/2024 FROM APPROXIMATELY 7.30 AM TO 7.45 AM

30 **MR GISONDA:** So, Commissioner, the works on the project, early works on the project, commenced from about January 2023. The two incidents that we played videos of before lunch and after lunch took place in April of 2024, so that's 13 months later. It's also after there were warnings from the CFMEU that they would "bomb the site" and that they would "make Cross River Rail look tame by
35 comparison", and also after there was a national resolution by the CFMEU to commence a campaign against BMD. I now want to call the first witness who worked on the project, Mr Leigh Hahn. He was the project director at the beginning of the project, and he worked on the project until March of 2024. Sorry, I should say - yes, 27 March 2024. So can I please now call Mr Hahn.

40

COMMISSIONER: Is Mr Hahn in the body of the hearing room? Mr Hahn, come forward to the witness box, please.

<LEIGH ROBERT HAHN, SWORN

45

<EXAMINATION BY MR GISONDA

COMMISSIONER: Please take a seat, Mr Hahn. Mr Gisonda.

5 **MR GISONDA:** Thank you. Mr Hahn, hopefully you will have brought up in front of you a statement which you swore on 22 July 2026, which is 48 pages long, 556 paragraphs in length. Can I ask you, please, whether you can first look at paragraph 332 of your statement, and that's on page 29. Sorry, 332, page 29.

MR HAHN: I can see that.

10 **MR GISONDA:** Thank you. And are they the changes that you would like to make to the statement, that is, in the second sentence, to replace the word "the" with the word "a" and the word "all" with the word "most"?

15 **MR HAHN:** Yes, that's correct.

COMMISSIONER: Sorry, I'm not following this. Which -

MR GISONDA: If you look at the screen.

20 **COMMISSIONER:** Oh, sorry, it's on the screen. I beg your pardon.

MR GISONDA: So it should read:

25 "Again, this indicated to me that a focus of most of the CFMEU's conduct to date..."
Is that correct, Mr Hahn?

MR HAHN: That's correct.

30 **MR GISONDA:** And accompanying your statement is a bundle of documents that consists of 342 pages and 111 annexures; is that correct?

MR HAHN: That sounds correct, yes.

35 **MR GISONDA:** And have you had an opportunity to read your statement recently?

MR HAHN: Yes, I have.

40 **MR GISONDA:** And is it true and correct?
MR HAHN: Yes, it is.

MR GISONDA: And can I just ask whether you have a middle initial?

45 **MR HAHN:** It's R for Robert.

MR GISONDA: Thank you, Mr Hahn. I tender that statement as exhibit LRH-1.

COMMISSIONER: Are there any objections? No? Witness statement of - what was your middle name, sorry?

5 **MR HAHN:** Robert.

COMMISSIONER: Robert. Witness statement of Leigh Robert Hahn, 22 July 2026, 48 pages, 556 paragraphs with 111 annexures, as amended just now in the witness box at paragraph 332, will be exhibit LRH-1.

10

<EXHIBIT LRH-1 WITNESS STATEMENT OF LEIGH ROBERT HAHN, 22/7/2026, 48 PAGES, 556 PARAGRAPHS WITH 111 ANNEXURES, AS AMENDED IN WITNESS BOX AT PARAGRAPH 332

15 **MR GISONDA:** Thank you, Commissioner. Now, Mr Hahn, you now work with Georgiou; is that correct?

MR HAHN: That is correct, yes.

20 **MR GISONDA:** But you previously worked with BMD?

MR HAHN: That is correct.

25 **MR GISONDA:** And it was in your as an employee of BMD that you had involvement with this project, Centenary Bridge project?

MR HAHN: That's correct too.

30 **MR GISONDA:** And now in your current role with Georgiou, you do not have involvement on the project?

MR HAHN: That is correct, yes.

35 **MR GISONDA:** And you're an engineer by - you're an engineer, are you?

MR HAHN: Yes, I am.

40 **MR GISONDA:** And can I ask you to look, please, at paragraph 14 of your statement, which is on page 2. You say there that when you started at BMD in September 2019 you were employed as a project director but you were primarily responsible for submitting tenders for jobs; is that right?

MR HAHN: That's correct, yes.

45 **MR GISONDA:** And in that period, you worked on approximately 10 submissions for BMD, and that included this project?

MR HAHN: Yes, it is. Yes, it did, sorry.

MR GISONDA: And you say at December 2022, your role changed. What was your role from December 2022?

5

MR HAHN: From December 2022, I was permanently allocated to the Centenary Bridge upgrade.

MR GISONDA: And at paragraph 17, you were the project director of the project; is that right?

10

MR HAHN: That is correct, yes.

MR GISONDA: And can you tell the Commissioner a bit about what your role consisted of as project director?

15

MR HAHN: Yes. So I was responsible for the overall conduct of the project, according to the contract requirements and the contract specifications.

MR GISONDA: At paragraph 19, you talk about the reporting lines. There was a steering committee for the project; is that right?

20

MR HAHN: That is right.

MR GISONDA: And who was on that steering committee?

25

MR HAHN: Primarily it was Mr Sean Donald from Georgiou and Mr Matt Quay-Verlander from BMD.

MR GISONDA: Mr Quay-Verlander was the operations manager for BMD, and Mr Donald was Georgiou's general manager of Queensland; is that right?

30

MR HAHN: Both of those are correct, yes.

MR GISONDA: And were there also representatives of the Department of Transport and Main Roads on the steering committee?

35

MR HAHN: Not on the steering committee, no. The steering committee was primarily for the JV's operations and would deal with things like the mobilisation of personnel, upcoming issues, etcetera.

40

MR GISONDA: So the steering committee made - was the body responsible for making decisions on behalf of the joint venture?

MR HAHN: Correct. I would report to them, seek advice from them, and they'd offer advice, etcetera, to me.

45

MR GISONDA: And what was the committee that consisted of DTMR representatives as well?

5 **MR HAHN:** Sure. So there was a site meeting that was held every month, which involved the project team members from DTMR, as well as the two administrators. Excuse me, that was also attended by other representatives of the Georgiou/BMD joint venture, as well as myself, on a for-cause basis, so things like safety, quality, etcetera.

10 **MR GISONDA:** As the project director, you say at paragraph 20 that you had eight or about eight people that directly reported to you; is that right?

MR HAHN: That's right. Correct.

15 **MR GISONDA:** And you've set out the names of the people who were your direct reports?

MR HAHN: Yes.

20 **COMMISSIONER:** I think they're all - they're set out in LH-1, aren't they, in that - in page 2 of the annexures, which shows the structure of -

MR GISONDA: Yes, the organisation chart, yes.

25 **COMMISSIONER:** Yes.

MR GISONDA: Yes. So if we look at that org chart, you're there sitting just under the contract leadership team as the project director, and then you have the eight direct reports, some of which had their own teams?

30 **MR HAHN:** That's correct, yes.

COMMISSIONER: Where does the chap that we just saw - you were in the hearing room this afternoon and this morning, Mr Hahn?

35 **MR HAHN:** Yes, I was.

COMMISSIONER: Where's the chap that was trying to control the entries? Where does he sit in the -

40 **MR HAHN:** He's not on the chart at this point. This chart was made in March 2022.

COMMISSIONER: Right.

45 **MR HAHN:** So I think the person you're referring to in the videos this morning was mobilised to the project after I concluded.

COMMISSIONER: Sorry, say that again.

MR HAHN: The person that you're referring to, I believe, from the videos this morning that was wearing the body camera, if I'm correct -

5

COMMISSIONER: Yes.

MR HAHN: - he was mobilised to the project after I had left.

10 **COMMISSIONER:** Oh, those were April 2024 videos, and you left in March '24?

MR HAHN: That's correct, yes.

COMMISSIONER: Okay.

15

MR GISONDA: At paragraph 29 of your statement, you explain that the tender process was run through a portal called QTenders, and that's hosted by the Queensland Government; is that right?

20 **MR HAHN:** That is correct, yes.

MR GISONDA: And it's through that portal that the joint venture submitted both an expression of interest and then its tender for the project?

25 **MR HAHN:** Yes, that's correct.

MR GISONDA: Can we look at page 15 of the bundle, please, to your statement. That's the expression of interest that the joint venture put together for the project; is that right?

30

MR HAHN: That appears to be the title page of the expression of interest, yes.

MR GISONDA: And - sorry, I misspoke there. That's the -

35 **MR HAHN:** I think that's the TMR-issued document.

MR GISONDA: The TMR document that explains the expression of interest. Yes, my apologies. And this was the document that you worked off when putting together the expression of interest for the project?

40

MR HAHN: Correct. Yes.

MR GISONDA: And if we look at page 18 of that bundle, it explains in that first bullet point that:

45

"The procurement strategy for this project consisted of two stages, one being expression of interest and then the second stage being the request for tender."

And then the third bullet point:

"At the first stage, applicants were short-listed against non-price selection criteria."

5

Is that right?

MR HAHN: That is correct, yes.

10 **MR GISONDA:** And only at stage 2, when you put in a tender, does the joint venture submit its pricing for various aspects of the project?

MR HAHN: That is correct, yes.

15 **MR GISONDA:** And this was the first - as we know, it's the first project that had the BPIC policy applied to it from procurement. So I take it this was your first exposure to that policy?

20 **MR HAHN:** Correct. It may not have been the first, but it's certainly one of the first projects that was put out by TMR that had the BPIC application to it.

MR GISONDA: And it was your first exposure, too, was it, to this concept of the key result areas, the KRAs?

25 **MR HAHN:** KRAs are used for many TMR tenders.

MR GISONDA: Right.

30 **MR HAHN:** But certainly this time around for Centenary Bridge, a KRA specifically mentioned BPIC. So that was the first time that I had encountered BPIC as part of an EOI submission.

35 **MR GISONDA:** So when the department talked about using KRAs to implement the BPIC policy, it wasn't that KRAs in and of themselves were new; it was the insertion of BPIC requirements or principles into the KRAs that was new?

MR HAHN: That is correct, yes.

40 **MR GISONDA:** And at page 22 of the bundle, it speaks about pre-qualification requirements, and it notes that only contractors that are pre-qualified were entitled to express interest in the project. Was that your understanding?

MR HAHN: Yes, that is my understanding.

45 **MR GISONDA:** And if there's a joint venture, both - all members of the joint venture have to be pre-qualified?

MR HAHN: That is correct, yes.

MR GISONDA: And so it follows, does it, that both BMD and Georgiou were pre-qualified under the Australian Roads National Prequalification System?

5

MR HAHN: Yes, that's correct, and we would've had to submit our certificates accordingly to demonstrate that with our expression of interest.

MR GISONDA: And is it the way that works, there's a national scheme, and if a company or a contractor is pre-qualified under that national scheme, that entitles them to be - to work on road projects anywhere throughout Australia?

10

MR HAHN: I can't answer that directly. What I would say is that it would entitle them to make an expression of interest for this particular project if they fulfilled those three criteria that's on the screen.

15

MR GISONDA: Right.

MR HAHN: If I might add, it sort of offers TMR a way of excluding certain subcontractors or contractors.

20

MR GISONDA: At page 24, it then sets out the key result areas. It says that:

"Leveraging its buying power, TMR seeks to advance the Queensland Government's priorities through its procurement and delivery of infrastructure projects over a project value of 100 million, and the KRAs are aligned to a number of social and economic priorities."

25

And KRA 1 has a focus area of quality jobs, and the intent is to progress best practice industrial relations, among other things. It was KRA 1 through which BPIC was implemented in the procurement process?

30

MR HAHN: Yes, that's my recollection, yes.

MR GISONDA: And over the page at heading 4.2.1, it describes KRA 1, Quality Jobs including the BPIC, and it then says:

35

"TMR is committed to working with and engaging reputable suppliers on this project. The characteristics of a reputable supplier are outlined at attachment 3."

40

And if we just look for the moment at attachment 3 on page 44, it says at the top of the page a reputable supplier is:

"A supplier who, due to its reputable attributes is preferred by the principal to undertake civil construction works in Queensland."

45

And then reputable attributes are defined to include, and the fifth bullet point:

"A commitment to providing terms and conditions of employment, including specific pay rates, for its personnel which are equivalent to the Transport BPIC."

5 And then the following bullet point:

"A commitment to using best endeavours to engage subcontractors who provide terms and conditions of employment, including specific pay rates, which are equivalent to the Transport BPIC."

10

So was all that new, the idea that a reputable supplier meant a contractor who, among other things, committed to providing terms and conditions for its own workers that were equivalent to the BPIC and also bringing on subcontractors who would do the same?

15

MR HAHN: Correct. I would agree that both of those dot points were inserted as part of the Centenary Bridge process and were new insertions relative to other tenders I'd participated in.

20

MR GISONDA: And also part of the KRA 1 says that it's expected that applicants will demonstrate and uphold those attributes of a reputable supplier and that they will - applicants will develop and submit a draft outline supply chain engagement strategy, the suggested contents of which are also in attachment 3. And at page 45, it says that the supply chain engagement strategy is "a strategy that outlines and demonstrates how the reputable supplier will conduct business with other ethical and socially responsible suppliers, including", in the sixth bullet point, identifying the supplier's terms and conditions of employment, including specific pay rates that are equivalent to Transport BPIC. Now, back at page 25 of the bundle, subheading 4.2.11, it says immediately under that that the Transport BPIC was applicable to the Centenary Bridge project. Is that correct?

25

30

MR HAHN: Yes, that's correct.

35

MR GISONDA: And it then says at subparagraph (d) that if short-listed, the applicant would be required to consider in its request for tender how it intended to achieve the intent and outcomes of BPIC on the project. And did it subsequently come to pass that the contractor - sorry, I should say, the joint venture here of BMD and Georgiou had to submit what was described as some envelope 3, which priced its - the measures that it would take to implement BPIC?

40

MR HAHN: Yes, correct. Envelope 3, though, was at the tender stage, which in this document is referred to as stage 2.

45

MR GISONDA: Stage 2.

MR HAHN: Yes. It's a little bit further down the track.

MR GISONDA: So stage 1 is the expression of interest and, once short-listed, stage 2 is the tender?

MR HAHN: Correct.

5

MR GISONDA: And stage 1 of the tender, whilst incorporating the - at least KRA 1, which in turn picked up concepts of the Transport BPIC, stage 1 expressions of interest were evaluated according to non-price criteria?

10 **MR HAHN:** That is correct, yes.

MR GISONDA: And so the pricing of the implementation of BPIC only was submitted to the state in stage 2?

15 **MR HAHN:** That is correct, yes.

MR GISONDA: And then at subparagraph (e) on page 25, and this is perhaps more for the Commissioner's interest, but it says:

20 "Although the Transport BPIC is set out in the form of an agreement, applicants are not required to enter into an agreement or require their subcontractors to enter into an agreement. An enterprise agreement with the named employee organisations is not a mandatory requirement. Applicants are able to demonstrate the intent and outcomes of the Transport BPIC in any manner the applicant chooses to nominate."

25

And as you'll appreciate, Commissioner, that subparagraph was - particularly that subparagraph was a root cause of the campaign of the CFMEU that we've looked at against DTMR and others, that is, the CFMEU wanted the Transport BPIC to be mandatory and in essence to require that applicants agree to enter into an enterprise agreement with the named employee organisations, which included the CFMEU.

30

COMMISSIONER: And presumably this clause is here because although the ABCC had been abolished by then and the federal Building Code had been abolished, there were still provisions in the Fair Work Act which would make that mandatory requirement unlawful, I presume.

35

MR GISONDA: Yes, quite so. But if I can just - that is so, but if I can just qualify that by saying that this expression of interest was published in May 2021.

40 **COMMISSIONER:** Oh, May '21. Sorry. I thought we were at - okay.

MR GISONDA: But as you know, it remained a guide. The Transport BPIC remained a guide after the abolition of the ABCC and the amendment to the federal code.

45

COMMISSIONER: So it might be dealing with the code as well?

5 **MR GISONDA:** Yes. And then if we look at page 32, this identifies the stage 1 selection criteria. And at the top of this page, it says that 40 per cent of the assessment of applications is done by reference to local benefits and best practice principles. And over the page at 033 and selection criteria 1(d), about a third of the way down the page, Best Practice Industrial Relations, and it says:

10 "Refer to the Transport BPIC when responding to the following criteria. Outline your intended approach to establish and maintain a positive industrial relations environment for this project, including your (b) commitment to engaging and using reputable suppliers and subcontractors outlined in a draft supply chain engagement strategy."

And the weighting to be given to that criterion was 10 per cent?

15 **MR HAHN:** That is correct, yes.

MR GISONDA: And so that is how the Transport BPIC, if you like, found its way into the stage 1 assessment process?

20 **MR HAHN:** Essentially, yes, that draft supply chain engagement strategy, that document was submitted and we were scored accordingly on that, and it obviously referenced the Transport BPIC guidelines and criteria.

25 **MR GISONDA:** And then at page 35 of the bundle, it then turns to stage 2 selection criteria, and this was divided 30 per cent non-price matters and 70 per cent schedule of rates, or the price. And again, KRAs were to be - you were to explain how you would address the KRAs in part 2 or stage 2 of the process, the tender, although now you would have to address all five KRAs?

30 **MR HAHN:** That is correct. So once we were successful in the expression of interest, we would go through to the request for tender stage and be scored accordingly to table 4 there that you had on the screen.

35 **MR GISONDA:** And just back at stage 1, it was only the first three KRAs that you had to address; is that right?

MR HAHN: Yes, whatever the table said and the breakdown of the respective percentages.

40 **MR GISONDA:** But now at stage 2 we're looking at all five of the KRAs, and then, as we said, 70 per cent of the assessment was based on price, and you were told that the Georgiou BMD joint venture was number 1 when it came to price; is that right?

45 **MR HAHN:** Not quite. So we've got to fast forward quite a bit of time. We were suggested that we were the highest-ranked tenderer in around about August/September 2022.

COMMISSIONER: September 2022?

MR HAHN: Yes.

5 **MR GISONDA:** Yes.

COMMISSIONER: And what was your tender price?

10 **MR HAHN:** I can't recall, Mr Commissioner, what our tender price was. It would've been in the order, though, if you like, of \$150 million.

COMMISSIONER: In the order of?

15 **MR HAHN:** \$150 million.

COMMISSIONER: But I thought around this time the project was being valued at around 300 million, at least by the end of 2022. Or am I out by a year?

20 **MR GISONDA:** What year did you say, sorry, Commissioner?

COMMISSIONER: September 2022, Mr Hahn said, they put in a tender of 150 million.

25 **MR GISONDA:** Yes.

COMMISSIONER: And I thought the budget was a bit closer to 300 million.

MR GISONDA: At that point in time, yes, it was.

30 **COMMISSIONER:** So what am I missing? Apart from 150 million?

MR GISONDA: Well, perhaps you might explain the unusually low tender issue that arose during - the unusually low price issue that arose during the tender?

35 **MR HAHN:** Correct. So I understood your question before to mean our contract value at the time of submission, which was October 2021. Separate to that was also our envelope 3, which was subsequently opened by TMR during the course of 2022, which added another \$20-odd million. We were also - and I imagine this is part of my statement as well - requested by TMR to provide a principal supplier to uplift
40 because our tender validity had expired twice, and that amount in the end was around about \$23 million. So you need to add those figures together, and it's going to be somewhere close to 190, 200 million dollars. I can't recall the exact number, but something of that nature.

45 **MR GISONDA:** I think your question, Commissioner, is if the budget is 300 million, where's the other 100 million? Are you able to answer that question, Mr Hahn?

MR HAHN: Yes. So TMR have their own costs. They would've had their design costs, any land acquisition, their own staff, their own approvals processes, etcetera. And whatever those costs are, I'm not privy to.

5

COMMISSIONER: You're not privy to? All right.

MR HAHN: No. That belongs to the State of Queensland.

10 **MR GISONDA:** And so in August of 2021 - this is at paragraph 40 of your statement on page 4 - you were advised - that is, the joint venture was advised - that its expression of interest was successful and there were - you were one of four short-listed proponents to go to stage 2 of the process?

15 **MR HAHN:** Yes, that's correct.

MR GISONDA: And as we've already touched upon, at paragraph 46 of your statement at page 5, the department required that the tender be submitted in three separate electronic folders, referred to as envelopes. And the first envelope
20 addressed, as we've seen, the non-price tender requirements. That was the 30 per cent aspect. And the second envelope contained the costings for the project exclusive of any costs that were to be associated with the implementation of BPIC?

25 **MR HAHN:** Yes, the BPIC was for envelope 3.

MR GISONDA: And was envelope 3 only opened once it was determined that the joint venture was, for want of a better word, the frontrunner for the project?

30 **MR HAHN:** That is correct, yes.

MR GISONDA: And Commissioner, we'll hear from Mr Ryan from the department a little bit more about that process. And you say at paragraph 50 of the statement that the tender was submitted in late October 2021, and you might have heard the Commissioner ask a question or make the observation earlier today that the contract
35 wasn't then awarded until December of 2022. What was the reason for - as far as you're aware, for that lengthy period of time between the submission of the tender and the ultimate award of the works?

40 **MR HAHN:** So it was related to me informally through a number of channels through TMR about what deliberations they had had in coming to award. Part of that was that they had a wide spread between the four tenders. So there were two that were close together and two that were quite some distance away, more expensive. I believe that one of the tenderers also offered an alternative, so that had to be evaluated by TMR as well, and I believe that one of the tenderers had a different
45 methodology in terms of their access requirements to the bridge, to the existing bridge. So TMR would've had to go through that process as well as weighing up which one of those was going to afford them the greatest benefit.

MR GISONDA: And when you say "alternative bid", is that when a proponent says that they've got a price according to the construction of the bridge in accordance with the design, but they have an alternative way -

5

MR HAHN: Absolutely.

MR GISONDA: - of delivering a bridge.

10 **MR HAHN:** Yes. Correct. And that could be any number of ways. They could design their own, but they must submit a conforming tender in order to offer an alternative.

15 **MR GISONDA:** Now, there was, in the latter half of 2022, industrial negotiations taking place between the joint venture and the AWU on the one hand and the CFMEU on the other hand. Did you have any involvement in that process?

MR HAHN: No, I did not.

20 **MR GISONDA:** Who from the joint venture was primarily involved in that?

MR HAHN: So BMD used a consultant. Their name was Greg Power. Georgiou also used a consultant. His name was Ryan Murphy. There were senior executives of both BMD and Georgiou that participated in what Ryan and Greg were doing at that
25 time as well.

MR GISONDA: And we've seen Mr Ryan Murphy was also a consultant to Georgiou on the Coomera Connector North project, Commissioner, and then he subsequently became a consultant to the department, you would have seen, in 2023.
30 Now, at page 7 of your statement, paragraph 68 onwards, you explain that the department informed the joint venture that it was requiring it to inform the department of any union attendances almost in real time, and you say at paragraph 68 that you were told that this requirement arose because this was the first major State Government infrastructure project that had implemented BPIC, and the government
35 wanted to see that BPIC was being successfully implemented. That's what you were told, was it?

MR HAHN: That is correct, yes.

40 **MR GISONDA:** And do you remember who told you from the department?

MR HAHN: I don't. It was a Teams meeting that was convened by the TMR project team. I can only remember it was a lady from TMR's head office.

45 **MR GISONDA:** And was it your understanding that they were going to use this project as a way of assessing the success of BPIC or lack thereof?

MR HAHN: Absolutely. So it was relayed to me in that particular session that the implementation of BPIC was just as important as safety or indeed building the bridge itself.

5 **MR GISONDA:** And so I take it, then - this might be evident from paragraph 70 of your statement - that at least a key element of assessing the so-called success or otherwise of the implementation of BPIC was the extent to which it caused industrial harmony or disharmony on the site?

10 **MR HAHN:** That is correct, yes.

MR GISONDA: And so even if, I think as you say there, there was an informal discussion with someone from a union, you were nonetheless expected to report that back to the department through the contract administrator?

15 **MR HAHN:** That is correct, yes, and timely reporting as well.

MR GISONDA: Timely reporting.

20 **MR HAHN:** Yes.

MR GISONDA: They expected it pretty much on the day that it happened?

25 **MR HAHN:** Yeah, within a couple of hours or thereabouts.

MR GISONDA: Now, you say - perhaps then looking at page 9 of your statement, there were early assembly works at the beginning of January 2023 on the site; is that right?

30 **MR HAHN:** Not on the site as such. We didn't get possession of site probably until about March or April 2023, but we began to assemble a team in order to commence works on the site.

35 **MR GISONDA:** And so you weren't on site properly until, you say, after March of 2023?

40 **MR HAHN:** Correct. We could go for a walk out there on the active transport path, etcetera, because it wasn't fenced off at that point, but no physical works as such until things like our management plans, our financial securities, etcetera, were submitted and approved.

MR GISONDA: And are you able to say throughout 2023 the number of workers that were on site?

45 **MR HAHN:** We probably got our first person signed to the job around about April or May. That was a BMD wages employee, and then we would've ramped up at, say,

two or three a month throughout the course of 2023. That's our direct personnel. Subcontractors etcetera would be above that number.

5 **MR GISONDA:** And when did subcontractors start coming onto site?

MR HAHN: I can't really recall the first one. I would have a guess and say it was either the traffic controllers or the clearing, and that would've been around about May 2023.

10 **COMMISSIONER:** What did you say? May?

MR HAHN: Yes. That's not a strong recollection, Mr Commissioner. That's just a rough date.

15 **COMMISSIONER:** Sorry, I missed that.

MR HAHN: It's not a strong recollection that they were there in May. It's just a rough recollection.

20 **MR GISONDA:** And from May of 2023, through to the end of 2023, was there a continuing increase in a number of workers on site or was it -

25 **MR HAHN:** Yeah, correct. So as we begin to do more works and open up more areas, we could bring in more trades, things like the protection and relocation of services, installing traffic barriers on the motorway, widening pavements, accessing the bridge works, and performing temporary works.

30 **MR GISONDA:** And are you able to say approximately when the peak number of workers on the site was achieved?

MR HAHN: Oh, this is only a guess, but I would say we got to about 50 personnel. That's not - that's including subcontractors. And that was relatively consistent from, let's say, October 2023 right through to when I subsequently left the project.

35 **MR GISONDA:** And is it fair to say that - you set out - obviously you had to report on union attendances, as was expected of you by the department. Is it fair to say that throughout 2023, whilst there were a number of attendances on site by both the CFMEU and the AWU, at least compared to 2024, those attendances were relatively uneventful. Would that be fair?

40 **MR HAHN:** That is a fair statement, yes.

45 **MR GISONDA:** Now, at paragraph 77 of your statement, which is on page 8, you say that when the CFMEU organisers or personnel attended the site during the period that you were there, it appeared to you that their focus was directed to two main matters?

MR HAHN: That is correct.

MR GISONDA: And what were those two main matters?

5 **MR HAHN:** The two main matters, the things that were constant refrains from the CFMEU representatives, whomever attended, was their dislike of the greenfields EBA that we'd entered into with the AWU and an allegation that the project value was greater than \$300 million and therefore should be BPIC+.

10 **MR GISONDA:** And there was a - yes, thank you. Now, at page 25 of your statement, paragraph 282, you say that in 2024, the CFMEU attendances at the site intensified and became more frequent; is that right?

15 **MR HAHN:** That's correct. So for most of 2023 we might have one a month, maybe a couple a month sometimes. But by 2024 we're getting many a week.

MR GISONDA: And your impression or sense was that the CFMEU were now targeting the project site?

20 **MR HAHN:** Absolutely. Excuse me. Could I please just have a tissue just for a moment?

MR GISONDA: A tissue?

25 **MR HAHN:** Thank you for that. Apologies. Thank you.

MR GISONDA: Now, on 23 February 2024, you relay these matters at page 28 of your statement, from paragraph 324 onwards, you talk about what you describe as the AWU vehicle incident, and I'm not sure if you were here earlier today, but we
30 played a video of that incident.

MR HAHN: Yes, I did see that video.

35 **MR GISONDA:** And you're able to give some evidence about what happened in the lead-up to that incident. Can you tell - and this goes from paragraph 324 through to paragraph 337. Are you able to just tell the Commissioner what you recall about the events of that day, and if you need to look at your - you've got the statement there on the screen. You can read through those paragraphs if you need to, but just tell the Commissioner what you remember about the events leading up to that.

40 **MR HAHN:** Sure. So the previous afternoon, my superintendent, Mr Gavin Kenny, received a message from the AWU that they would like to attend site the next day.

COMMISSIONER: Your superintendent reports to you?
45

MR HAHN: Correct.

COMMISSIONER: He's your key operative on site?

5 **MR HAHN:** Correct. The superintendent essentially controls the field activities on the project, and the foremen, supervisors, etcetera, would answer to him. He's also responsible for coordinating the activities of subcontractors with our engineering team.

COMMISSIONER: Sorry, I cut you off.

10 **MR HAHN:** So it's not unusual for Gavin to get an alert the day before that union representatives might be coming. They essentially arranged a meeting for 8.15 the next day. They were in the small meeting room immediately adjacent to my office, were having a discussion, and then the door was burst open and the CFMEU representatives known to me came through. And immediately thereafter, the meeting
15 turned confrontational, aggressive, assertive, as I say in my statement, bitter, coarse, personal, loud.

MR GISONDA: Perhaps if we keep looking then at paragraphs 328 onwards.

20 **MR HAHN:** Yes. That back and forth continued for some time.

COMMISSIONER: Just going back to these people were who burst into your meeting: Mr Howard, that's Mr Dylan Howard. 325. Mr Mattas, that's Mr Dean Mattas, isn't it?

25 **MR HAHN:** That's correct, yes.

COMMISSIONER: And:

30 "An employee of KPI (who I believe was a CFMEU delegate), and another person.

MR HAHN: Yes.

35 **COMMISSIONER:** Do you know who the other two were?

MR HAHN: So the KPI delegate, I believe his given name was Elliott. I can't recall his surname. The fourth person, I'm not that strong about, whether Hayden Turner-Davey was there or whether he entered and left. But there was a fourth person there.

40 **COMMISSIONER:** And it might've been Hayden Turner-Davey?

45 **MR HAHN:** Yes, that's right. During the course of that discussion, as I say, it was quite aggressive. There was lots of swearing. Most of it came from the CFMEU group directed to the two AWU organisers. They of course did try to defend themselves, but it was primarily one way. We did try, Gavin and myself - there was another representative from Georgiou BMD in there as well - to escort people to the

larger induction room, just to get them away from the open-plan office. Even though it was a small meeting room with a closed door, I'm sure everything was easily heard outside. That wasn't successful.

5 After a little while, the CFMEU guys agreed to leave with Gavin, and Quinn was the other - Quinn Murray, I should say - was the other Georgiou BMD joint venture person in the room with me. We stayed with the two AWU organisers for a little period of time.

10 **COMMISSIONER:** Just say that again. I missed that last bit.

MR HAHN: I'm sorry, I couldn't hear your question.

COMMISSIONER: Just say the last couple of sentences again. I missed it. I
15 couldn't understand it.

MR HAHN: Sure. So when Gavin escorted the CFMEU people out of that meeting room -

20 **COMMISSIONER:** Gavin is Gavin Kenny?

MR HAHN: Gavin Kenny - Quinn Murray and myself stayed with the two AWU organisers for a little period of time. They appeared to me to be stressed, upset, agitated. They were a bit pale, a bit shaky, having endured that insulting language for
25 a period of time. I was a little bit concerned about their ability to drive, but nevertheless, after a little while, they were okay, stated as such, and then they went downstairs and got in their vehicles. And as those vehicles were attempting to leave, that's essentially the altercation you saw at our Gate 1 this morning in the video.

30 **MR GISONDA:** And how long were they in the room for? How long did this aggressive exchange go for, would you say?

MR HAHN: I will say half an hour. Maybe longer. But yeah, it was a period of time.

35 **MR GISONDA:** And just looking at paragraphs 331 to 333, you say that there were three matters that Mr Mattas tried to make a note of. One was that the CFMEU requested that the joint venture's greenfield agreement be terminated. The second issue was that the CFMEU should become a party to an agreement with the joint
40 venture, and the third was that they should have a subsequent meeting to discuss how all the parties could work together going forward; is that right?

MR HAHN: That's correct. So please appreciate that is a relatively small room. Dean is standing up - Dean Mattas is standing up to my right shoulder. He had a notepad that I believe he was writing some notes on. I didn't see those notes, but
45 these are the things that he said he was writing down.

MR GISONDA: Okay. And you were concerned about the wellbeing of the AWU officials, were you?

MR HAHN: Yes. Yes.

5

MR GISONDA: And then at paragraph 342 on page 30, you say that the CFMEU group left the site at around 10.30. When they left, one of them said to you, "Winter is coming," and you didn't know what that meant at the time; is that right?

10 **MR HAHN:** That's correct, yes. This is February, so I didn't really understand what was going on.

MR GISONDA: Yes. Okay. You just - and Mr Kenny then told you what he thought it meant?

15

MR HAHN: Yes.

MR GISONDA: And what did he say to you about that?

20 **MR HAHN:** It's apparently a reference from the TV series Game of Thrones, which is an implication that war is imminent.

MR GISONDA: So just to remind ourselves, this was on 23 February, and someone from that group, whether it be Mr Mattas - when you talk about the group, you mean
25 either Mr Mattas, Mr Howard, Elliott from KPI or the other CFMEU person who - might've been Mr Turner-Davey, maybe someone else?

MR HAHN: That is correct, yes. That "winter is coming" reference, though, was attributed to Dean Mattas.

30

MR GISONDA: To Dean Mattas?

MR HAHN: Yes. Excuse me.

35 **COMMISSIONER:** Sorry, did you say Mr Mattas was the one that said that?

MR HAHN: Yes.

MR GISONDA: And from about 28 February, so about a week later, the CFMEU
40 started to put up posts on social media about the Department of Transport and Main Roads and the use of Chinese steel; is that right?

MR HAHN: Yeah, that was relayed to me. I don't follow social media, but it was raised to my attention.

45

MR GISONDA: Yes. And at about this time, on 28 February, that started a month-long presence at Gate 1 to the site; is that right?

MR HAHN: That is correct, yes.

MR GISONDA: And just explain to the Commissioner where Gate 1 was located.

5

MR HAHN: Okay. So in the video earlier today where those two vehicles were trying to exit, that is Gate 1. It goes out onto Sinnamon Road, and from there you can either join the ramp and get onto the motorway northbound, or turn right and turn into the suburbs of Sinnamon Park, etcetera, Jindalee. It's our primary point of access

10

COMMISSIONER: Just going back to 24 February, that day, I don't know if you were in the hearing room this morning, but Mr Gisonda went through a list of nine persons who were identified or possibly identified as being part of that group that were, in your words, punching, kicking, shaking the vehicles while screaming obscenities at them as they tried to leave at 9.45 - that is, the two AWU organisers. Apart from Mr Hayden Turner-Davey, Mr Dylan Howard, Mr Dean Mattas and Mr Elliott from KPI are not in that list of identified individuals. Is that because they were on the so-called safety walk that took place straight after that meeting?

15

20

MR HAHN: Yes. I believe that's where those three individuals would've been, with Mr Kenny at that time, and I was here this morning and saw the list of personnel that were identified. The only person that I did recognise out of that list was Mr Turner-Davey. The remaining personnel, I - I can't say I've seen before or since.

25

COMMISSIONER: Did you see the video - I know it's a month after you left - of the seven CFMEU - I'm not sure whether to say officials; representatives, perhaps, to us into a neutral term - who attempted to gain entry on 29 April 2024, did you recognise any of those persons watching the videos?

30

MR HAHN: Yes, I did. Those videos I did see this morning. They were a month after I left the project. I did recognise Mr Dylan Howard. I did recognise Mr Hoani Edwards.

35

COMMISSIONER: What's his name, sorry?

MR HAHN: Hoani Edwards, and also Mr Turner-Davey featured amongst that group of seven as well.

40

COMMISSIONER: How do I spell Hoani?

MR GISONDA: H-o-a-n-i.

COMMISSIONER: And do you know what position he held within the union?

45

MR HAHN: I believe they were all organisers.

MR GISONDA: And how did you recognise Mr Edwards?

5 **MR HAHN:** Mr Edwards had been to the project previously. He was introduced to us in the capacity of having experience with piling, and he had presented to the project with a right-of-entry form and conducted an inspection down near our piling works.

10 **MR GISONDA:** Now, at about this time of 28 February 2024 and the month-long presence at the gate or the camping out at the gate, the main issue that the CFMEU were agitating concerned the use of steel on the project; is that right?

MR HAHN: Correct. Specifically overseas-fabricated steel.

15 **MR GISONDA:** Overseas-fabricated steel. And can you tell me, what was the steel to be used for?

20 **MR HAHN:** So in this instance, the steel that was being referred to was the steelwork that would later be utilised to support our overhead gantry structure, and that would be used to install the superstructure of the new bridge, and then subsequently relocated to do the demolition works of the existing bridge and then, subsequent to that, the installation of the new superstructure on the new bridge. I think we refer to that as the rehabilitation or refurbishment of the existing bridge.

25 **MR GISONDA:** And what did you understand to be the union's stated concern about the steel?

30 **MR HAHN:** Sure. So there was a little bit of confusion with the way the unions were approaching steel. It was virtually any type of steel at first, and a pile cage was caught up in that as well. Through conversations, it was related to us that eventually they were concerned with the chemical composition of the steel that we had had fabricated in China, and specifically the boron content and how that might affect the performance of the steel once it's in service.

35 **MR GISONDA:** And what was your understanding about the suitability of the steel that had been - that was proposed to be used by the joint venture on this project?

40 **MR HAHN:** Correct. So we put a lot of effort into making sure that that was correct. It was obviously a serious structure that we're building. It had gone through, obviously, a design and proof of engineering process as well so once the design was finalised we handed that to another accredited firm to have them check it before we went into an installation - sorry, a fabrication phase. During the fabrication phase, we did have one person from our project team go over and inspect the steel, inspect things like the chemical composition, the welding performances, etcetera, to make sure that was to an Australian standard, and obviously when it got to site we would
45 do a reinspection of all the steel before it was installed and then put into service.

MR GISONDA: And that took place before the union commenced its campaign in relation to steel?

MR HAHN: Correct. It takes a long time to design a structure of that nature. It's essentially the entire length of the new bridge, and it was going to accommodate two 135-tonne gantries that were transporting and traversing 200-tonne girders. So that's a serious operation. It was also designed for things like marine impact, flood loads, etcetera, as well. So as I said, we put quite a bit of effort into making sure it was correct.

MR GISONDA: And those efforts that you undertook, that's part and parcel of building infrastructure of this kind, is it?

MR HAHN: Absolutely, yeah.

MR GISONDA: I just wanted to show you a document to see if you had any comment about it. It's at bundle 4, Commissioner, BPIC and Transport Projects Bundle 4, and it's at page 354 of that bundle. And this is an internal email that's taking place within the Department of Transport and Main Roads, and the use of the steel issue, if you like, on Centenary Bridge remains ongoing by this point. And perhaps I can go to page 358 first. And this is an email from Mr Mike Whitehead, who is director, systems and governance of structures within the engineering and technology branch of the department, and he is asking - he is saying:

"Structures needs to urgently gather some information for the deputy director-general who is having a meeting tomorrow regarding the Centenary Bridge/CFMEU issue."

And they were asking - reaching out to contacts to determine recent, past and/or current project sites that are CFMEU sites to see who is supplying the fabricated steelwork. And just pausing there for the moment, is there anything inherently problematic or suspect with steel that is manufactured overseas?

MR HAHN: Provided the appropriate quality assurance and control inspections take place, no.

MR GISONDA: And at page 354, Huma Hussain says that they:

"Had a long chat with the delivery manager for M1 North Matt Kelly. He has been on site for any other Pacific Motorway projects. His advice is that overseas steel is utilised on many projects including M1 North."

If I can just stop there for a moment, is that consistent with your experience, which is that overseas steel is commonly found on transport projects?

MR HAHN: Yes, it is. We should probably add, too, that this steelwork is for temporary works. It's not incorporated into the final works.

MR GISONDA: Right. And:

5 "The fabrication requirements are followed through as per Australian standards and TMR requirements, and there have been no issues with CFMEU on any of his projects to do with overseas steel."

Were you aware of or familiar with the CFMEU raising questions about overseas steel on infrastructure projects in the past?

10 **MR HAHN:** No.

MR GISONDA: Now, at paragraph 378 of your statement, page 33, you say that from the end of February, there was a permanent presence of protesters camped near the entrance of the site, and that's Gate 1, as you have described it?

15 **MR HAHN:** Correct. I refer to a camp as Camp 1, which is adjacent to Gate 1. That was basically a cabana and a few chairs, maybe two or three people at a time, and elsewhere in the statement I refer to Camp 2, which was a grassed area adjacent to a car park on the other side of Jindalee Creek, only about 40 or 50 metres away from
20 camp 1.

MR GISONDA: And this permanent presence was co-located at those two locations; is that right?

25 **MR HAHN:** Yes, that's right.

MR GISONDA: And you weren't - you understood these protesters at these two camps to have an association with the CFMEU?

30 **MR HAHN:** That is correct, yes.

MR GISONDA: And that was based on what they were - they were wearing CFMEU-branded apparel?

35 **MR HAHN:** Correct. They'd have CFMEU-branded apparel. The organisers would speak to them.

MR GISONDA: I think you say at some point, at paragraph 385, or 384, you say you saw Mr Rielly and Mr Howard or Mr Mattas speaking with them, and at 385,
40 you also saw - sorry, someone else told you that they had seen Mr Ravbar attend the camp and address the persons who were there?

MR HAHN: Correct. I didn't see Mr Ravbar there personally, but it was sort of pointed out to me from a distance through the trees that's who he was. I don't know
45 him, so I just assumed that to be correct.

MR GISONDA: And at around this time, you noticed, did you, stickers and posters being placed in and around the site; is that right?

5 **MR HAHN:** Yes. There had been stickers and posters placed previously around the site, on things like plant and equipment, traffic barriers, signage, etcetera, but there was, shall we say, an uptick in this particular timeframe.

10 **MR GISONDA:** And those stickers were - those stickers were either CFMEU stickers or anti-BMD stickers or anti-AWU stickers?

MR HAHN: That is correct, yes.

MR GISONDA: And sometimes those stickers were put on workers' cars?

15 **MR HAHN:** Correct. There was - put on the wing mirror of one of the staff member's cars, and that nearly resulted in an accident.

20 **MR GISONDA:** If you look at page 260 of the bundle accompanying your statement, that's one example of a sticker on a BMD car, and then at page 261, more stickers on a car. Page 262, page 263, and page 266. And is it the case that some BMD workers - in fact, you can probably see this at page 264. Perhaps you can zoom in on the numberplate on the car with the tray, if that's possible. A number of workers with BMD had a numberplate that had the letters BMD?

25 **MR HAHN:** That's correct. BMD would theme most of their registration plates with those letters, whether it was the numbers first and the letters second or the like. But generally speaking, that sort of format was on most BMD vehicles.

30 **MR GISONDA:** And it was cars that had BMD plates that had been - had the stickers put on them?

MR HAHN: Correct.

35 **MR GISONDA:** Is that a convenient time, Commissioner?

COMMISSIONER: Just before we break, I just wonder if I might ask about - you might be getting to it tomorrow, but just at the point you're at, there's an appointment of a CFMEU site delegate on 5 March.

40 **MR GISONDA:** Yes.

COMMISSIONER: Are you going to come to that tomorrow?

45 **MR GISONDA:** Yes, and -

COMMISSIONER: It just struck me as interesting as to why this is an AWU - there's an agreement - EBA with the AWU. The AWU are being

harassed on 26 February, I think it was. 26 February? 23 February. And then a camp is set up outside at the end of February, that's Gate 1, and the outcome of all that is that at 5 March 2024, the CFMEU site delegate is "accepted", whatever that means, 386. I'd just be interested to - Mr Hahn said he didn't finish until 27 March. I'd just be
5 interested as to what that means, and why that occurred.

MR GISONDA: Well, that site delegate, I believe, was a crane driver.

COMMISSIONER: Right.
10

MR GISONDA: So that might be one answer, but I'll have a more complete answer for you tomorrow.

COMMISSIONER: It just seems a strange thing to do. If it's - it depends, again, what sort of delegate it is. Is it a home-grown delegate, that is, someone who has
15 been with the subcontractor, the crane subcontractor, for years, or is it someone that the joint venture has been - has been imposed on the joint venture and the joint venture has to pay for?

MR GISONDA: Yes.
20

COMMISSIONER: And if so, the latter, why?

MR GISONDA: Yes. Thank you, Commissioner. And just one final point, Mr
25 Hahn. Page 8, paragraph 78 -

COMMISSIONER: Page what, sorry?

MR GISONDA: Page 8, paragraph 78.
30

COMMISSIONER: Yes.

MR GISONDA: I don't know if you saw, again, Mr Hahn, some of the stickers and artwork that was put into evidence earlier today in relation to BMD, but was that
35 artwork consistent with some of the material that you saw on site?

MR HAHN: No, it wasn't. Some of that artwork I did not see at site. This particular paragraph is referring to much earlier in 2023. But the "bad, mad, dangerous" and other variants of that, were they stickers or hand-drawn posters, did feature
40 throughout the duration of the project.

COMMISSIONER: Just in terms of the video of 29 April, Mr Gisonda, I've got five names: Matthew Vonhoff, Hayden Turner-Davey, Dylan Howard, Hoani Edwards, and the fifth one I've got is Eben Cox. Is that right? Was I right to identify him as
45 the -

MR GISONDA: Yes, Eben Cox and Trevor Sinclair, who were both featured in the Rosenlund case study.

COMMISSIONER: And then who's the seventh?

5

MR GISONDA: Jamie Porter.

COMMISSIONER: I don't think we've heard much about him previously, have we?

10 **MR GISONDA:** No, not - no.

COMMISSIONER: Mr Hahn, I have to ask you to come back tomorrow morning at 10 am.

15 **MR HAHN:** Yes, sir.

COMMISSIONER: Is there anything else before we adjourn? No? We'll adjourn till 10 am tomorrow.

20 **<THE HEARING ADJOURNED AT 3.53 PM**