
Subject: Noel HAYES: Reasonable Excuse Claim - Public Interest Immunity; [REDACTED]
[REDACTED]

From: Thomas Geraghty [REDACTED]

Sent: Friday, 6 March 2026 5:07 PM

To: Jack Kerin [REDACTED]

Cc: Legal [REDACTED]; Christopher Gardner

[REDACTED]; Helen Freemantle [REDACTED]

Natalie Keys [REDACTED]; cfmeuinquiry [REDACTED]; Bennett,

Meredith 67080 [REDACTED]; Smith, Erin 67180 [REDACTED] David de Jersey

[REDACTED]; Megan Brooks [REDACTED]; Douglas Wilson

Subject: Noel HAYES: Reasonable Excuse Claim - Public Interest Immunity; [REDACTED]

Dear Jack,

Please note our response below regarding the statements of Mr Hayes [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement of Noel HAYES – Public Interest Immunity

On 2 March 2026, Ashurst wrote to the Commission concerning a claim of Legal Professional Privilege (LPP) concerning advice received from Principal Legal Officer Graham Lee dated 3 June 2021. The State maintains that claim of privilege.

The State is also making a claim of public interest immunity in respect of a small part of the statement of Mr Noel Hayes. In particular, the claim is made with respect to paragraph 33 and exhibit “NH-2”. Paragraph 33 makes reference to a letter to the Crime and Corruption Commission (CCC) written by inspector [REDACTED] and signed by 14 current or former inspectors. It is submitted that the names of all of the inspectors, save for Mr Hayes, be redacted from the statement so that any copy of the statement which is disclosed to the parties with leave to appear does not contain their names. Further, it is submitted that any publication of the statement or exhibits would have all names, save for Mr Hayes, redacted.

Mr Hayes has signed the statement, and exhibited the document, so it may be inferred that he is willing to have his name published and given to parties with leave to appear. However, in the case of [REDACTED] and the other 13 inspectors, it is submitted that there is significant public interest in protecting the names of those that have made complaints to the CCC about the CFMEU from publication. Such publication could result in harm coming to those inspectors that signed the complaint document. It is in the public interest that there is public confidence that those who complain to the CCC will not have their complaints published. The redactions would not result in the document being completely anonymous - it would still be clear that the complaint came from Mr Hayes and other former or current inspectors, but would protect specific individuals from being named.

The Commission has already determined to redact the name of an inspector who signed the letter – please see the bottom of page 23 of the Statement of Noel Hayes. The name of an unknown signature, with position [REDACTED] has been redacted. It is submitted that the Commission simply extend that to all other signatories, other than Mr Hayes.

If you wish to discuss these matters, please do not hesitate to contact us.

Thomas Geraghty
Senior Principal Lawyer
CFMEU Commission of Inquiry Team
Crown Law
Department of Justice

[REDACTED]

[REDACTED]

[Chat with me via Teams](#)

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