



**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 COURTS**

**THURSDAY, 30 JULY 2026
AT 10.00 AM**

DAY 40

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 and Mr B Kidston for SMEC Australia and its associated
entities
Mr Leigh Hahn – Witness
Mr Ben Weston – Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Deal with appearances. Mr Gisonda, you continue to appear with Ms Feely and Mr Jenkins as counsel assisting?

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MR GISONDA: Yes.

COMMISSIONER: Mr Payard, you continue to appear as counsel for Mr Hahn?

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MR PAYARD: Yes.

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

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MR MURDOCH: Yes, may it please the Commission.

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

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MR O'GRADY: Yes, Commissioner.

COMMISSIONER: Mr de Jersey, you continue to appear with Ms Samantha Amos as counsel for the State of Queensland?

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MR DE JERSEY: Yes, Commissioner.

COMMISSIONER: Mr Jennings, you continue to appear with Mr Kidston as counsel for SMEC Australia, but Mr Kidston's not there?

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MR JENNINGS: He will be. Yes, Commissioner.

COMMISSIONER: A very good dog to keep on the porch. Mr Duffy, you continue to appear with Ms Hillard for the Honourable Grace Grace MP?

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MR DUFFY: That's so, Commissioner.

COMMISSIONER: Mr Gisonda.

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MR GISONDA: Thank you, Commissioner. Mr Hahn, where we left off yesterday was we were talking about the complaint that the CFMEU had about the steel that was being used on the site. And there was an incident on 13 March 2024 where the union prevented steel being delivered onto the site. Do you remember that happening?

45

MR HAHN: Yes, I do.

MR GISONDA: And at page 268 of the bundle of documents, you have written an email there reporting upon your observations as to what had happened; is that right?

MR HAHN: That is correct, yes.

MR GISONDA: And that email is addressed to Mr Demartini and Mr Konecny, who were the contract administrators for the project; is that right?

MR HAHN: That is correct, yes.

MR GISONDA: And is this an example of what you said yesterday, which was that you were under an obligation essentially to report as contemporaneously as you could all happenings on the site that involved any union activity?

MR HAHN: That is correct, yes.

MR GISONDA: And what you've said here is that approximately - this is the second bullet point of your email - that approximately 15 CFMEU personnel blocked the load, that being the delivery of steel onto the site, and that caused a traffic bank-up along Sinnamon Road.

MR HAHN: That is correct, yes.

MR GISONDA: And police were called to try and deal with the issue?

MR HAHN: That is correct, yes.

MR GISONDA: And under the bullet points in that first paragraph there, you say that the CFMEU believed that the steel is inherently non-compliant as it has been fabricated overseas, and they also believed that the project was exceeding \$300 million and was therefore eligible for BPIC+. Is that something that had been reported to you by the CFMEU, that that was their view?

MR HAHN: That was an expression of their view, yes.

MR GISONDA: And then they also said, that last sentence there in that paragraph:

"If not, then the savings generated from overseas fabrication has prevented the project from exceeding \$300 million."

And therefore heading into BPIC+.

MR HAHN: That was be a opinion represented by the CFMEU organisers, yes.

MR GISONDA: And at page 270 of the bundle, you then sent an email on 15 March - this is two days later - and what you've done in the first point, Video Link to our Security Camera, is that you've said that video footage on site shows that there's

generally four to eight persons in a tent that had been positioned around or near Gate 1, and that there was also a squatters' camp in the gym car park next door as well. Is that right?

5 **MR HAHN:** Yes, that's right. The second camp referred to in this email is what I refer to as Camp 2 in my statement.

MR GISONDA: Yes. And then you also say at the bottom of this page - and just to be clear, this was now an ongoing set-up or an ongoing camp that had been
10 established by the union on site; is that right?

MR HAHN: Yep.

MR GISONDA: And then at the bottom of this page, point 6, you say:
15

"One last anecdote, the CFMEU blocked another truck this morning. The CFMEU man who identified himself as 'Gibbo' happened to be at the top of the stairwell with Ben and myself at that time."

20 Would that be Mr Weston?

MR HAHN: That is Mr Weston, yes.

MR GISONDA: And "we told him" - that would be Gibbo - "that it was a load of
25 light poles", not the steel, and "with a single 'oi' and gesture of his hand the crews stepped aside and let the truck in". So are you saying there that this man known as Gibbo, once he was satisfied that it wasn't steel, he was able to move the protesters or people blockading the entrance away and allow the truck in?

30 **MR HAHN:** Yes, once it was steelwork that wasn't associated with the overhead gantry support structure.

MR GISONDA: And do you know whether that man was Luke Gibson?

35 **MR HAHN:** I believe so. He only ever introduced himself to me as Gibbo.

MR GISONDA: Okay. Now, at page 38 of your statement, paragraph 443, you said that there was a meeting to discuss the issue that was occurring on site, and in particular, the non-delivery of steel onto the project. And at 443, you say that a range
40 of options were canvassed as to how to deal with this issue. And perhaps if we just look at paragraph 440 to begin with, those are the people that were invited to the meeting. So perhaps we could just quickly go through them so we understand who they are. Who was Berry -

45 **COMMISSIONER:** Just going back to Mr Gibson, that was blocking the truck on 15 March 2024. I've got a note that it was the week earlier he was at the Coomera

Connector Stage 1, I think it was, Central section, trespassing on the office of Mr Ellis.

MR GISONDA: Yes.

5

COMMISSIONER: So he's working between those two sites?

MR GISONDA: Yes. So, Mr Hahn, who was Berry Freshney?

10 **MR HAHN:** Berry Freshney was a manager within the Georgiou group and had assisted the project all the way through from tender. Mr Grant was a regional construction manager with the BMD group. Mr Kenny was Georgiou BMD Joint Venture superintendent at the Centenary Bridge Upgrade Project. Mr Quay-Verlander was an operations manager with the BMD group. Mr Murray was a Georgiou BMD
15 Joint Venture project manager at the Centenary Bridge upgrade. Mr Clarke is a project manager Georgiou BMD Joint Venture on the Centenary Bridge upgrade. Mr Donald, a general manager of Georgiou Group Queensland, and Mr Jonty Bekkers was an industrial relations specialist with the Georgiou group.

20 **MR GISONDA:** And Mr Donald and Mr Quay-Verlander were the two most senior representatives of the respective members of the joint venture working on this project; is that right?

25 **MR HAHN:** Correct. They remained on the organisation chart as essentially the contract leadership team, and of course formed part of the steer co that met regularly as well.

COMMISSIONER: Who were those two? Sorry, I just missed that.

30 **MR GISONDA:** Mr Donald. That's Sean Donald, general manager for Georgiou, and Mr Quay-Verlander, who's from BMD. And then back at paragraph 443, the options at this stage included, first, writing a letter to the CFMEU seeking an undertaking from them that the action would stop, or that we would take them to court. That's described as a low-level option. What does that mean, to say low-level
35 option?

MR HAHN: Low probability of success.

40 **MR GISONDA:** Option number 2 is meeting with the police off site and exploring avenues available to us through them or brief them on the situation so they have an understanding when they get called out. What was the expectation as to what the police might be able to do to assist the situation?

45 **MR HAHN:** As a project team, we were exploring options as to whether they could manufacture a situation at our Gate 1 that would enable the safe passage of the temporary structural steelwork into the site.

MR GISONDA: Then option 3 is contacting the Fair Work Ombudsman and reporting the behaviour and seeking their support. Do you remember what the views were about that potential option?

5 **MR HAHN:** Again, that was seen as a time-consuming and probably a low probability of success option as well.

MR GISONDA: And the fourth option was making a stop action application to the Fair Work Commission against the union as an employer that was organising the
10 action. And again, do you remember what the views were about that possibility?

MR HAHN: So again, that was seen as a more legalistic option, that it was going to be time-consuming, expensive and possibly a low chance of success as well.

15 **MR GISONDA:** And then at paragraph 444, you say that there was then mooted or put on the table the nuclear option of engaging lawyers to explore seeking urgent injunctive relief from the courts. And that option was ultimately exercised on 15 May, which was after you'd left the project, but do you remember what the discussion was at the time about the desirability of the nuclear option?
20

MR HAHN: So there was a low appetite for that at that particular time. The nuclear - obviously a colourful turn of phrase, but again, it was seen as expensive, time-consuming and probably a low chance of success.

25 **MR GISONDA:** Now, on this list we don't see reference to the possibility of engaging private security. Is that because - well, was that something that was discussed at that point in time?

MR HAHN: I don't have a recollection of private security being mooted at that
30 point. There were other things such as personnel wearing body cameras that was put forward, but that wasn't implemented in the time that I was on the project.

MR GISONDA: So to the extent that there was any application or - sorry, to the extent that there was any discussion about private security or decision-making about
35 that, that occurred after you had - either after you had left the project or in your absence?

MR HAHN: Correct. If there was some discussion of it, I may not have been involved, or I don't have a strong recollection of it in any case.
40

MR GISONDA: I want to show you some videos of that day. So the first video is from 6.34 am on 13 March, and it is given the name CBU-9. If we could play that, please.

45 (Video played).

MR GISONDA: Then could I also play CBU-10, please.

(Video played).

MR GISONDA: I tender those two videos, please, Commissioner.

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COMMISSIONER: Is there any objection? We're moving back in time; the videos from yesterday were 23 April and 29 April. We're now going back to 13 March; is that right?

10 **MR GISONDA:** Yes, that's right.

COMMISSIONER: And this is police body-worn -

MR GISONDA: Yes, police body-worn camera footage.

15

COMMISSIONER: And which entrance is that? Is that Gate 1?

MR HAHN: Yes, that's Gate 1. Excuse me. Yes, that's Gate 1.

20 **COMMISSIONER:** Police body-worn camera footage of blockade at Gate 1 to the Centenary Bridge construction site, 13 March 2024, approximately 6.30 am, is CBU-9.

25 **<EXHIBIT CBU-9 POLICE BODY-WORN CAMERA FOOTAGE OF
BLOCKADE AT GATE 1 TO CENTENARY BRIDGE CONSTRUCTION
SITE, 13/3/2024, APPROXIMATELY 6.30 AM**

MR GISONDA: And CBU-10 is really a second angle of that same incident.

30 **COMMISSIONER:** Police body-worn camera footage of blockade at Gate 1 (second angle) to the Centenary Bridge construction site, 13 March 2024, approximately 6.30 am, will be exhibit CBU-10.

35 **<EXHIBIT CBU-10 POLICE BODY-WORN CAMERA FOOTAGE OF
BLOCKADE AT GATE 1 (SECOND ANGLE) TO CENTENARY BRIDGE
CONSTRUCTION SITE, 13/3/2024, APPROXIMATELY 6.30 AM**

40 **MR GISONDA:** Now, first of all, before I come back to you, Mr Hahn - Commissioner, that was - the person who was doing the talking with the policeman was Corey Taylor, an organiser for the CFMEU. The man that was standing next to him, wearing the orange hi-vis shirt and he had the beard, that's Anthony Harding, who was a delegate for Lendlease, working at the time at Griffith University. And further, there was a gentleman in the back with a green hoodie, and that was Stephen Garbutt, who was one of the men who was identified in the AWU
45 car incident that we went to yesterday.

COMMISSIONER: He was supposed to be working - or he was a delegate for Vealstruct, working or not working, whatever the arrangement was, at the Multiplex site at Queens Wharf.

5 **MR GISONDA:** Yes, and as Mr Taylor said to the policeman - he accepted that none of the men there were workers on Centenary Bridge. They were there in support of those who were workers at Centenary Bridge.

10 **COMMISSIONER:** This is obviously be a matter for you, but something that's a concern is that you have these tier 1 - delegates of these tier 1 contractors, and in your list of nine organisers and delegates who were engaged in the harassment of the AWU organisers, you've got a delegate from Hutchinson's, delegate from Mirvac, delegate from Multiplex at Queens Wharf, now at both, and it'd be interesting to know what role those tier 1 contractors played, really by omission, in terms of
15 allowing this behaviour to occur.

MR GISONDA: Yes. As you would appreciate from previous hearings, the nature and role and circumstances of the formerly shop stewards, now delegates, is of high interest to this Commission as we continue to inquire into those matters. But that is -
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COMMISSIONER: And now we've got Lendlease turning up with Mr Anthony Harding in this video.

25 **MR GISONDA:** Yes. And just before we go to the next video, I just wanted to - with respect to the first video that we just saw, the policeman begins by going up and speaking to the truck driver. That was a truck driver who was employed by Arrow Transport, and Arrow Transport were responsible for transporting the steel onto site; is that right?

30 **MR HAHN:** That's correct. So Arrow Transport are immediately adjacent to a facility that was storing the steel prior to forwarding it onto site.

MR GISONDA: Okay. I'll ask you a couple more questions about them shortly. But then, with respect to the video marked CBU-11, I might, if it's possible, Mr Operator,
35 skip over the first part of the video, from 30 seconds to 5 minutes 40, and begin the second snippet from 10 minutes, if possible. Thank you.

COMMISSIONER: What date's this?

40 **MR GISONDA:** This is all 13 March.

COMMISSIONER: We've moved on 20 minutes or so?

MR GISONDA: Yes.
45 (Video played).

COMMISSIONER: Just stop there for a tick. What's happened to the truck? The truck -

5 **MR GISONDA:** Oh, the truck's been moved on. Because it was banking up traffic.

COMMISSIONER: That's what the police were doing in the previous video?

MR GISONDA: Yes.

10 **COMMISSIONER:** I see.

MR GISONDA: That's right, Mr Hahn? The steel didn't get onto the -

15 **MR HAHN:** The steel wasn't delivered to site. The police ordered the truck to be moved on to allow the free flow of traffic in the AM peak.

MR GISONDA: And that's a very busy road?

20 **MR HAHN:** Absolutely. It's busy at the best of times, and obviously the truck had parked there had caused a considerable congestion.

25 **COMMISSIONER:** I just don't understand that. I mean, the role of the police is to keep the peace, which means enforce the law, which means allow people free access and egress to the properties that they control and not allow a group of blockaders to prevent free access. I don't understand why they directed the truck driver to move on, rather than removing the people who were blocking the truck driver from accessing the site.

30 **MR HAHN:** All I can say, Mr Commissioner, is that's what's occurred.

COMMISSIONER: Did you have any conversation with them?

35 **MR HAHN:** I did have a conversation with the policeman that's on screen just prior to this moment, and he said that he was going to direct the truck away from the site. There was a second truck that was inbound. It didn't get anywhere near Gate 1. My understanding from that truck driver as relayed to me is that he was approached by other members of the CFMEU, dressed in orange, etcetera, and they harassed him, and he chose to not attend site.

40 **COMMISSIONER:** The other truck driver?

MR HAHN: The second truck driver, yes. I never saw the second truck driver; didn't get close to the Gate 1.

45 **MR GISONDA:** And, Commissioner, when we turn to the events of 14 May, you will see quite a stark example of police powerlessness, if I can call it that, with respect to these sorts of matters.

COMMISSIONER: Well, I don't understand what their job is. Or they're being directed not to perform their job?

5 **MR GISONDA:** Well, as I say, particularly on 14 May, you will get quite - you will effectively getting a running commentary from the police as to the predicament that they felt they were in.

10 **COMMISSIONER:** It's not easy. I'm not saying that at all. But that's not their role, if what Mr Hahn says is true happened.

MR GISONDA: Yes. No, quite so.

15 **COMMISSIONER:** Sorry, I cut the video off.
(Video played).

20 **MR GISONDA:** Mr Hahn, that was Mr Dylan Howard there speaking with the policeman. He said a couple of things. One was that it was an illegal product that was being brought onto the site. Was that your understanding, that there was the possibility that this was, quote unquote, an illegal product?

MR HAHN: No, that's not correct.

25 **MR GISONDA:** And as the policeman then who was trying to understand what he was saying said, "Well, how does it even get imported?" He then says - asks him, "Well, could the steel be okay?" to which Mr Howard's answer was that it presented dangers in the welding process. What's your response to that statement?

30 **MR HAHN:** The manner in which Mr Howard described the use of the temporary steel was incorrect. However, steel does have some frailties if it's manufactured incorrectly, and we had been obviously assuring ourselves that this steel was manufactured correctly and was fit for purpose.

35 **MR GISONDA:** If I can then play the part of that video beginning at 18 minutes, please.

(Video played).

40 **MR GISONDA:** So what the policeman there was asking was how is this steel different to other steel that's used on construction projects? Well, what's the answer to that question?

45 **MR HAHN:** There's a few things that were incorrect about that exchange. It was relayed to the policeman that the steel was part of the permanent works. It's not. It was intended as temporary works to support a mechanism that would be used to build the bridge and later on demolish the existing bridge as well as refurbish it. We

had certified the steel essentially to Australian standards as well as the relevant TMR specifications, as we would for permanent works, even though it was for a temporary purpose.

5 **MR GISONDA:** Could I tender that video, please, Commissioner.

COMMISSIONER: Any objection? Police body-worn camera footage of police interaction with protesters associated with the CFMEU at Gate 1, Centenary Bridge construction site, 13 March 2024, approximately 6.50 am will be CBU-11.

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**<EXHIBIT CBU-11 POLICE BODY-WORN CAMERA FOOTAGE OF
POLICE INTERACTION WITH PROTESTERS ASSOCIATED WITH
CFMEU AT GATE 1, CENTENARY BRIDGE CONSTRUCTION SITE,
13/3/2024, APPROXIMATELY 6.50 AM**

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MR GISONDA: Thank you. And now, you had - you also had a conversation with the police on that morning; is that right?

MR HAHN: Yes, I did.

20

MR GISONDA: And perhaps if we can play now CBU-12, please.

(Video played).

25 **MR GISONDA:** So just to confirm, did he say that he wasn't able to do anything for so long as they were standing on the public footpath?

MR HAHN: Yeah, it's a little bit hard to hear - I felt anyway - but it was words to that effect. My recollection of that conversation was his concern with people
30 blocking the footpath and the bike path, and you would've seen in the videos people trying to make their way to work, and I think there was a cyclist or two that went through as well.

MR GISONDA: Then if I can play CBU-13, please.

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(Video played).

MR GISONDA: I'll tender those two videos, and then ask Mr Hahn some more questions. So that was CBU-12 and CBU-13.

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COMMISSIONER: What time, approximately, were CBU-12 and CBU-13?

MR GISONDA: I think you can say that one of them is approximately 6.45, and the second one is approximately 7 am.

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COMMISSIONER: There's no objection? Police body-worn camera footage of police speaking with representatives of the BMD and Georgiou Joint Venture and the

CFMEU, approximately 6.45 am, 13 March 2024, at Gate 1 of the Centenary Bridge construction site will be CBU-12.

5 <EXHIBIT CBU-12 POLICE BODY-WORN CAMERA FOOTAGE OF
POLICE SPEAKING WITH REPRESENTATIVES OF BMD GEORGIU
JOINT VENTURE AND CFMEU, APPROXIMATELY 6.45 AM, 13/3/2024,
AT GATE 1 OF CENTENARY BRIDGE CONSTRUCTION SITE

10 **COMMISSIONER:** Police body-worn camera footage of discussions between
police and representatives of the BMD Georgiou Joint Venture and the CFMEU at
approximately 7 am at Gate 1 of the Centenary Bridge construction site, CBU-13.

15 <EXHIBIT CBU-13 POLICE BODY-WORN CAMERA FOOTAGE OF
DISCUSSIONS BETWEEN POLICE AND REPRESENTATIVES OF BMD
GEORGIU JOINT VENTURE AND CFMEU AT APPROXIMATELY 7 AM
AT GATE 1 OF CENTENARY BRIDGE CONSTRUCTION SITE

MR GISONDA: Now, Mr Hahn, who was your colleague there in that video?

20 **MR HAHN:** The man in the yellow shirt is Mr Gavin Kenny. He's the
superintendent at the Georgiou BMD Joint Venture at Centenary Bridge Upgrade.

MR GISONDA: And did you recognise the man in - so the man in the orange was
Mr Dylan Howard. Did you recognise his colleague in the green as Mr Dean Mattas?

25 **MR HAHN:** That is correct.

MR GISONDA: And that was - tell me if this is correct - it was essentially the
policeman trying to broker a resolution or an agreement between the CFMEU and
30 the joint venture?

MR HAHN: Yes. Essentially he was trying to not have a repetition of a similar
traffic congestion thereafter at the project, and, yeah, to use the word "broker" or
arbitrate, mediate, between ourselves and them was the general thrust of his
35 conversation.

COMMISSIONER: What was the last bit you said there?

40 **MR HAHN:** Either to mediate or arbitrate, to broker an agreement between us so
that he didn't have to come back to site day after day and escort materials through
the - and into the project.

MR GISONDA: And where it seems the union's position ended up was to say that
they wanted the joint venture - or, sorry, I think it was the joint venture would
45 nominate four potential testers of the steel. The union would then pick one of those
four testers that was satisfactory to them. That independent tester would test the steel

to see whether it complied with Australian standards, and then they would take it from there, presumably?

5 **MR HAHN:** Yes. Test the chemical composition of the steel.

MR GISONDA: And was it your understanding that under the Workplace Health and Safety Act, they have an entitlement to insist upon third-party testing?

10 **MR HAHN:** There is a requirement in the Act - I won't be able to recite the section off the top of my head - where accredited personnel can request documentation.

MR GISONDA: But that's documentation that already exists, or documentation which they insist upon being created? Or you're not sure?

15 **MR HAHN:** I would say I'm not sure.

MR GISONDA: And then you said that one thing that you would like to see from them was the removal of stickers and posters on the site; is that right?

20 **MR HAHN:** Correct. So you saw in the background of the videos on the site signage there was anti-AWU stickers, on the active transport pat there was anti-BMD stickers, and I pointed to roadside traffic barriers adjacent to the Sinnamon Road entry ramp, which also had stickers on it as well that were anti-AWU and anti-BMD.

25 **MR GISONDA:** And Mr Howard in response to that essentially said that he wasn't going to do that and in any event it wasn't his responsibility; it was disgruntled workers?

30 **MR HAHN:** Yes, he implied he had no knowledge of those stickers or their origin.

MR GISONDA: Yes. And he didn't tell you or the policeman that he was in fact a member of a campaign team that was focusing on BMD?

35 **MR HAHN:** No, that was not made known to me by Mr Howard at any point in my time on the project.

MR GISONDA: And he didn't say that as part of that campaign he had been involved in the commissioning of those very stickers?

40 **MR HAHN:** Correct. Mr Howard had not made that known to me.

45 **MR GISONDA:** And just to pick up really on something the Commissioner asked, why couldn't the - even if there was a dispute about the chemical composition of the steel, why couldn't the steel at least be delivered onto the site in the first instance?

MR HAHN: That was our feeling. It could've been brought into the site. It could've been stored. It could've been quarantined. We had quite a number of deliveries to be

made for that steelwork. At least there would be a process of clearing the traffic, getting it onto site and proceeding from there.

5 **MR GISONDA:** And it seems that what the policeman effectively said there was that he wasn't prepared to do anything to allow the steel to come onto site; instead, what he was going to do was to try and broker an agreement?

MR HAHN: In essence, yes. He felt that that was a better course for him.

10 **COMMISSIONER:** Well, in truth, he was - and it's very difficult for police, because they've got problems with resources. They've got - they're dealing with difficult people. But he took the side of the lawbreakers. His job, and the role of the police in enforcing the King's peace, is not to keep things peaceful but to enforce the law. That's the fundamental obligation. The law was being broken, it seems, on your
15 evidence - hasn't been challenged yet; maybe it will be challenged - but it looked like a very straight-up-and-down situation where people with no lawful right were preventing free access and egress from a site you controlled, and their job is to enforce the law. And that didn't happen.

20 **MR HAHN:** I would agree with that, Mr Commissioner.

COMMISSIONER: Because if you don't do that, what happens is the rule of law gets replaced by the rule of the mob, and that's what the enforcement of the King's peace is about: to ensure that does not happen, so that the King's writ runs
25 throughout the kingdom. That's the historic rationale for that rule. And what happened there was the rule of law wasn't applied. It didn't run, didn't operate in that hour. The rule of the mob operated.

MR HAHN: I would agree. The rule of the mob operated.
30

MR GISONDA: Could I ask you, Mr Hahn, just about a few other incidents. The first is at page 214 of your bundle accompanying your statement. You say in this email to the contract administrators that on 22 February:

35 "Two CFMEU organisers, Mr Howard and James Porter, provided right-of-entry notices to access the site we lease at The Yard; however, it was apparent that they had transgressed the yard's security in order to enter this site. This was a significant issue for the yard's management, which they promptly and directly addressed with the organisers."
40

Can you just tell the Commissioner what was The Yard and what was its use for the project?

45 **MR HAHN:** Sure. So The Yard is a marine maintenance and management facility out at Hemmant. We had leased a portion of that premises to construct pile cap shelves that would then be placed onto barges or pontoons and transported to site and installed in the works. The Yard is a very large facility, has a number of very large

and complex operations occurring in it. There are some huge pieces of plant that move around out there as well. There is a security gate, a manned security gate at the front entrance, and it's only entry via swipe cards.

5 **MR GISONDA:** And what had been reported to you was that those two organisers had not abided by those security arrangements?

MR HAHN: That's correct. I don't have an idea of how they got into The Yard, but they managed to get themselves in and then approached our works thereafter.
10

MR GISONDA: And then at page 306 of the bundle, this is an email that you have sent on 20 March, and at page 306, you say:

15 "Options: Confrontation - yards as well as site are under surveillance by the CFMEU."

Was that your understanding, that the CFMEU were surveilling The Yard?

20 **MR HAHN:** We had reports from both the operators of The Yard, and also where the temporary steelwork for the overhead gantry structure was being stored, that they were being regularly surveilled by representatives of the CFMEU.

MR GISONDA: And why do you think the CFMEU would be surveilling The Yard?
25

MR HAHN: Maybe they had an understanding that we could transport the steelwork to The Yard, load it onto barges on the pontoons and transport it up the river, similar to the pile cap shells.

30 **MR GISONDA:** Then at page 294 - sorry, just before we leave that page. Apologies, Mr Hahn. At the bottom of page 306, you say that:

35 "Unless we achieve the regular and orderly delivery of all this fabricated steelwork we are incurring losses in excess of \$250,000 a week."

So for this period of time, you just simply couldn't get the steel onto the site; is that correct?

40 **MR HAHN:** That's correct. The best way to describe the project at this point is that we were being strangled. If we couldn't get this steelwork, we wouldn't be able to progress the works for the bridge.

MR GISONDA: Now, at page 294 of the bundle, you report, again to the contract administrators, an incident on the previous evening, which was 18 March, which is
45 that two CFMEU organisers had entered the compound. What's that reference to, the compound?

5 **MR HAHN:** So in this - sorry, in the previous image there, if you could go back to that, you might see in the top right corner is Gate 1 at Sinnamon Road. Where that camera's mounted is on an overhead gantry where our site offices and compound was located. Immediately beneath that was the active transport path where - sorry, the future active transport path. Where those three - four individuals and the truck are positioned is in the middle of our site compound, and that concrete slab that they're standing on is the future support for the precast girder moulds.

10 **MR GISONDA:** You describe that as the second instance of an unauthorised entry in the past week following the transgression at Abutment B on 12 March.

MR HAHN: Yes, Abutment B is on the Kenmore side of the river. This particular photo is taken on the Jindalee side of the river.

15 **MR GISONDA:** Can I then take to you page 326 of the bundle. This is an email from you to the contract administrator, and you say - you begin the email by saying you are responding to the request from Fran this morning regarding the efforts undertaken and options available to deliver the steel onto site. And Fran was the representative from the Department of Transport and Main Roads; is that right?

20 **MR HAHN:** Correct. Fran Knight is Department of Transport and Main Roads project manager for the Centenary Bridge upgrade.

25 **MR GISONDA:** And she worked on site? Physically she was based on the site?

MR HAHN: Yes, she was.

30 **MR GISONDA:** And she'd asked to you get an understanding of what the plan was for getting the steel onto site. As you said, the project was being strangled at this point?

MR HAHN: Yes, that's correct.

35 **MR GISONDA:** And what you say there, under Previous Attempt, the first bullet point, there's a reference to the 13 March incident, which resulted in the delivery failing because the police told the truck to move on.

MR HAHN: That's correct.

40 **MR GISONDA:** And then at the bottom of the page, you turn to the question of storage, and you say that the CFMEU are aware that the steelwork has been and will continue to be forwarded to Blue Water Shipping, Port of Brisbane. So just stopping there - Bluewater Shipping was where the steel was being stored for so long as it couldn't be delivered onto site?

45 **MR HAHN:** Correct. That was our freight-forwarding facility.

MR GISONDA: And it says there that the CFMEU have undertaken surveillance at Blue Water Shipping's facility?

MR HAHN: We had that information from Blue Water Shipping yes.

5

MR GISONDA: And the second bullet point was that the CFMEU person had, according to Blue Water Shipping, begun questioning their personnel and their subcontract staff in respect of the Centenary Bridge steel?

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

MR GISONDA: And as a result:

15 "Blue Water Shipping have expressed their concerns to the joint venture about remaining involved in any capacity with this project."

Is that what had been reported to you, was it?

20 **MR HAHN:** Absolutely. We had a number of deliveries already in Australia, being stored at BWS, and there were some that were still on water, so what we would do with them if BWS decided to pull out was very uncertain.

25 **MR GISONDA:** And when they say that they had expressed their concerns about remaining involved in any capacity with this project, was that due to the previous points that you've mentioned here, which was that they were being surveilled by the CFMEU and had - their personnel were being questioned by the union?

30 **MR HAHN:** Absolutely. So Blue Water Shipping doesn't have any involvement, regular involvement, with CFMEU or the like at all. Here they were being thrust into a situation that seemed to be beyond their control and certainly outside their familiar frame of reference.

35 **MR GISONDA:** And then over the page at 327, we now see here the reference to Arrow Transport, and that was the company that had the truck that was turned away in that first video we looked at. And it says that CFMEU are aware that the steelwork had previously been transported by Arrow Transport. And as you said earlier, their facility was neighbouring Blue Water Shipping facility?

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

MR GISONDA: And so being in the same sort of area, the CFMEU were surveilling their facilities as well?

45 **MR HAHN:** Absolutely. They were looking to see whether the steel was going to be loaded, handled, etcetera. If it went on a truck, then they would know that it was potentially inbound to Centenary Bridge.

MR GISONDA: And CFMEU personnel were also questioning their personnel about the steelwork. And then you say - this is in the second bullet point - intimating future difficulties for their business should they move any of the joint venture's steelwork.

5

MR HAHN: That was what was reported to me, yes.

MR GISONDA: And so, understandably, they too were expressing concerns about being involved in or expressing their concerns about this conduct. That was reported to you?

10

MR HAHN: Yes, that's right.

MR GISONDA: And then you say that:

15

"Using police escort to 'force' our way into Gate 1 is considered neither practical, safe nor viable for reasons below."

And we'll just turn now to what you set out below. You're now turning to options, alternative options. One is marine transport, and the third bullet point under that heading, you say that it was not a practical option. And why was marine transport not a practical option?

20

MR HAHN: The steel itself is very heavy. It obviously needs large cranes to move it and handle it and get it off a barge or a truck as the case might be. In this particular instance, the structure was designed to be assembled from the Jindalee end, and from the land-side end of the Jindalee - Jindalee side of the bridge. Therefore, getting it off a barge would mean creating new hard stands for crane, rehandling the steel, potentially over the active transport path, etcetera, and then reassembling it behind Abutment A, which is at the Jindalee end of the bridge, and that was considered impractical.

25

30

MR GISONDA: And then you say alternative access is - this is the idea that you might construct a separate entrance onto the site. You say that would take months and that entrance could end up being blockaded anyway by the union?

35

MR HAHN: Absolutely. So if we had constructed an entry point on the south side of the river, that would've transgressed the active transport path, which is a publicly accessible area. So that was easily blocked, and doing it on the opposite of the river would've left us in a more precarious situation. The topography there's a lot steeper, so the steel would have been a lot harder to handle and get back to the Jindalee side. In any instance it would've been easily blocked as well.

40

MR GISONDA: And so that means really you had no other option other than to get the steel in through Gate 1?

45

MR HAHN: Correct. The safest and most efficient way was through Gate 1.

5 **MR GISONDA:** Then you say under Escort that the joint venture had attempted to reach out to local police but until that morning had not had any successful contact and that the observations of police behaviour from the previous attempt - that being the attempt that we've just watched the footage of?

MR HAHN: Yes.

10 **MR GISONDA:**

"And feedback from various heavy transport industry contacts is that the police will deliver to the appointed address but not get involved in IR disputes."

15 And so what did you understand that to mean?

MR HAHN: I understood that to mean that the police were primarily interested in the public flow of traffic. So they would escort the steel to make sure that there was no incidents, if you like, road accidents along the way. But once it got to Gate 1, they would view that as an industrial issue and then essentially not engage further.

20 **COMMISSIONER:** Why are you saying that? Is that what you were told, or is that your interpretation of what that dot point means?

25 **MR HAHN:** That's my interpretation of the events that occurred on 13 March, where we had made an attempt to get the steel in and it was waved away by the police.

MR GISONDA: And then you say that this is not of any assistance to the joint venture as the trucks are likely to be turned away from Gate 1 again?

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

35 **MR GISONDA:** Or even if they enter the site, we must cross the active transport path near the UU pump station and could easily be re-blockaded again there. So even if the police got you in through Gate 1, there was then another point at which the union, within the site, could then blockade?

40 **MR HAHN:** Absolutely. So the active transport path, similar to where we were watching the video from earlier this morning, that continues towards the river, and there was another point where we would've had to cross the active transport path and they could've reassembled themselves there or assembled themselves at both locations.

45 **MR GISONDA:** And then there's a reference to the installation of CCTV towers on site, but that wouldn't assist you with securing delivery of the steel?

MR HAHN: Absolutely. We had been installing - well, we already had CCTV for the normal course of events like theft and vandalism, but we were putting in additional CCTV towers around the site during the earlier part of 2024.

5 **MR GISONDA:** Is it fair to say, then, that you really had - you felt you had no option other than to comply with the union's demands in this regard, which most relevantly required independent third-party testing?

10 **MR HAHN:** That was the view that I'd formed, is that we had to get back to the more amicable relationships that we had with both unions during 2023 so that we would have a way of progressing the project.

15 **MR GISONDA:** And that's because really, when you stepped out through the options, it turned out, at least from the joint venture's perspective at this point in time, you had no options?

MR HAHN: Yes. We had to proceed with, in my view, the safest and most efficient option, which was truck delivery through Gate 1.

20 **MR GISONDA:** No further questions, Commissioner.

COMMISSIONER: What's the position with cross-examination of Mr Hahn? Is there any application to cross-examine?

25 **MR DUFFY:** I don't have an application to make, but I mention this: there was some evidence given and some exchanges yesterday, in particular focused upon the - what was said to be the cost or additional cost of the BPIC policy and, more particularly, some exchanges in relation to what, if anything, the government knew about those matters.

30 **COMMISSIONER:** Yes.

MR DUFFY: As I understand the position, counsel assisting may be bringing forward and tendering some further documents at some point.

35 **COMMISSIONER:** Yes.

MR DUFFY: And you'll recall that possibly that question involves the question of resolution of Cabinet confidentiality and so on.

40 **COMMISSIONER:** That's what he seemed to be saying, I thought.

45 **MR DUFFY:** That's possible. I merely want to say this, if it please, Commissioner, that depending on what comes of that and what those documents might reveal, it may be that we later, as a result of that, bring an application to have Mr Hahn recalled. It would be limited to the BPIC issue, not to do with issues such as police and so on.

COMMISSIONER: Yes, I see.

5 **MR DUFFY:** So I'm really just flagging it. I don't know whether one properly calls it reserving a position, but that's - and for economy, the same applies to the next witness - I think Mr Demartini gives similar evidence - and possibly even to Mr Ryan, I think, who's giving evidence later as well.

10 **COMMISSIONER:** I understand. So there might be something that comes up that means that you weren't aware of some material that you want to be able to put to these witnesses and test what they say, and I understand your position in that regard. Do you want to say something about that, Mr Gisonda? It seems a reasonable position.

15 **MR DUFFY:** Thank you.

MR GISONDA: Thank you, Commissioner.

COMMISSIONER: There's no -

20 **MR O'GRADY:** There is an application -

COMMISSIONER: Oh, there is?

25 **MR O'GRADY:** - by the administrator, but I don't press it.

COMMISSIONER: You're not pressing it. All right. Very well. Well, Mr - you left shortly after these incidents. Why did you leave as project director of -

30 **MR HAHN:** My employment was terminated by BMD.

COMMISSIONER: Because they were unhappy with the progress of the project?

35 **MR HAHN:** Yeah, there was a number of issues that they raised in my letter of termination. That was one of them.

COMMISSIONER: I noticed you didn't get to this issue, Mr Gisonda. Should I hold off and not ask any further questions?

40 **MR GISONDA:** I don't think it's relevant to the matters that we're inquiring into.

COMMISSIONER: Very well. Is there anything arising out of what I just asked? Thank you very much for your evidence, Mr Hahn. You're excused.

45 **MR HAHN:** Thank you very much.

<THE WITNESS WAS RELEASED

COMMISSIONER: What's next, Mr Gisonda?

5 **MR GISONDA:** Next is to call the next witness, which is Mr Ben Weston. But I see the time, so that might be - I'm in your hands, Commissioner. We can start the evidence now or -

COMMISSIONER: Maybe we'll start at 11.30. Mr Payard, you'd like to be excused?

10 **MR PAYARD:** Thank you, Commissioner.

COMMISSIONER: Thank you. Very well. We'll adjourn till 11.30.

15 **<THE HEARING ADJOURNED AT 11.20 AM**

<THE HEARING RESUMED AT 11.30 AM

20 **COMMISSIONER:** Mr Gisonda, a couple of days ago you had some videos which had captions, which I think was the first time in these hearings. Last couple of days, no captions. I know you've got a lot on your plate, but if we could get captions on the videos, I think it'd be a big improvement. The two videos which had the second angle - I can't remember which ones they were, maybe CBU-9 and 10, or maybe 8 and 9, the second time, I was able to make a note of what was going on a bit better, because it was twice, and I know there's obviously a lot of work involved in getting
25 captions, but if that would be feasible, I think it would be of great benefit.

MR GISONDA: Thank you, Commissioner. Could I now call Mr Benjamin Weston, please.

30 **COMMISSIONER:** Is Mr Weston in - he is. Please come to the witness box, Mr Weston.

<BENJAMIN JOHN WESTON, AFFIRMED

35 **<EXAMINATION BY MR GISONDA**

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

40 **MR GISONDA:** Thank you, Commissioner. Good morning, Mr Weston. Could I begin, please, by asking you for your full name?

MR WESTON: Benjamin John Weston.

45 **MR GISONDA:** And on the screen in front of you is a statement that you have affirmed on 20 July 2026, and it goes for 114 paragraphs, and accompanying that statement is a bundle of documents that are 76 pages long and consists of 20 annexures. Can I ask you, please, to just have a look at paragraph 9 of your

statement, which is on page 2. And you'll see there on the screen, Commissioner, the proposed insertion of the words "until recently". Could you just explain, Mr Weston, how you would like that sentence to read, please.

5 **MR WESTON:** That I've recently moved to a separate project. So I was working on the Centenary Motorway upgrade and within the last two weeks have moved to a separate project.

10 **MR GISONDA:** And then at paragraph 14, which is on page 3, you wish to clarify that the six gates that you refer to in that paragraph are six vehicle-access gates; is that right?

MR WESTON: Yes, that's correct. There was additional entry gates via foot that we had across the project.

15 **MR GISONDA:** Have you otherwise - and also, then, if we could look at - if we can have brought up on the screen a replacement page 73 of the bundle. So at the moment, page 73 is blank, but is there a replacement page 73? If I can just have this handed to you, please, Mr Weston. Thank you. Now, at page 71 of the bundle, which
20 you'll see in front of you, you send an email that attaches a document that outlines the events of that day. Is the document that I've handed to you the notes that were attached to that email?

MR WESTON: That's correct.

25 **MR GISONDA:** Perhaps - I think in circumstances where the parties haven't been shown that and you can't display it on the screen, what I might do, Commissioner, is seek to tender the witness statement of Mr Weston and the bundle of documents.

30 **COMMISSIONER:** And what do you want to do about annexure 19, which has got the blank page at page 73?

MR GISONDA: I think that can all stay in there as it is at the moment, and then I'll seek to tender this additional document as a further exhibit.

35 **COMMISSIONER:** I see. All right. Do you have a middle initial, Mr Weston?

MR WESTON: J for John.

40 **COMMISSIONER:** Is there any objection to the tender of the witness statement of Mr Weston? No. Witness statement of Benjamin John Weston, 20 July 2026, 13 pages, 114 paragraphs with 20 annexures, as amended in the witness box just now at paragraphs 19 and 14 - sorry, 9 and 14 - will be exhibit BJW-1.

45 **<EXHIBIT BJW-1 WITNESS STATEMENT OF BENJAMIN JOHN WESTON, 20/7/2026, 13 PAGES, 114 PARAGRAPHS WITH 20**

ANNEXURES, AS AMENDED IN WITNESS BOX AT PARAGRAPHS 9 AND 14

5 **MR GISONDA:** Then if I can have that document that's just been given to you handed back to the Commissioner's associate, please.

MR WESTON: Thank you.

10 **MR GISONDA:** We can organise for that document to be distributed to the parties, and if there's no objection, perhaps I'll tender it after lunch if that's suitable, Commissioner.

COMMISSIONER: Very well.

15 **MR GISONDA:** Now, Mr Weston, can I take you to page 1 of your statement, please, and at paragraph 4, you set out your professional experience prior to starting with BMD. Could you just briefly tell the Commissioner what that professional experience consisted of?

20 **MR WESTON:** Yes. Following completing my bachelor degree in occupational health and safety, I commenced job experience with Evans Drilling from November 2012 to December 2012, and further work experience with a company called SMW from January 2013 to March 2013, and then commenced full-time work as a health and safety adviser for Civil Mining & Construction from 2013 - April 2013 to
25 October 2014. And then health and safety adviser with Canstruct from October 2014 to January 2017. Health and safety adviser for WBHO Infrastructure from January 2017 to September 2019, and health and safety adviser with McIlwain from 2019 to September '20, and then from that point, commenced with BMD up to this point now.

30 **MR GISONDA:** Thank you, Mr Weston. And then looking at paragraphs 5 and 6, can you briefly describe what your roles have been with BMD and continue to be.

35 **MR WESTON:** So my first project with BMD was the Carmichael Rail Network, which was a 189-kilometre rail line, valued at approximately 518 million - sorry, yeah, 518 million. I was the safety coordinator at that point, and from July '22 commenced as a safety manager, which is my role currently.

40 **MR GISONDA:** And what does the role of safety manager involve?

45 **MR WESTON:** To name a few, the overall health and safety of workers on site; making sure the project's working to current safety legislation and within our company's policies and procedures; conducting inspections of work areas; hazard identification, where we go to different activities, speak to workers, understand their processes, what we're doing well, what we could do better; and generally making sure they're working within their approved safe work method statements.

MR GISONDA: Just going back to the Carmichael Rail Network, do you know approximately how many workers there were on that project?

5 **MR WESTON:** To my knowledge, around 600. But yeah, to the best of my knowledge.

MR GISONDA: And what about the Centenary Bridge Upgrade Project?

10 **MR WESTON:** Due to the tight footprint on that project and how heavily we had to schedule our activities generally, we would probably max at around a hundred. That's including site, as in blue collar and white collar.

15 **MR GISONDA:** And so you've had over 14 years of experience working in workplace health and safety roles, and that includes projects worth many hundreds of millions of dollars, and those projects, in turn, have hundreds of workers working on them. Is that a fair summary of your experience to date?

MR WESTON: Correct.

20 **MR GISONDA:** Now, we heard a bit about - I now want to turn to the Centenary Bridge project itself, and we've heard a number of gates being referenced now and positions on the site being referenced. Perhaps I'll go to page 1 of your bundle, please. Or page 2, sorry. Are you able to - actually, it might be better do go to page 3. Sorry about that, Mr Operator. Page 3. Can you just explain a little bit about this
25 graphic here? So this is the south side of the project; is that right?

MR WESTON: Correct.

30 **MR GISONDA:** And so you have a north side, which is one side of the river, and then a south side, which is the other. Is that the general demarcation?

MR WESTON: Correct.

35 **MR GISONDA:** And whereabouts is Gate 1 situated? What road does Gate 1 lead onto?

MR WESTON: It's adjacent to Sinnamon Road.

40 **MR GISONDA:** And what about Gate 2? What does that lead onto?

MR WESTON: That's the off-ramp from the Centenary Motorway.

45 **MR GISONDA:** Is it fair to say that Gate 1 is the main vehicle access gate to get onto site, or are they - or is that not the case?

MR WESTON: At the time that - so this depicts our vehicle management plan. At the time that this was current, Gate 1 was our main entry point, our main access, vehicle access point to the project, correct.

5 **COMMISSIONER:** Is the south side the Ipswich side of the road and the north side the Brisbane side?

MR WESTON: That's correct, Commissioner.

10 **MR GISONDA:** And whereabouts on this map, on page 3, would we find the fitness gym and car park that sits outside that gym?

MR WESTON: The car park, so you can see a blue box with a red highlight on the outside.

15

MR GISONDA: Yes.

MR WESTON: It's just above that you'll see a line of cars right beside the box that states:

20

"Access into site via eastbound Sinnamon Road."

So that's the gym car park in that section.

25 **MR GISONDA:** And in between that gym car park and Gate 1, you see a lot of trees there. What is that area there?

MR WESTON: So that's the Jindalee River.

30 **COMMISSIONER:** Doesn't look like a river.

MR WESTON: Sorry, adjacent to the river, there's shrubbery and such. It's not an area - it's not our - within our project boundary, that section.

35 **MR GISONDA:** And then if we zoom out again, just on this graphic, are you able to identify where the pedestrian and cyclist path can be found?

40 **MR WESTON:** Sort of a lot going on in that photo. It runs adjacent to the motorway. Actually, it's hard to see. So when you came into Gate 1, adjacent to that was the active transport path. So it ran directly between what was a work area and our site offices, which - it can be seen in one of the videos played. It shows that point.

45 **MR GISONDA:** It effectively runs along the motorway, does it?

MR WESTON: Sorry, that was - the area's changed. It's very fluid from what stage of the project you're in. I'm recalling back, you know, nearly three years ago. It was

adjacent to - or the area I explained beside Gate 1. And in between where you can see the yellow or orange box, that was our site office at the time.

MR GISONDA: Right.

5

MR WESTON: So it's running through that section.

MR GISONDA: At paragraph 20 of your statement, going back to your statement now at page 3, you say that there'd been three project directors. The first was Mr Hahn, who's just finished giving his evidence, and he was an employee of BMD at the time; that's right?

10

MR WESTON: Correct.

MR GISONDA: Then he was replaced by Gareth Davie for about a year, and he was an employee of Georgiou; is that right?

15

MR WESTON: Correct.

MR GISONDA: And then he was replaced in early 2025 with Mr James Smith. And was Mr Smith a BMD employee?

20

MR WESTON: That's correct.

COMMISSIONER: Is that usual? I would have thought a project director would mostly - on most occasions go from start to finish.

25

MR WESTON: I'm not privy to conversations or reasoning behind the change. I mean, it's not - it's not uncommon to have different project managers and project directors, in my experience.

30

COMMISSIONER: Who don't complete the project?

MR WESTON: In my experience, correct.

35

MR GISONDA: And at paragraphs 22 to 29 of your statement, you explain that you were generally the first point of contact for union officials that wanted to raise safety matters on the site. So if a union official comes to site seeking a statutory right of entry to raise safety matters, you were the person that they would generally encounter in the first instance; is that right?

40

MR WESTON: That's correct.

MR GISONDA: And you attempt to keep a record of all such attendances; is that right?

45

MR WESTON: Correct.

MR GISONDA: And do you think you managed to capture every attendance, or might there have been occasions where you weren't able to keep a record of the attendance?

5

MR WESTON: Oh, there may be occasion, but I'm fairly confident that they were all captured.

10 **MR GISONDA:** And what you say is that you previously had a program before the introduction of what's called Beakon that you used. Do you remember what that program was called?

MR WESTON: I - I don't recall.

15 **MR GISONDA:** And then that was replaced with a program called Beakon, B-e-a-k-o-n; is that right?

MR WESTON: Correct.

20 **MR GISONDA:** And I just wanted to ask you this question: at page 18 of the bundle, this is a print-out of the Beakon record, and it's a bit hard to see because of the size of the print, but it captures attendances since October 2024, and you might be able to see that one of the columns is - this is the fifth from the end - it's called:

25 "Did the visit align with the right-of-entry notice procedure?"

Can you see that column there?

MR WESTON: Yes.

30

MR GISONDA: And do you see that within that column, all of those attendances are marked as "yes"?

MR WESTON: Correct.

35

MR GISONDA: Is that consistent with your observation that since the union was put into administration in August of 2024, its officials have since complied with entrance requirements that were put on site by the joint venture?

40 **MR WESTON:** In most cases. So compliance with the CFMEU was at a much higher level in terms of signing in, completing the visitor induction, and also actually supplying a notice of entry. That's not to say their conduct while on site was - was in line with what you'd expect.

45 **MR GISONDA:** And you say that even since the union's been put into administration, being in August 2024?

MR WESTON: Yeah, compliance, yeah, as to signing in and supplying a notice of entry, but the conduct was - in my opinion and my experience, the conduct didn't change.

5 **COMMISSIONER:** What do you mean by that?

MR WESTON: As in, their behaviour didn't change.

10 **COMMISSIONER:** In what way?

MR WESTON: I guess the tactics they'd use around, you know, being aggressive, bullying, intimidation. I found no change in the way they operated while on site.

15 **COMMISSIONER:** And how long were you on site for since August 2024?

MR WESTON: How long was I on site?

COMMISSIONER: Yes.

20 **MR WESTON:** I was on the project from, I believe, April '23 until two weeks ago.

COMMISSIONER: Two weeks ago.

25 **MR WESTON:** So June '26.

30 **MR GISONDA:** Can I ask you, Mr Weston - we saw some videos yesterday where I believe it was Mr Lovewell on behalf of the joint venture was seeking to have union officials sign in to - what he had was a piece of paper where he read out the rules of entry for the site, and then underneath those rules there was a place on the sheet for the name to be written in, and he then wanted those officials to initial their name, in a way to indicate that they accepted those rules before coming on the site. Did you witness from time to time his attempt to have union officials comply with that process?

35 **MR WESTON:** Yes, I did witness.

40 **MR GISONDA:** And can I just ask you, then, about what you've described as the Rapid Global sign-in process. So this is at page 5 of your statement, paragraphs 34 to 35. It says that it's an essential element of any safety plan on a site that you know and can account for all persons on site in the case of an emergency, and the safety management plan for the project required:

45 "...all visitors to report to the site office, be provided a visitor induction "and then sign on (and off) using our electronic sign-in system, 'Rapid Global'. It takes no more than a few minutes."

And then at page 19 of the bundle, you've got some print-outs of that electronic sign-in process. So someone types in their name, their phone number, the reason for their visit, and then over the page at page 21 were the general rules of site entry. That's page 21 of the bundle. And then at page 22 there's the acknowledgement that
5 you understand those instructions and will follow directions from BMD host representatives at all times. Can I ask you, why was - do you know why the union officials were not being asked to sign in electronically like other visitors but were instead being asked to sign on on a paper copy?

10 **MR WESTON:** It was definitely the process moving on from those initial times. I would only think that potentially Mr Lovewell was attempting the hard-copy version of that process to sort of help facilitate their entry. But it was common - we definitely changed to ensuring that everyone was on Rapid moving forward. I'm not sure why in those cases that occurred.

15 **MR GISONDA:** So you're not sure when Rapid was introduced. Is that what you're saying? Was it there from the start of the project or -

MR WESTON: I don't recall.

20 **MR GISONDA:** Okay. But in order to use Rapid, you had to go into the site office; is that right?

MR WESTON: We had barcodes on the front fence. So before you'd enter the site as such, we'd have a barcode there. You'd just use your phone, go through the
25 different sections and sign in that way.

MR GISONDA: Can I then ask you about some incidents that occurred from February to May of 2024 on the site. And the first incident I wanted to ask you about
30 was a meeting on 23 February 2024, and this is set out in your statement on page 5 at paragraph - yes, paragraphs 37 to 40. You detail a meeting that you had with some AWU organisers. Could you tell the Commissioner what you recall about that event, please.

MR WESTON: While we were having a meeting with the AWU members, CFMEU organisers and their site union rep walked into the office where we were having the meeting - unannounced, just walked in - and there was a sort of - a heated discussion
35 between the AWU and the CFMEU around, if I recall, EBAs or greenfield agreements, which lasted for around an hour or so.

40 **MR GISONDA:** And would you describe it as an aggressive meeting?

MR WESTON: Yes, I would.

45 **MR GISONDA:** And just so we're clear about who was there, it was yourself and Mr Hahn and Mr Kenny and Mr Murray who were in that meeting with the AWU officials; is that right?

MR WESTON: Correct.

5 **MR GISONDA:** And then at paragraph 38, you identify the union - the CFMEU personnel who came in as Mr Dylan Howard, Mr Dean Mattas and Mr Jamie Porter; is that right?

MR WESTON: Correct.

10 **MR GISONDA:** And the site delegate was Elliot Stanfield, who you say was employed on site as a traffic controller by KPI?

MR WESTON: That's correct.

15 **MR GISONDA:** And you understood that he was a delegate for the traffic controllers on site for the CFMEU?

MR WESTON: Correct.

20 **MR GISONDA:** And what happened once that hour-long meeting ended?

MR WESTON: To my recollection, we went out for a site visit or we walked out of the office, because we were up on the top level of our offices, and started walking around the balcony, because the AWU had left prior to. And when we reached the top of the balcony that overlooked Gate 1, that's when we saw the AWU vehicle attempting to leave site through Gate 1 and the CFMEU-aligned people out there blocking and yelling, swearing, shaking their vehicle and stopping them from leaving.

30 **MR GISONDA:** Thank you. And that took place on 23 February, and about a week later, on 29 February - this is at page 6 of your statement -

COMMISSIONER: Just staying with that for one moment, back at paragraph 38. Mr Hahn gave some evidence that there were four people from the CFMEU who crashed the meeting he was having with you, with the AWU organisers, and he said it was Dylan Howard, Dean Mattas, Elliot someone, and he thought the fourth one might've been Hayden Turner-Davey. You say it's Jamie Porter?

40 **MR WESTON:** To my recollection. I mean, it was almost, like, probably over three years ago. I've tried to recall to the best of my ability. That's who I believe was there.

MR GISONDA: Is it possible that - you know who Mr Hayden Davey-Turner is?

MR WESTON: Yes, that's right.

45 **COMMISSIONER:** Turner-Davey.

MR GISONDA: Turner-Davey, sorry. Is it possible that it might've been Mr Turner-Davey?

MR WESTON: It's possible.

5

MR GISONDA: You say at page 6 of your statement, from paragraphs 46 onwards, that a crowd of people gathered in the gym car park, which we looked at where it is situated in relation to the site on the map a short while ago.

10 **COMMISSIONER:** I think it's more likely this witness is right, Mr Gisonda, because both witnesses say the CFMEU officials who crashed the meeting then went on a safety walk, and none of those four that this witness has referred to were identified by you in that - as one of the nine people who were intimidating the AWU organisers on their way out, that Mr Hayden Turner-Davey is one.

15

MR GISONDA: Yes. And if I can just show you, at page 32 of the bundle, that's a notice of entry that's submitted by Mr Jamie Porter for that day, 23 February 2024. So that's consistent with your recollection that Mr Porter was on site that day?

20 **COMMISSIONER:** You just need to say "yes" for the transcript.

MR WESTON: Yes.

25 **MR GISONDA:** And about a week later, was that the commencement of a continuing presence by the CFMEU on the Centenary Bridge project, particularly congregating around Gate 1?

30 **MR WESTON:** To my knowledge. I'd have to check the statement. As I say, it was, yeah, over three years ago, so a lot of the events, times and dates are sort of all moulded into one.

MR GISONDA: But you remember there was a period of at least a month where there was a continuing presence by the union on the site?

35 **MR WESTON:** Correct.

MR GISONDA: And at page 6 of your statement at paragraph 52, you say:

40 "At times there would be between 20 to 30 people at Gate 1 nearly every day."

MR WESTON: Correct.

45 **MR GISONDA:** And the crowd of those people wore CFMEU paraphernalia, including CFMEU-branded shirts and hard hats. Is that right?

MR WESTON: That's correct.

MR GISONDA: And what do you recall about some of the behaviours that that crowd exhibited towards workers trying to access the site?

5 **MR WESTON:** They were intimidating people. I would say harassing. It was definitely, yeah, verbal, and - there was no physical abuse, but definitely verbal, just making workers and anyone coming past them feel really uncomfortable.

10 **MR GISONDA:** And in the role that you had at the time, were you someone that if a worker felt unsafe they should approach and discuss with you?

MR WESTON: Yeah. As a project - and in my role personally, yeah, definitely. You know, looking after the health, safety and the - it all ties in, definitely.

15 **MR GISONDA:** And you recall, do you, that you had workers telling you that during this time, they felt threatened about coming onto site?

MR WESTON: Correct.

20 **MR GISONDA:** And that included some of your female workers as well?

MR WESTON: That's correct.

25 **MR GISONDA:** I just wanted to correct something that might be a mistake in your statement. At paragraph 54 of your statement, you reference a newspaper article at the time that was reporting on the blockage of steel deliveries to the site, and you say the article reported that the CFMEU denied any involvement and that that was inconsistent with your observation about what was happening on site. So just pausing there for a moment, you don't have any doubt that the people who were on site on Centenary Bridge blockading the gate and otherwise establishing a presence there, 30 you don't have any doubt they were CFMEU members or sympathisers?

MR WESTON: I have no doubt.

35 **MR GISONDA:** If we just go to that article, and at page 43 in particular, there's a middle paragraph there that says:

"The incident on Wednesday..."

40 And that incident is a reference to what was happening at Centenary Bridge. It says:

"The incident on Wednesday morning came after a group of masked men, who denied being CFMEU members, blockaded a unit construction site in West End last year in protest at the use of non-union crane operators by developer Pradella."

45 Is it possible that you have - you've just - I see. I thought that was the reference that you were referring to, but if you see at page 40, sorry, of your bundle first, that third line, it says:

"Facebook posts from residents blamed the union, but it denied involvement."

Is that what you were referring to, that the union denied involvement?

5

MR WESTON: Yes.

MR GISONDA: Right. You weren't referring to the separate incident which is reported in this article about the CFMEU denying that it was responsible for the masked men blockading the West End development by Pradella?

10

MR WESTON: Oh, well, actually, I - one of the two. I'm not too - I'm not sure.

MR GISONDA: Okay. We heard yesterday in one of the videos from Mr Lovewell the reference to what had happened at the West End site, which is being developed by the Pradella group, and he referred to them as, quote unquote, "greenies", which is consistent with what's been reported here in this article. But you didn't have any personal knowledge or involvement in relation to that project?

15

MR WESTON: No, I didn't.

20

COMMISSIONER: Just go back to 39. This the day of the videos, 13 March, because this report's in the evening, and what happened in the morning and at the bottom of 39 and the start of 40, there's a quote from the Queensland Police Service spokesman, describes it as "traffic issues" due to a truck trying to access a work site on Sinnamon Road. No reference to the fact that it was prevented from entering. And then in the passive: "The matter was resolved quickly and traffic was flowing by 6.45 am," the spokesperson said. Page 40.

25

MR GISONDA: Yes. And so if the matter was the delivery of steel onto the site, it wasn't resolved quickly at all, was it? It took many weeks, if not months to resolve that issue; is that right?

30

MR WESTON: Correct.

35

MR GISONDA: Now, you say from paragraph 59 onwards on page 7 that in late March or early April, BMD started to engage independent or third-party security services; is that right?

40

MR WESTON: Correct.

MR GISONDA: And that took place - that decision took place without your involvement?

45

MR WESTON: Yes, that's correct.

5 **MR GISONDA:** But you say at paragraph 61 that once they were engaged, they were - that is, in particular, Mr Lovewell, whose body-worn camera footage we've seen some of, and his partner, Mr Benson, as well as some of the security personnel, they would be with you when you had to deal with or address union officials trying to come on site on safety grounds; is that right?

MR WESTON: Correct.

10 **MR GISONDA:** And you say you were relieved that you finally had that support?

MR WESTON: Yeah, I definitely was relieved to have that support.

15 **MR GISONDA:** And you say in particular that you were relieved because you would no longer be outnumbered and you had other people to support you in response to any threatening behaviour. So before these people came - were hired to assist the project with the provision of security, how did you feel? How did you cope with union officials trying to come on site?

20 **MR WESTON:** I mean, the feeling probably stayed, whether I had security or not, around - it was just knowing that you weren't on your own, but the feeling of feeling intimidated at times stayed. It's just knowing that there is people with you. That's probably the best way to explain it.

25 **MR GISONDA:** So at all times, you say, you felt intimidated, but once you had security you felt less intimidated.

MR WESTON: Correct.

30 **MR GISONDA:** Or at least a bit more protected?

MR WESTON: Yes. Yes.

35 **COMMISSIONER:** You say you weren't involved in the decision to engage the security services, but it looks like, from the timing in your witness statement at paragraph 59 and 20, that it occurred when Mr Gareth Davie replaced Mr Leigh Hahn as the project director for the project.

40 **MR WESTON:** I'm not sure of the timing around that decision, and - yeah. It does - I think it would tie in, though, taking a closer look at it. It was probably the time when the interactions ramped up more and more, and -

COMMISSIONER: But they -

45 **MR WESTON:** As they increased on site.

COMMISSIONER: They'd been ramping up for a month, though. They started on 23 February with the intimidation of the AWU and then from a camp outside Gate 1 permanently from 29 February, which is a month earlier.

5 **MR WESTON:** Yeah, I'm not sure the logistics behind the process of -

COMMISSIONER: You don't know. That's fine.

MR WESTON: - having security on site.

10

MR GISONDA: Now, you give some evidence from page - at page 9 of your statement, from paragraph 72 onwards, about the incident on 23 April 2024, and we saw some videos capturing that incident yesterday, and you say at paragraph 75 that the union officials present that day included Mr Dean Mattas, Mr Turner-Davey, Mr
15 Matthew Vonnhoff, Mr Eben Cox and Mr Dylan Howard. Were you present on that day?

MR WESTON: Yes.

20 **MR GISONDA:** And you say at paragraph 76 that the officials presented permits and notices but refused to sign in. Is that your recollection of what happened?

MR WESTON: As I recall.

25 **MR GISONDA:** And by about 8 am, you say, at paragraph 77, three QPS representatives arrived and spoke with the joint venture and CFMEU officials. However, Queensland Police would not remove the officials from the site without written documentation from WHSQ that they were on site unlawfully. And your evidence is that you couldn't get WHSQ to reach that position, and so as a result,
30 Queensland Police were not willing to do anything about removing the officials from site?

MR WESTON: That's correct.

35 **MR GISONDA:** And as you say at paragraph 77, as a result, QPS left the site, which then left the joint venture to deal with the situation. Is that a fair summary?

MR WESTON: Yes.

40 **COMMISSIONER:** I thought you showed video of 23 April 2024, CBU-2 and CBU-3, and it only showed Mr Hayden Turner-Davey refusing to sign in and otherwise generally being uncooperative with Mr Lovewell. I didn't think that Mr Vonnhoff and Mr Cox were in those videos, though this witness says they were there that day. Is that right?

45

MR GISONDA: I thought that -

COMMISSIONER: I thought there was only one on 23 April. That was Mr Hayden Turner-Davey. Then seven turned up a week later or six days later on 29 April. But this witness has three people turning up on 23 April.

5 **MR GISONDA:** Yes. Well, Commissioner, as you'll see from - these events go for a number of hours.

COMMISSIONER: Yes.

10 **MR GISONDA:** And the videos that we have have been tendered in their entirety, but we haven't played the whole -

COMMISSIONER: I see. So we've just got the greatest hits?

15 **MR GISONDA:** Well, no, it's the abridged version. But they were there.

COMMISSIONER: Right.

20 **MR GISONDA:** Those officials were there. And then, consistently with the general practice of the joint venture, you on this occasion made a note of the events that took place that day, and that's at page 52 to 54 of your bundle. And did you understand that that was a requirement from the State or the Department of Transport and Main Roads that all union interactions needed to be documented?

25 **MR WESTON:** That was a process - I was working to our company procedure.

MR GISONDA: You'd just been told that that's what you needed to do?

MR WESTON: Correct.

30

MR GISONDA: Can I then turn to 29 April, and we saw some videos of that day as well.

35 **COMMISSIONER:** Just interesting on paragraph 78, Mr Gisonda, just going back to 23 April, that Mr Azcune, the WHSQ inspector, was the one that was sent, and a number of WHSQ inspectors identified him as someone who would unthinkingly or willingly, or at least would always carry out the wishes of Ms Burgess.

40 **MR GISONDA:** Yes, that's him. Then turning to 29 April -

COMMISSIONER: And he came out and told the union officials they didn't have to sign in.

45 **MR GISONDA:** Yes. On 29 April, which is about a week later, we then saw video of that incident as well, and there were seven union officials, at least in the videos that we saw, but you say in your evidence that eight ended up being there, and this is

at paragraph 84 of your statement at page 10, and they included Mr Sinclair, Mr Hoani Edwards, Mr Porter, Mr Cox, Mr Turner-Davey, Mr Howard and Mr Vonhoff.

COMMISSIONER: Well, he says eight, but there's only seven.

MR GISONDA: There are only seven there, yes. So the seven officials, and we saw that on the video. And we saw on the video an attempt to stop them progressing onto the site until they had signed in, and the security personnel physically tried to stop them doing that. Do you remember that incident happening?

MR WESTON: Yes.

MR GISONDA: Can I then show you some further footage of that day, and can I start by playing, please, CBU-14, please.

(Video played).

MR GISONDA: Could I just ask you, Mr Weston, whereabouts on the project site was that discussion taking place, do you know?

MR WESTON: On the active transport path, adjacent to Abutment A, or slightly south of Abutment A.

MR GISONDA: And that was - so at some point in that morning, Mr Jade Ingham, the assistant secretary, turned up to the site; is that right?

MR WESTON: Correct.

MR GISONDA: And we heard him tell the policeman that, "We have dozens of men, possibly a hundred - possibly hundreds, coming to the site." Did you hear or were you told that the CFMEU was planning to send hundreds of people onto the site?

MR WESTON: The expression I heard him use was "Winter is coming", a reference to Game of Thrones.

MR GISONDA: You heard him say that, did you, at some point?

MR WESTON: Yes. And I took that as to - that there was a lot of interaction on the way, or a lot of members heading our way.

MR GISONDA: And he said something like it would heat up or escalate real quick, and he was, however, happy to de-escalate if the union officials were allowed on site. Did you understand that to be their - his position at that point?

MR WESTON: Correct.

MR GISONDA: And you might've heard also, Commissioner, that towards the end of that interaction, he then said - this is Mr Ingham - said that he would want to sit down with more senior people in the police so that their time wasn't wasted. Can I tender that video, please.

5

COMMISSIONER: Any objection? What is Abutment A? It's not on the map. Or if it is, I've missed it.

MR GISONDA: Did you say where or what?

10

COMMISSIONER: What is it? Where or what? I'm just describing where this occurred, and the witness -

MR WESTON: So -

15

COMMISSIONER: Sorry.

MR WESTON: I'm just looking on our BMP. So it's the southern side of the bridge. It's like the very start of the bridge construction. So you've got Abutment A and it leads north from there across the river. So if you look at - within this diagram on the screen - can you enhance it a little, possibly? I can't pick it out from that.

20

COMMISSIONER: Is it enough to say that the conversation occurred on the - what do you call it? The active transport path?

25

MR WESTON: Yeah, active transport path. That's correct.

COMMISSIONER: Police body-worn camera footage of interaction between the police and Jade Ingham around 8 am, 29 April 2024, Centenary Bridge construction site on the active transport path, exhibit CBU-14.

30

<EXHIBIT CBU-14 POLICE BODY-WORN CAMERA FOOTAGE OF INTERACTION BETWEEN POLICE AND JADE INGHAM AROUND 8 AM, 29/4/2024, CENTENARY BRIDGE CONSTRUCTION SITE ON ACTIVE TRANSPORT PATH

35

MR GISONDA: Can I then play CBU-15.

(Video played).

40

MR GISONDA: And then can I play CBU-16, please. This is now policeman body-worn footage, so the first 20 seconds or so will be without audio.

(Video played).

45

MR GISONDA: Then can I play CBU-17, please.

(Video played).

5 **MR GISONDA:** So I tender those three videos. The three union officials there, or the three union members there, who were not prepared to leave the site when asked and who were not in a position to produce any permits or notices, were Beau Seiffert, Andrew Blakeley and Hayden Jones. And you would've heard the conversation with Mr Ingham. He again said that it was going to get big real quick, with hundreds on the way. And just for your information, Commissioner, the union's position at that point was that they were happy to be escorted on the site at all times, but they weren't
10 prepared to sign in. And so that was being presented to the joint venture by the police as the compromise position, that is, would they allow these permit holders to come onto the site and be escorted at all times but not sign in. And so that's the - that's what they're waiting for, to get an answer from the joint venture.

15 **COMMISSIONER:** I thought Hayden Jones was the delegate that was referred to - perhaps the organiser; can't remember if it was delegate or organiser - at the Cairns hearings. Have I got the wrong person?

20 **MR GISONDA:** He was the Lendlease delegate on the Cairns Convention Centre.

COMMISSIONER: But he's here now in Brisbane as an organiser. He got a promotion, did he?

25 **MR GISONDA:** He was a delegate up in Cairns, and then when he moved down to Brisbane he was made an organiser.

COMMISSIONER: I think he was given an award of delegate of the year or something like that in the -

30 **MR GISONDA:** In 2020. 2024, sorry. 2024.

COMMISSIONER: Who was in the first video, the one at 8 am, where you had one chap -

35 **MR GISONDA:** That was Beau Seiffert.

COMMISSIONER: That was Beau Seiffert. And in the third one, that was Mr Jones and Mr Blakeley, was it?

40 **MR GISONDA:** Yes, together with Mr Seiffert.

COMMISSIONER: All three of them.

45 **MR GISONDA:** They were the three.

COMMISSIONER: There were two organisers in the first one, the first video, or at least two. One had an organiser tag, and it's Mr Seiffert. There was another person there in the first video.

5 **MR GISONDA:** That was Mr Jones.

COMMISSIONER: That was Mr Jones.

10 **MR GISONDA:** And then I think either Mr Blakeley's out of shot at that point or he then joins them. So when you see the three in the third video, that's who the three are.

COMMISSIONER: Okay. Is there any objection? Police body-worn camera footage of conversation between police and Hayden Jones and Beau Seiffert, 29 April 2024, approximately 8 am, at exclusion zone on Centenary Bridge construction site, exhibit CBU-15.

20 **<EXHIBIT CBU-15 POLICE BODY-WORN CAMERA FOOTAGE OF CONVERSATION BETWEEN POLICE AND HAYDEN JONES AND BEAU SEIFFERT, 29/4/2024, APPROXIMATELY 8 AM, AT EXCLUSION ZONE ON CENTENARY BRIDGE CONSTRUCTION SITE**

COMMISSIONER: Police body-worn camera footage of interaction between police and Mr Jade Ingham, 29 April 2024, approximately 8.30 am, on active transport path at Centenary Bridge construction site, CBU-16.

30 **<EXHIBIT CBU-16 POLICE BODY-WORN CAMERA FOOTAGE OF INTERACTION BETWEEN POLICE AND MR JADE INGHAM, 29/4/2024, APPROXIMATELY 8.30 AM, ON ACTIVE TRANSPORT PATH AT CENTENARY BRIDGE CONSTRUCTION SITE**

COMMISSIONER: And police body-worn camera footage of interaction between police and Beau Seiffert, Hayden Jones, Andrew Blakeley, 29 April 2024, approximately 8.30 am at exclusion zone at Centenary Bridge construction site, CBU-17.

40 **<EXHIBIT CBU-17 POLICE BODY-WORN CAMERA FOOTAGE OF INTERACTION BETWEEN POLICE AND BEAU SEIFFERT, HAYDEN JONES, ANDREW BLAKELEY, 29/4/2024, APPROXIMATELY 8.30 AM AT EXCLUSION ZONE AT CENTENARY BRIDGE CONSTRUCTION SITE**

MR GISONDA: Thank you. I have two further short videos from that day to play. So if I can now play CBU-18. The audio should start in a moment.

45 (Video played).

5 **MR GISONDA:** So that's the decision. Rather than agree to the union's conditions, the decision was made by the joint venture to shut down the site, and Mr Ingham there says that he'll remove his people once he sees workers leave the site because of the site being shut down. And then if I could play CBU-19, please. Again, the audio will start shortly.

(Video played).

10 **MR GISONDA:** So can I tender those two videos, and those are the last two videos for 29 April.

COMMISSIONER: Who was the conversation with in the first one? Was that with Mr Ingham?

15 **MR GISONDA:** That was Mr Ingham just then.

COMMISSIONER: The first one?

20 **MR GISONDA:** Yes.

COMMISSIONER: 18. Both of them were?

MR GISONDA: Yes.

25 **COMMISSIONER:** Is there any objection? Police body-worn camera footage of interaction between the police and Mr Jade Ingham, 29 April 2024, at approximately 8.45 am, on the active transport path at Centenary Bridge construction site, will be CBU-18.

30 **<EXHIBIT CBU-18 POLICE BODY-WORN CAMERA FOOTAGE OF INTERACTION BETWEEN POLICE AND MR JADE INGHAM, 29/4/2024, AT APPROXIMATELY 8.45 AM, ON ACTIVE TRANSPORT PATH AT CENTENARY BRIDGE CONSTRUCTION SITE**

35 **COMMISSIONER:** Police body-worn camera footage of interaction between police and Mr Jade Ingham, 29 April 2024, at approximately 9.15 am, on active transport path at Centenary Bridge construction site, CBU-19.

40 **<EXHIBIT CBU-19 POLICE BODY-WORN CAMERA FOOTAGE OF INTERACTION BETWEEN POLICE AND MR JADE INGHAM, 29/4/2024, AT APPROXIMATELY 9.15 AM, ON ACTIVE TRANSPORT PATH AT CENTENARY BRIDGE CONSTRUCTION SITE**

45 **MR GISONDA:** You would have seen, Commissioner, that on three or four separate occasions, Mr Ingham went out of his way to make the point to the police that things had the potential to get heavy or escalate very quickly and that he could have hundreds, and in that very last clip, 300 men down at the site quickly if things didn't

de-escalate. And the way that they were able to de-escalate on that particular occasion was after a decision was made by the joint venture to shut down the entire site. The final incident for today that we're going to show footage of took place on 14 May. And I'll show you that footage after lunch, but if you go to bundle 5 for the moment, at page 167, do you remember that text message yesterday?

COMMISSIONER: Yes.

MR GISONDA:

"All construction delos, urgent, please support organisers ASAP at the BMD Centenary Bridge jobsite, Jindalee. Nearest landmark is Jindalee Bowls Club. Thanks Jade."

We'll see after lunch what happened on 14 May.

COMMISSIONER: This is why it's so difficult for the police, because what they have to do in that situation is say to the mob, "Okay, well, you want to bring dozens or hundreds," or another 300, as Mr Ingham said, they have to say, "We'll meet our 300 with our 400," and that requires some planning and some resources. Because otherwise, you just give in to mob rule, and it's very difficult.

MR GISONDA: And you'll see a very good example of that after lunch.

COMMISSIONER: Very well. Anything before we adjourn? Adjourn till 2 pm.

<THE HEARING ADJOURNED AT 1.03 PM

<THE HEARING RESUMED AT 2.00 PM

COMMISSIONER: Mr Gisonda.

MR GISONDA: Thank you, Commissioner. Mr Weston, if we can now turn to page 11 of your statement, please, and focus on paragraph 98. You say there that on 14 May - this is about a fortnight after the events we saw in the videos just before lunch - that at some point in that morning, Mr Turner-Davey and Mr Porter entered the active transport path via Sinnamon Road and walked up to the entrance to the site offices, and they - both gentlemen provided permits and their right-of-entry notices but refused to complete the visitor induction and sign in and were therefore not authorised to enter site. Did you witness that incident, them trying to - them refusing to complete the visitor induction?

MR WESTON: That's correct.

MR GISONDA: And that's similar to what had happened both on 29 April and 23 April, which we've already looked at; is that correct?

MR WESTON: Correct.

5 **MR GISONDA:** And then you say at paragraph 100 - sorry, before we get to 100, 99, that Mr Turner-Davey and Mr Porter then walked down the active transport path to the gate entrance which leads down to Abutment A, and is that more or less the location where we saw the interaction with Mr Ingham and others just before lunch?

MR WESTON: That's correct.

10 **MR GISONDA:** So they walked down to that location and positioned themselves on the path in an attempt to stop the concrete trucks accessing the concrete pour.

MR WESTON: That's correct.

15 **MR GISONDA:** Then you say around 11.30, a crowd started to congregate in the gym car park adjacent to the site, and 15 minutes later the first concrete truck arrived on site, and Mr Turner-Davey and Mr Porter were directed to move away from the exclusion zone and they refused, and this led to security services forming a human shield and forcing them out of the exclusion zone so as to allow the concrete truck to
20 enter the site. Is that what you observed?

MR WESTON: That's correct.

25 **MR GISONDA:** And then at around 1.30, a crowd of people wearing CFMEU paraphernalia formed a blockade at Gate 1, and Gate 1, the blockade there, is the same location where we saw earlier this morning the potential - the purported delivery of steel was blocked by the union; is that right?

MR WESTON: That's correct.

30 **MR GISONDA:** And over the page, at paragraph 102, the Queensland Police were then contacted, and thereafter, police officers arrived. And Commissioner, I might now tender the replacement page of the document that should be inserted at page 73 of Mr Weston's bundle of documents, which I understand all parties have now been
35 provided a copy of.

COMMISSIONER: I don't appear - yes, I do have it. Yes. So the whole of that annexure, which is annexure 19. That's what I've been given.

40 **MR GISONDA:** Okay.

COMMISSIONER: Which is the email and a double-sided attachment.

45 **MR GISONDA:** Yes. So that can just be, if acceptable, an exhibit, BJW-2, and it can be marked as a replacement annexure.

COMMISSIONER: BW-19 to BJW-1.

MR GISONDA: Yes.

5 **COMMISSIONER:** Is there any objection to that? Email and attachment from Ben Weston sent Thursday 16 May 2024, 1.13 pm, subject Centenary Bridge upgrade, and attachment will be BJW-2 and will replace annexure BW-19 in exhibit BJW-1.

10 <EXHIBIT BJW-2 EMAIL AND ATTACHMENT FROM BEN WESTON SENT THURSDAY 16/5/2024, 1.13 PM, SUBJECT CENTENARY BRIDGE UPGRADE, AND ATTACHMENT (REPLACES ANNEXURE BW-19 IN EXHIBIT BJW-1)

15 **MR GISONDA:** Thank you. And I wonder whether - have we got that available electronically? If we can look at that first page of the notes. So the next page, and then the next page. Yes. So just looking at that document, this is the report that you wrote of the incident on 14 May 2024, commencing at about 10.30 and concluding at about 4.15; is that right?

20 **MR WESTON:** That's correct.

MR GISONDA: And in the bottom half of this page, you have what you describe as a briefing of events, and it begins with Mr Porter and Mr Turner arriving at site, refusing to sign in. They then walk down the active transport path to block a concrete pour from taking place. And at 11.45, the first concrete truck arrived, and those two
25 men were told to leave the exclusion zone, and when they weren't, the LCs - and what does LC stand for?

MR WESTON: I was referring to logistics coordinators.

30 **MR GISONDA:** That's the joint venture's security?

MR WESTON: That's correct.

MR GISONDA: The security then formed a human shield and forced those two men
35 out of the exclusion zone so as to allow the concrete trucks to enter the work zone, and then an additional five to seven security guards arrived - no, sorry, an additional five to seven union organisers arrived and attempted to block trucks, and the security personnel then continued to remove them from the exclusion zone. And then you say that at approximately 1.30, 30 to 40 union delegates arrived at Gate 1. And do you
40 see there after union delegates you've got in brackets Youth Group? Are you able to see that, in that sentence that begins "At approximately 13.30 hours"?

MR WESTON: Yes, I do.

45 **MR GISONDA:** 30 to 40 union delegates (Youth Group). Do you remember why you referred to them as Youth Group?

MR WESTON: It was the terminology used to describe a section of the CFMEU. So they weren't - to my knowledge, they weren't - they were either delegates or soon-to-be delegates, I'm not quite sure, but a younger section of the branch.

5 **MR GISONDA:** And so that's a description of the youth group, that is, younger delegates or future delegates, if you can call it that, but how did you know or why did you think that the delegates who were there on that day were members of that youth group?

10 **MR WESTON:** Through either watching news reports or word of mouth. That was how I came to that opinion.

MR GISONDA: Right. But you're not sure one way or the other whether they actually were technically or formally members of the youth group or not?

15 **MR WESTON:** I - no, no. I would look - we could see the CFMEU paraphernalia on them.

MR GISONDA: Yes.

20 **MR WESTON:** And, to my recollection, some were wearing balaclavas, which I had been told on a separate job was the MO that they would also wear balaclavas to hide their identity.

25 **MR GISONDA:** That is, the MO of the youth group or the Youth Crew?

MR WESTON: In my opinion - that's what I was aware of.

COMMISSIONER: What was the other job you were told about that was -

30 **MR WESTON:** It was referred to earlier, Mr Commissioner. It was an inner-city job. I don't recall the name of it.

COMMISSIONER: The one that Mr Gisonda read out earlier?

35 **MR WESTON:** Earlier today, that's correct.

COMMISSIONER: The Pradella job at West End?

40 **MR WESTON:** Yes, yes, that - that's familiar.

MR GISONDA: I'd now like to play a video from 14 May. And if we could begin, please, with CBU-20, please.

45 (Video played).

MR GISONDA: Mr Weston, was that the first incident that was reported in the note, which was that in order to allow the truck to enter the site, Mr Turner-Davey and Mr Porter had to be physically restrained?

5 **MR WESTON:** That's correct.

MR GISONDA: I tender that video, Commissioner.

10 **COMMISSIONER:** No objection? Is that police footage?

MR GISONDA: No, that's Mr Lovewell's. Police haven't been called yet.

COMMISSIONER: Yes, of course. What's Mr Lovewell's first name? Steven?

15 **MR GISONDA:** Steven.

20 **COMMISSIONER:** Body-worn camera footage of Steven Lovewell, 14 May 2024, approximately 11.50 am, showing security guards restraining Mr Jamie Porter and Mr Hayden Turner-Davey to allow concrete mixer to deliver to Centenary Bridge construction site, CBU-20.

25 **<EXHIBIT CBU-20 BODY-WORN CAMERA FOOTAGE OF STEVEN LOVEWELL, 14/5/2024, APPROXIMATELY 11.50 AM, SHOWING SECURITY GUARDS RESTRAINING MR JAMIE PORTER AND MR HAYDEN TURNER-DAVEY TO ALLOW CONCRETE MIXER TO DELIVER TO CENTENARY BRIDGE CONSTRUCTION SITE**

MR GISONDA: Can I now play CBU-21, please.

30 (Video played).

MR GISONDA: So that was the second of the two trucks that were let through once the security guards had physically prevented or restrained those two delegates from interfering?

35 **MR WESTON:** That's correct.

MR GISONDA: I tender that video, Commissioner.

40 **COMMISSIONER:** I didn't see Mr Porter being restrained, but maybe he was, was he, on that video?

MR GISONDA: I could only see Mr Turner-Davey.

45 **COMMISSIONER:** What time was that? Didn't have a timestamp on it.

MR GISONDA: No, it didn't.

COMMISSIONER: Approximately midday?

MR GISONDA: Yes.

5

COMMISSIONER: And Mr Lovewell's body-worn camera footage?

MR GISONDA: Sorry?

10

COMMISSIONER: Approximately midday, and Mr Lovewell's footage.

MR GISONDA: Yes.

15

COMMISSIONER: Any objection? Body-worn camera footage of Steven Lovewell, 14 May 2024, approximately midday, showing Mr Hayden Turner-Davey being restrained by security guards to allow delivery of concrete by concrete truck to the Centenary Bridge construction site, CBU-21.

20

<EXHIBIT CBU-21 BODY-WORN CAMERA FOOTAGE OF STEVEN LOVEWELL, 14/5/2024, APPROXIMATELY MIDDAY, SHOWING MR HAYDEN TURNER-DAVEY BEING RESTRAINED BY SECURITY GUARDS TO ALLOW DELIVERY OF CONCRETE BY CONCRETE TRUCK TO CENTENARY BRIDGE CONSTRUCTION SITE

25

MR GISONDA: Can I then play CBU-22, please.

(Video played).

30

COMMISSIONER: This is not the right date, is it?

MR GISONDA: No, it's not. Maybe we'll go to CBU-23.

COMMISSIONER: I think you might've just had 22 up there.

35

MR GISONDA: Sorry?

COMMISSIONER: Is that 22 there?

40

MR GISONDA: That's the 14th of -

COMMISSIONER: That's 2 o'clock, and you're about to go to 2.15.

MR GISONDA: I'll try CBU - let's try again. CBU-22.

45

(Video played).

MR GISONDA: Mr Weston, you had in this note that at approximately 1.30, 30 to 40 union delegates arrived at Gate 1. Is that the 30 to 40 union delegates that you're referring to at Gate 1? Is that them in the video?

5 **MR WESTON:** Yes, that's correct.

MR GISONDA: And that is the text message went out to all delegates at 1.13 pm, so within about 15 minutes or maybe a bit more, that's when those 30 to 40 delegates arrived, and you say that they formed a blockade to stop the remaining eight concrete trucks from entering site, and that was an example of one concrete truck that couldn't get into the site.

MR WESTON: That's correct.

15 **MR GISONDA:** I tender that video, Commissioner.

COMMISSIONER: Any objection? Whose footage was that? Mr Lovewell's?

MR GISONDA: Yes.

20 **COMMISSIONER:** Body-worn camera footage of Steven Lovewell, 14 May 2024, approximately 2 pm, showing 30 to 40 union delegates blockading Gate 1 to stop concrete truck from making delivery to Centenary Bridge construction site will be exhibit CBU-22.

25 **<EXHIBIT CBU-22 BODY-WORN CAMERA FOOTAGE OF STEVEN LOVEWELL, 14/5/2024, APPROXIMATELY 2 PM, SHOWING 30 TO 40 CFMEU-AFFILIATED PROTESTORS BLOCKADING GATE 1 TO STOP CONCRETE TRUCK FROM MAKING DELIVERY TO CENTENARY BRIDGE CONSTRUCTION SITE**

30 **MR GISONDA:** Can I now play CBU-23.

(Video played).

35 **MR GISONDA:** Mr Weston, that was the Boral concrete truck that we saw in the earlier video being allowed to leave the project site; is that right?

MR WESTON: Correct.

40 **MR GISONDA:** And that was Mr Lovewell saying that he saw Mr Vonthoff direct the crowd to allow that truck to leave the site. Commissioner, I tender that video.

45 **COMMISSIONER:** Body-worn - I assume no objection? Body-worn camera footage of Steven Lovewell, 14 May 2024, approximately 2.15, at Gate 1, showing Matthew Vonthoff directing 30 to 40 union delegates to allow exit of concrete truck from Centenary Bridge construction site will be exhibit CBU-23.

<EXHIBIT CBU-23 BODY-WORN CAMERA FOOTAGE OF STEVEN LOVEWELL, 14 MAY 2024, APPROXIMATELY 2.15, AT GATE 1, IN WHICH MR LOVEWELL ASSERTS OR ALLEGES MATTHEW VONHOFF IS DIRECTING 30 TO 40 CFMEU-AFFILIATED PROTESTORS TO ALLOW EXIT OF CONCRETE TRUCK FROM CENTENARY BRIDGE CONSTRUCTION SITE

MR GISONDA: I now play CBU-24, please.

COMMISSIONER: Just before you go to that, I've called them in this exhibit union delegates, but really, the only proof of that is this witness and the email of Mr Ingham at 1.15 pm saying:

"All construction delos, urgent, turn up at the Centenary Bridge jobsite."

MR GISONDA: Yes. It might be safer to refer to them as "members" or "protesters".

COMMISSIONER: Perhaps you could change the annotation for CBU-22 and 23 to 30 to 40 CFMEU-affiliated protesters.

MR O'GRADY: In the description of the last exhibit, I think you described it as showing Mr Vonhoff directing people.

COMMISSIONER: Yes. What do you think I should say?

MR O'GRADY: I don't think the video actually showed him doing that.

COMMISSIONER: How do you think I should describe it?

MR O'GRADY: In which Mr Lovewell asserts or alleges that Mr Vonhoff was directing.

COMMISSIONER: Okay. Well, I'll make that change to exhibit -

MR O'GRADY: The video, of course, will speak for itself, but -

COMMISSIONER: Of course. I'll make that change to CBU-23.

MR GISONDA: Thank you, Commissioner. If I could now play CBU-24.

(Video played).

MR GISONDA: Okay. So just to make sure you followed that, Commissioner, the police have now been called in accordance - consistently with Mr Weston's note that at some point around 2 o'clock, police were called, and what the policeman's

explaining is that the process from - the proposed next step was to get the truck to try and enter the site, just to sit there and bank up traffic, which would then empower them to issue a move-on direction. So I tender that video.

5 **COMMISSIONER:** Is there any objection? Whose is it? That was Mr Lovewell's?

MR GISONDA: Yes.

10 **COMMISSIONER:** Body-worn camera footage of Steven Lovewell, 14 May 2024, approximately 2.15 pm, involving interactions with police officer at Gate 1, Centenary Bridge construction site, CBU-24.

15 **<EXHIBIT CBU-24 BODY-WORN CAMERA FOOTAGE OF STEVEN LOVEWELL, 14/5/2024, APPROXIMATELY 2.15 PM, INVOLVING INTERACTIONS WITH POLICE OFFICER AT GATE 1, CENTENARY BRIDGE CONSTRUCTION SITE**

20 **MR GISONDA:** Can I now play CBU-25, and this comes in three parts, and if I could play all three parts, please.
(Video played).

25 **MR GISONDA:** Commissioner, just a couple of things to come out of that video. At the beginning, the policeman asked Mr Vonhoff whether they would comply with the move-on direction, and he said that they wouldn't.

COMMISSIONER: He said, "It won't be happening."

30 **MR GISONDA:** Won't be happening. The police then revealed to the joint venture that they can't take on 50 guys, and at another point, he said, "Well, there's four of us only and about 50 of them."

35 **COMMISSIONER:** I think he said "more of them". Maybe he said 50 more of them, 50 or more.

40 **MR GISONDA:** Of them. Then perhaps Mr Weston can assist us, but someone from the joint venture said that in truth, the concrete pour wasn't critical that day, but the following day had the potential to cost tens of millions of dollars. I'm not sure if you heard that passage, Mr Weston, but do you know who it was that said that?

MR WESTON: That was our project director at the time, Mr Gareth Davie.

45 **MR GISONDA:** So that was Mr Davie. And then just at the end, the reference to Cross River Rail, this is 14 May, so this is 13 days after the brawl at Dutton Park, which attracted significant media coverage. So I tender that video, Commissioner.

COMMISSIONER: Is that police footage?

MR GISONDA: Yes.

5 **COMMISSIONER:** Police body-worn camera footage showing various interactions between police and representatives of the CFMEU and representatives of BMD Georgiou Joint Venture from approximately 2 pm to 2.30 pm, 14 May 2024 at Gate 1, Centenary Bridge construction site, CBU-25.

10 <**EXHIBIT CBU-25 POLICE BODY-WORN CAMERA FOOTAGE SHOWING VARIOUS INTERACTIONS BETWEEN POLICE AND REPRESENTATIVES OF CFMEU AND REPRESENTATIVES OF BMD GEORGIOU JOINT VENTURE FROM APPROXIMATELY 2 PM TO 2.30 PM, 14/5/2024 AT GATE 1, CENTENARY BRIDGE CONSTRUCTION SITE**

15 **MR GISONDA:** If I can now play CBU-26, please.

(Video played).

20 **MR GISONDA:** So, Mr Weston, is this right: that they said there that they had about 30 minutes left, and if they didn't get the concrete in by then, they would lose something in the order of \$250,000 because they wouldn't be able to level out the work that had been done already?

25 **MR WESTON:** Correct.

MR GISONDA: I tender that -

MR WESTON: I'm not sure of the financial cost -

30 **MR GISONDA:** Sure.

MR WESTON: - but I know it was definitely a big issue if we lost that pour.

35 **COMMISSIONER:** And is the reference to "they have to chip it out" meaning concrete has already been poured and it's in the process of setting, and unless they get at least two more trucks in, they have to, quote, "chip it out", that is, the concrete that's already been poured?

40 **MR WESTON:** Yes, that's correct.

COMMISSIONER: And why is that?

45 **MR WESTON:** Oh, you can't have - the joints - the pour has to be continuous for the structural integrity of it. If you only had half and then came back and poured additional at a later date, you don't get a seal as such. That may be the wrong terminology, but it's around the structural integrity.

COMMISSIONER: That was the reference to "levelling it up"?

MR WESTON: I believe so.

5 **COMMISSIONER:** How come they only needed two more truckloads but they had another 10 due that day?

MR WESTON: I'm not sure. I don't recall.

10 **MR GISONDA:** I tender that video, Commissioner.

COMMISSIONER: There's no objection? Police body-worn camera footage -

MR GISONDA: I think that's Mr Lovewell.

15 **COMMISSIONER:** Was it?

MR GISONDA: That footage, yes.

20 **COMMISSIONER:** I'm sorry. Body-worn camera footage of Mr Steven Lovewell, 14 May 2024, approximately 2.30 pm, showing interactions with members of police at Gate 1, Centenary Bridge construction site, CBU-26.

25 **<EXHIBIT CBU-26 BODY-WORN CAMERA FOOTAGE OF MR STEVEN LOVEWELL, 14/5/2024, APPROXIMATELY 2.30 PM, SHOWING INTERACTIONS WITH MEMBERS OF POLICE AT GATE 1, CENTENARY BRIDGE CONSTRUCTION SITE**

30 **MR GISONDA:** I now play CBU-27, please.
(Video played).

MR GISONDA: I tender that video, Commissioner.

35 **COMMISSIONER:** Whose footage was that?

MR GISONDA: That's police body-worn footage.

40 **COMMISSIONER:** Police body-worn camera footage of persons associated with the CFMEU blockading Gate 1 of the Centenary Bridge construction site to prevent concrete truck entering, approximately 3 pm - have I given the date already?

MR GISONDA: 14 - I don't think you did, actually.

45 **COMMISSIONER:** 14 May 2024, CBU-27.

<EXHIBIT CBU-27 POLICE BODY-WORN CAMERA FOOTAGE OF PERSONS ASSOCIATED WITH CFMEU BLOCKADING GATE 1 OF THE CENTENARY BRIDGE CONSTRUCTION SITE TO PREVENT CONCRETE TRUCK ENTERING, APPROXIMATELY 3 PM, 14/5/2024

5

MR GISONDA: So you will have seen then, Commissioner, that the police, having given a move-on direction, it not being complied with, they then - it appears that that man who had the body-worn footage was the most senior officer there, and he made a decision to let the trucks - to move the trucks on and then effectively gave up the exercise. He said that he wouldn't be taking any names and wouldn't be doing anything. And if we can play CBU-28, please.

10

(Video played).

15

MR GISONDA: Just pause there for the moment. You'll see the man there on the left-hand side smoking a cigarette, that's Mr Trent Broadhurst, who was a delegate on the Rosenlund site, and according to the evidence of Mr Ryan Rosenlund, Mr Broadhurst was not on leave or had not otherwise taken the day off on 14 May. So we can infer that, at this point in time, he was being paid to be there by the Rosenlunds. If we can continue the footage.

20

(Video played).

25

MR GISONDA: I tender that video, Commissioner. That's the same incident that we saw at CBU-27, but from the rear angle.

COMMISSIONER: And whose footage is that?

30

MR GISONDA: Well, it's - that's body-worn footage of Mr Lovewell, but I think more - yes.

35

COMMISSIONER: Body-worn camera footage of - there's no objection? Body-worn camera footage of Steven Lovewell, 14 May 2024, approximately 3 pm, showing persons associated with the CFMEU preventing access of two concrete trucks to Gate 1, Centenary Bridge construction site, is CBU-28.

40

<EXHIBIT CBU-28 BODY-WORN CAMERA FOOTAGE OF STEVEN LOVEWELL, 14/5/2024, APPROXIMATELY 3 PM, SHOWING PERSONS ASSOCIATED WITH THE CFMEU PREVENTING ACCESS OF TWO CONCRETE TRUCKS TO GATE 1, CENTENARY BRIDGE CONSTRUCTION SITE

MR GISONDA: I now play CBU-29, and I'll play both parts of that, please.

45

COMMISSIONER: Sorry, what did you say then?

MR GISONDA: I'm playing now CBU-29. It comes in two parts.

(Video played).

5 **MR GISONDA:** I tender that video, which was body-worn camera footage of Queensland Police.

COMMISSIONER: Who was that second union official that the police officer was speaking to?

10 **MR GISONDA:** Just then at the end?

COMMISSIONER: Yes. It was Jade Ingham and then -

15 **MR GISONDA:** Dylan Howard.

COMMISSIONER: And a little conversation with Hayden Turner-Davey; is that right?

20 **MR GISONDA:** Yes. He was there as well. I didn't see whether they spoke, but -

COMMISSIONER: Police body-worn camera footage, 14 May 2026, approximately 3.20 pm, showing police interactions with Jade Ingham, Dylan Howard and Hayden Turner-Davey at Centenary Bridge construction site, CBU-29.

25 **<EXHIBIT CBU-29 POLICE BODY-WORN CAMERA FOOTAGE, 14/5/2026, APPROXIMATELY 3.20 PM, SHOWING POLICE INTERACTIONS WITH JADE INGHAM, DYLAN HOWARD AND HAYDEN TURNER-DAVEY AT CENTENARY BRIDGE CONSTRUCTION SITE**

30 **MR GISONDA:** And Mr Weston, that's your recollection, which was that the concrete pour did not end up going ahead that day on 14 May?

MR WESTON: That's correct.

35 **MR GISONDA:** And then the final video from 14 May, if I could play that, CBU-30, please.

(Video played).

40 **MR GISONDA:** So, Commissioner, that man in the middle of the screen for most of that footage was Bon Maui, who is one of the men who attacked the AWU vehicle. He's a delegate from Mirvac. And you would have seen there that towards the end, the police asked some of the protesters, "Is this all because this is not a CFMEU site?" And he quickly indicated to them that they were not to answer that question,
45 and they then said, "We're not answering any questions." But that is police body-worn camera footage, and I tender that video.

COMMISSIONER: There's no objection? And is this number 30?

MR GISONDA: 30, yes.

5 **COMMISSIONER:** Police body-worn camera footage, approximately 3.10 pm, 14 May 2024, showing police interactions and directions to persons associated with the CFMEU to allow access to concrete trucks at Gate 1, Centenary Bridge construction site, will be CBU-30.

10 <**EXHIBIT CBU-30 POLICE BODY-WORN CAMERA FOOTAGE, APPROXIMATELY 3.10 PM, 14/5/2024, SHOWING POLICE INTERACTIONS AND DIRECTIONS TO PERSONS ASSOCIATED WITH CFMEU TO ALLOW ACCESS TO CONCRETE TRUCKS AT GATE 1, CENTENARY BRIDGE CONSTRUCTION SITE**

15 **MR GISONDA:** Now, Mr Weston, can I just take you to page 13 of your statement, the bottom of page 12 and the top of page 13 if we're able to do that, paragraph 114. You say that for around 12 months from commencement, you primarily responded to right of entries by the CFMEU yourself until the engagement of the IR and security
20 services in April 2024. You then say that "the persistent interactions with the CFMEU had a negative impact on me", and it was, quote, "absolute hell". And you say the toughest - in your 14-year career, your time at the Centenary Bridge project has been the toughest of your life. Why do you say that that period of time was absolute hell, in your words?

25 **MR WESTON:** It affected my personal and private life in a - sorry, private and professional life. Professionally, it was a struggle having to come to work each day, knowing that there was a high probability that you'd be in a conflict situation for, you know, two to eight hours or longer. And then also, you know, after, you know, those
30 interactions, you know, you don't just leave it at work; you take it home with you. So, you know, it was affecting my sleep, personal relationships with family and friends. It was just a real struggle.

MR GISONDA: And you just wanted to go to work and do your job and manage
35 health and safety on site; is that correct?

MR WESTON: 100 per cent. And just to clarify on paragraph 114, so in the time period that I was involved in those engagements myself, that was when there was less. So the business supported me fully once we had that rise in interactions. I mean,
40 they supported me the whole way, but that's when we had our industrial relations personnel and security all come together.

COMMISSIONER: You mean you had the industrial relations personnel and security come together?
45

MR WESTON: As in, as a team. So bringing them to the project to - when I say "come together", that we had those resources on site.

MR GISONDA: And correct me if I'm wrong, Mr Weston, but the industrial relations support was primarily that of Mr Lovewell and his team, and then there was separate to that the security services; is that right?

5

MR WESTON: That's correct, yes.

MR GISONDA: I have no further questions, Commissioner.

10 **COMMISSIONER:** This might not be a question for you, Mr Weston, but I just don't quite understand how the police gave up on 14 May; after giving a direction for the blockaders to move on, then moved on the concrete trucks. This had been going for two and a half months. The QPS had been at site, just on your evidence, on three previous occasions. They'd been threatened by the union that they were going to
15 bring dozens, hundreds, maybe 300. They were told on that day that it won't be happening, and they just gave up.

MR WESTON: Yeah, I don't have a response for that. I'm not sure the reasoning behind their decision-making.

20

COMMISSIONER: What impact did that have on you, the -

MR WESTON: I guess it feels, I guess, a bit helpless in a way. If the police have an issue dealing with them, it shows, you know, how - how hard it is for, you know, a
25 project team to deal with them, or a business.

MR GISONDA: And you would have seen right there at the end Mr Howard saying to the police, "Look, we're just being straight with you," but he didn't say, for example, "Look, truth be told, John Setka, Joe Myles, Zach Smith, we've all come
30 together, we've passed a resolution. We're going to conduct a campaign against BMD. I'm involved in that myself. I'm involved in these monthly meetings. This is a BMD project." None of that is said. It's just always about the safety point. Unless - I don't think there's any applications to cross-examine Mr Weston, so -

35 **MR O'GRADY:** There is no application, but Mr Weston gave some evidence at the outset which wasn't covered off in his witness statement -

COMMISSIONER: Yes, what was that?

40 **MR O'GRADY:** - in that his witness statement concludes with the events of May 2024. He did make some comments about the behaviour of my client under administration, so I'd like to briefly pursue that, if I may.

COMMISSIONER: Sounds reasonable to me, Mr Gisonda. Yes. Very well.

45

<CROSS-EXAMINATION BY MR O'GRADY

5 **MR O'GRADY:** Yes. Mr Weston, my name's O'Grady. I'm here for the administrator of the CFMEU. Now, as I understand your evidence this afternoon, you've told the Commission that post the appointment of the administrator, the practice of refusing to sign in when attending for a work health and safety matter, that's changed, and my client's representatives are willing to sign in to the site?

10 **MR WESTON:** The process - so I couldn't recall the timeframe which Rapid Access, which is the application we use to sign in - I couldn't recall the time when that commenced on the project.

MR O'GRADY: I understand. I understand. You just don't know?

MR WESTON: I don't recall.

15 **MR O'GRADY:** I understand. You understand that the administrator was appointed in August of 2024?

MR WESTON: Yeah, I don't know the exact date, but that sounds familiar.

20 **MR O'GRADY:** I understand. And are you aware of the fact that there was a High Court challenge to the appointment of the administration?

MR WESTON: Yes, I am aware.

25 **MR O'GRADY:** And that that wasn't concluded until June of 2025?

MR WESTON: I am familiar of the challenge, not the time period off the top of my head.

30 **MR O'GRADY:** I understand. Now, in paragraph 63, you make reference to a Mr Rielly and a Mr Gibson. You're aware, aren't you, that they are no longer engaged with the Queensland branch of the CFMEU?

MR WESTON: I am aware.

35 **MR O'GRADY:** Yes. And indeed, Mr Gibson's no longer got any connection with the CFMEU?

MR WESTON: I am aware.

40 **MR O'GRADY:** Yes. And then in paragraph 38, you speak in respect of Mr Howard and Mr Mattas and Mr Porter, and all of those individuals no longer have any connection with the CFMEU, do they?

45 **MR WESTON:** I'm not sure on that fact.

MR O'GRADY: If you don't know, then that's fine.

MR WESTON: Yeah, I don't know.

5 **MR O'GRADY:** And in paragraph 75, you refer to a Mr Turner-Davey and Mr Cox, and both of those individuals no longer have any connection with the CFMEU, do they?

MR WESTON: I'm unaware of their connections.

10 **MR O'GRADY:** All right. And then in paragraph 88 you refer to Mr Thompson?

COMMISSIONER: I think he refers to two Mr Coxes. There's a Ben Cox and an Eben Cox. You might just want to make sure that you're differentiating between the two of them.

15 **MR O'GRADY:** I'm referring to Mr Eben Cox.

MR WESTON: I don't track any of them. It's not something I'm interested in knowing.

20 **MR O'GRADY:** I understand. In fairness to you, Mr Weston, I have to put these things to you, and if you don't know, you don't know.

MR WESTON: Yeah, that's fine.

25 **MR O'GRADY:** But you've referred to some individuals in your statement, so I just need to put it on the record.

MR WESTON: Yeah.

30 **MR O'GRADY:** You refer in paragraph 88 to Mr Thompson. He's no longer got any connection with the CFMEU?

MR WESTON: I'm unaware of that.

35 **MR O'GRADY:** Similarly Mr Sinclair?

MR WESTON: Also unaware.

40 **MR O'GRADY:** And you've also made reference to, and we've seen on footage, Mr Ingham, and you're aware that Mr Ingham no longer has any role within the CFMEU, does he?

MR WESTON: I believe I've seen news articles.

45 **MR O'GRADY:** Yes. And indeed he was removed from any role he had the CFMEU at the same time the administrator was appointed?

MR WESTON: I'm not aware of the timeframes of his removal.

5 **MR O'GRADY:** I understand. You'd accept that it's perfectly legitimate for the CFMEU to be concerned about safety on site?

MR WESTON: Yes.

10 **MR O'GRADY:** And you'd accept that sometimes, union officials might have a different view about a safety issue than management?

MR WESTON: I - I agree.

15 **MR O'GRADY:** And there's nothing wrong or illegitimate about that, is there?

MR WESTON: No, there isn't.

20 **MR O'GRADY:** Because sometimes people can have reasonable views about a particular issue that differ when you're dealing with safety?

MR WESTON: Correct.

MR O'GRADY: Yes. I have no further questions, Commissioner.

25 **COMMISSIONER:** Anything arising from that, Mr Gisonda?

MR GISONDA: No, Commissioner.

30 **COMMISSIONER:** Mr Weston, thank you very much for your evidence. You're excused.

MR WESTON: Thank you.

35 **<THE WITNESS WAS RELEASED**

COMMISSIONER: What do you want to do with this other witness? Hold him over or deal with him today?

40 **MR GISONDA:** Yes. No, Mr - we'll have to call Mr Ryan and Mr Demartini -

COMMISSIONER: Oh, we've got two to go?

45 **MR GISONDA:** Yes - next time. But we are sitting tomorrow, Commissioner, but that's the cross-examination of Mr Watson.

COMMISSIONER: You were going to tell me what happened in terms of the blow-out on cost on this project. I asked you a couple of days ago; you said you'll tell me at the end. Do I have to wait for another day?

5 **MR GISONDA:** Yes. We've got the next sitting week in August. We'll continue to - we've got those two witnesses and a couple of other witnesses on this project, and so that's when we'll address those matters.

10 **COMMISSIONER:** Very well. Mr Duffy raised an issue about the costs associated with BPIC, and I think there's been some correspondence; at least, I'm told there has been. Mr McLean made some submissions in the end of June, might have been the first week of July, where he recommended the reintroduction of a state code and a state equivalent of the ABCC. There were - and one of the bases upon which he
15 made those submissions were that one of the things out of many that the code could do was to make sure that the legacy parts of the BPIC policy which are currently found in some arrangements would be neutralised, at least insofar as the code had any operation, and I think there was an attempt to - sorry, I shouldn't say
"attempt" - I think the Plumbers Union, the ETU and the administrator wanted to challenge some of the material upon which those submissions were made. It may be
20 that Mr Duffy wants to also.

Where are we, do you know, in terms of - because submissions, I think, in response were due by 24 July, last week. That hasn't happened because the electricians union, the plumbers and the CFMEU want some underlying documents supporting the
25 Productivity Commission's calculations of the costs of BPIC. Do you know where we are in terms of - I might be able to ask Mr O'Grady this as well - where we are in terms of that process?

30 **MR GISONDA:** I'm happy for Mr O'Grady to go first, and I can add anything - if anything else needs to usefully be added, I can do that. But my understanding was that at least some of the documents that they wanted or some of the data that was sought the Commission didn't presently have, and so I think some efforts were being made for the Commission to try and get those documents. I'll let Mr O'Grady -

35 **MR O'GRADY:** Yes, there has been some correspondence, Commissioner. We understand that the ETU and the plumbers have been granted an extension until 14 August. We've made a request that we receive a similar extension. I don't think that has been formally granted at this point in time, but it would seem, with respect, to make sense. The last correspondence that I've seen from the Commission is to the
40 effect of, "Well, we'll endeavour to get the documents and the length of any -

COMMISSIONER: Sorry?

45 **MR O'GRADY:** We'll endeavour to get these documents from the Productivity Commission, going to the methodology, etcetera, and then we can talk meaningfully about whatever extension you need once we've got those documents. But for our part, we're assuming, perhaps optimistically, that the plumbers haven't been given an

extension until the 14th. It would make sense for us to have at least an extension until the 14th as well.

5 **COMMISSIONER:** And are you dealing with this, Mr Gisonda, or is Mr McLean dealing with this?

10 **MR GISONDA:** Yes, I think primarily Mr McLean, but I'm across those matters, and everything Mr O'Grady said is consistent with my understanding, save that I had thought that the CFMEU had also - the administrator of the CFMEU had been told that it should have a commensurate extension, together with the ETU and plumbers. But if that hasn't been communicated, I'm sure it can be done in short order.

15 **COMMISSIONER:** Obviously I want all the parties to have the opportunity to put their case and to have the materials that they need to enable them to put their case, and Mr Duffy made a submission today really in anticipation of that, on a related issue. But by the same token, the recommendation that the Commission might make needs to be made sooner rather than later. So - I shouldn't say I'm sure. It makes sense. What you're saying makes sense, Mr O'Grady, that you have the same time as the Plumbers Union and the Electricians Union, but we have to make sure that we're not wasting time on matters that might not be all that relevant in the overall
20 circumstance of whether or not this Commission makes a recommendation to that effect.

25 **MR O'GRADY:** Yes. Thank you, Commissioner.

COMMISSIONER: Is there anything else? Sorry, Mr de Jersey.

MR DE JERSEY: Just briefly.

30 **COMMISSIONER:** Sorry?

MR DE JERSEY: I appear for the Queensland Police Service.

35 **COMMISSIONER:** You do?

MR DE JERSEY: I do. And when we received Mr Ellis' statement last week, you will remember there were some observations about interactions with police officers in that, in particular from paragraph 93 onwards. You don't need to look it up now, Commissioner.

40 **COMMISSIONER:** I don't need to? No.

MR DE JERSEY: But it doesn't in there name the officers. So when we got that, we set about - well, I set about obtaining instructions regarding those interactions.

45 **COMMISSIONER:** Just remind me what they were.

MR DE JERSEY: It's about the Coomera Connector Central project, and essentially the proposition was that the officer concerned said that due to a lack of resourcing they couldn't do what they were asked to do by - I think it was Mr Ellis. Anyway, we obviously set about trying to find out who that officer was. That then involved
5 searches having to be conducted of QPRIME. We didn't have a name; we had a date. The reason for me identifying this is that the evidence today identified by name some of the officers. We are doing the same in relation to the footage that was seen today. So hopefully by the end of the inquiry, or hopefully much earlier, there will be statements from the relevant officers that actually address and engage with the issues
10 about which you heard evidence today so the Commission is assisted with the Queensland Police Service's version, so to speak.

COMMISSIONER: Well, that's obviously very helpful. It's hard to see how the resourcing issue could be justified on what we've heard today, but maybe it can.
15 You'd understand why there might be a resourcing issue when no notice of one of these issues takes place and you have to react quickly. But on what we've seen over the last couple of days, there was three and a half months' notice and plenty of time for the resources to be deployed. So - sorry, you go.

MR DE JERSEY: Yes, I understand that proposition, and that is something about which obviously direct instructions will be needed and will be taken. In other words, if there are, say, you know, four police officers and 30 union officials, it might be different from a scenario where there's some notice that there will be 30 union
25 officials present.

COMMISSIONER: Say that last bit again.

MR DE JERSEY: As opposed to a scenario where there is some notice that there might be 30 union officials present and therefore some notice and some ability to
30 muster the resources of the Queensland Police Service to respond.

COMMISSIONER: That is a point of distinction, but here you've got a \$300-million piece of public infrastructure where the police are on notice that there are attempts regularly to contravene the law for three and a half, two and a half
35 months, and that threats are being made that, "We're not going to comply, because we'll get dozens, hundreds, maybe 300 people," and nothing seems to have been done about that. 14 May was the first time you could understand that. And then there'd be a question of why there isn't a dedicated resource that's able to react quickly. That's a different issue, but here, it just seems like there's some failure of
40 will to enforce the law. But you have an opportunity to say what you need to say, that there were no resources available, whatever the rationale is.

MR DE JERSEY: It will obviously have to be done with statements and evidence in due course.
45

COMMISSIONER: Of course. Of course. And I understand that there are many conflicting - that the resources that the police have are not infinite but demands upon

5 their time are close to infinite and that there must be some respect given to the need to deploy those resources as the police command sees fit. Having regard to all that, though, it's hard to see how what we've seen in the video can be justified from a resourcing point of view, that is, the failure to enforce the law on a \$300-million piece of public infrastructure. Now, there might be a good reason for that, and you'll have an opportunity to put material forward, as much time as you need to say what you need to say.

10 **MR DE JERSEY:** Thank you, Commissioner.

COMMISSIONER: Anything else for today? Mr Gisonda? Anyone else? No? I think we're starting early with Mr Watson tomorrow, aren't we, at -

15 **MR GISONDA:** I think it's 9 am.

COMMISSIONER: 9 am. We'll adjourn to 9 am tomorrow.

<THE HEARING ADJOURNED AT 3.59 PM