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

WITNESS STATEMENT OF JOSEPH BARKER

I, Joseph Barker, Senior Project Manager, say on oath as follows:

Introduction

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

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

3. I have been asked to give evidence about my experiences arising from my role at Georgiou Group Pty Ltd during my time managing the upgrade project on the Pacific Motorway (M1) – Yatala South Interchange (Exit 41) (**Project**).

Background

4. I am a Senior Project Manager for Georgiou Group Pty Ltd (**Georgiou**).

5. I have been employed by Georgiou in a project manager role for approximately 10 years. I have been in the construction industry for approximately 26 years.

6. I hold a Bachelor of Civil Engineering and a Bachelor of Technology.

The Pacific Motorway (M1) (the Project)

7. On or around 14 April 2021, Georgiou was awarded the contract for the Project by the Department of Transport and Main Roads (**DTMR**), and the Project commenced construction in around July 2021 (with administration tasks for the Project commencing in around May and June 2021). It was originally scheduled to be completed in September 2022, but practical completion was achieved in around June 2023.

8. The Project involved the construction of a new Motorway Overpass eastbound bridge on Computer Road, Yatala, the strengthening of Lahr's Road bridge, construction of new signalised intersections, a new pedestrian bridge, re-configuration of roundabouts and associated works.

9. As Senior Project Manager on the Project, I had overall responsibility for the Project, and my responsibilities included control of the site, selection of equipment and subcontractors, management of personnel, interface with community and stakeholders, reporting back to head office and participating in daily pre-start meetings to review, implement and monitor issues.

10. I reported directly to Berry Freshney, who was the Construction Manager for Georgiou. There were several people on the Project who reported to me, including Darren Kelly, Safety Manager and Ben Treagus, Senior Project Engineer.

11. I also tried to be the first person to interact or deal with any union representatives or Work Health and Safety Queensland (**WHSQ**) inspectors when they attended the site. I was managing this because, in my experience, when the union or WHSQ

attends the site, discussions often traverse a number of topics. As Senior Project Manager, I am the best placed person to discuss all matters on site.

October 2021 site visits

12. There were two occasions when officials from the CFMEU attended the Project site that became the subject of a proceeding commenced by the Commissioner of the Australian Building and Construction Commission (**ABCC**).

13. During the Project, there were 32 occasions that the site was visited by officials from the CFMEU. This was done pursuant to section 117 of the *Work Health and Safety Act 2011* (Qld) (**WHS Act**), under section 81(3) of the WHS Act (which was on the basis that there was a safety issue), or otherwise as "concerned citizens". I recall that officials from the CFMEU started trying to use section 81(3) of the WHS Act more and more if their permits issued under the *Fair Work Act 2009* had expired or were not renewed.

14. I recorded in a spreadsheet the instances that officials from the CFMEU or other unions attended the site, and any significant event that occurred at the site or related to the Project (**Spreadsheet**).

15. A copy of the Spreadsheet is at **Annexure JB-1, pages 2 to 6** of the Bundle.

16. The Spreadsheet records the following site visits:

    (a) on 25 October 2021, a site visit by Dean Rielly and Matthew Vonhoff for just under 3 hours;

    (b) on 27 October 2021, a site visit by Mr Rielly and Margues (or Marcus) Pare for about 1 hour;

    (c) on 28 October 2021, a site visit by Mr Rielly for about 5 minutes;

    (d) on 17 January 2022, a site visit by Mr Rielly for about 3 hours;

    (e) on 19 January 2022, a site visit by Mr Rielly for just over 4.5 hours;

    (f) on 11 February 2022, a site visit by Dean Mattas and Mr Rielly for just under 4 hours;

    (g) on 14 February 2022, a site visit by Mr Rielly for about 1.5 hours;

    (h) on 15 February 2022, a site visit by Mr Rielly for just over 4 hours;

    (i) on 22 February 2022, a site visit by Mr Rielly for about 5 hours;

    (j) on 14 June 2022, a site visit by Mr Rielly and Mr Mattas for about 4 hours;

    (k) on 15 June 2022, a site visit by Mr Rielly and Mr Mattas for about 6 hours;

    (l) on 16 June 2022, a site visit by Mr Rielly and Mr Mattas for about 3.5 hours;

    (m) on 17 June 2022, a site visit by Luke Gibson and Paul Fitzpatrick for between 30 minutes to an hour;

[redacted] [redacted]

(n) on 19 June 2022, a site visit by Mr Rielly and Mr Mattas for about 2.5 hours;

(o) on 27 June 2022, a site visit by Mr Vonhoff and Mr Rielly for about 2 hours;

(p) on 29 July 2022, a site visit by Mr Rielly for about 2.5 hours;

(q) on 29 August 2022, a site visit by Mr Rielly for about 2 hours and 15 minutes;

(r) on 18 October 2022, a site visit by Mr Rielly for about 4 hours;

(s) on 25 October 2022, a site visit by Mr Mattas for just under 6 hours;

(t) on 26 October 2022, a site visit by Mr Mattas and Dylan Howard for about 20 minutes;

(u) on 2 November 2022, site visits by Mr Mattas and Mr Howard for:

(i) about 45 minutes just before lunch; and

(ii) about 3.5 hours after 1:00pm;

(v) on 15 March 2023, a site visit by Mr Rielly, Mr Gibson and Beau Seiffert for just under 3 hours;

(w) on 16 March 2023, a site visit by Mr Mattas, Mr Howard, Mr Vonhoff and Matthew Clark for about 50 minutes;

(x) on 17 March 2023, a site visit by Mr Mattas and Mr Clark for 3 hours and 45 minutes;

(y) on 21 March 2023, a site visit by Mr Rielly, Mr Seiffert and Mr Gibson for about 45 minutes;

(z) on 22 March 2023, a site visit by Mr Seiffert for about 30 minutes;

(aa) on 27 March 2023, a site visit by Mr Rielly and a person who identified himself as a concerned member of the public named “Hayden” (Hayden did not provide his surname) for about 3.5 hours;

(bb) on 28 March 2023, a site visit by Mr Rielly and Mr Seiffert for about 45 minutes;

(cc) on 9 May 2023, a site visit by Hoani Edwards; and

(dd) on 16 May 2023, a site visit by Mr Edwards.

17. However, it was only the two occasions of entry that I detail below, as well as a conversation that occurred on the second occasion on 27 October 2021, that were the subject of the prosecution by the ABCC against the CFMEU. That prosecution (Federal Circuit and Family Court of Australia proceeding BRG135/2022 (**Proceeding**)) has since been determined by a decision by Judge Vasta dated 18 April 2024.

18. A copy of Judge Vasta's decision (*Fair Work Ombudsman v Construction, Forestation and Maritime Employees Union (The M1 Yatala Exit 41 case)* [2024] FedCFamC2G 340) (**Exit 41 Decision**) is at **JB-2, pages 7 to 44** of the Bundle.

19. The two occasions were as follows:

    (a) On 25 October 2021, at around 9:45am:

        (i) Mr Rielly and Mr Vonhoff attended the site office located at the Project.

        (ii) Mr Kelly went to meet them and asked them to follow the process for visitors on site. This process involved attending the site office, signing the register together with relevant details, participation in an "induction", signing an acknowledgement and then being escorted around the site. Judge Vasta details the relevant processes at paragraphs 25 to 30 of the Exit 41 Decision.

        (iii) When neither Mr Rielly nor Mr Vonhoff agreed to follow the site visit procedures, Mr Kelly came to speak to me, told me that the issue being raised by Mr Rielly and Mr Vonhoff was "SWMS and working on the roads" and we both returned to discuss the entry onto site with Mr Rielly and Mr Vonhoff. "SWMS" stands for Safe Work Method Statements and are usually only required for high-risk activities, but Georgiou's practice is to require a SWMS for all activities.

        (iv) It became clear to me that neither Mr Rielly nor Mr Vonhoff would sign the visitors register, I instructed Mr Kelly to retrieve the SWMS from the site office to hand over to Mr Rielly and Mr Vonhoff. I thought that that would be enough to satisfy Mr Rielly and Mr Vonhoff's concerns given I could not let them onto the site.

        (v) When Mr Kelly went to the site office, he found three inspectors employed by WHSQ sitting in the site office. After some discussion, Mr Rielly and Mr Vonhoff agreed to come back and meet with the WHSQ inspectors (at the WHSQ inspectors' suggestion) and both Mr Rielly and Mr Vonhoff again refused to sign the visitor register.

        (vi) Eventually, despite them not having signed the visitor register, we (being myself and Mr Kelly in consultation with the WHSQ inspectors) formed the view that placing the s117 notices with the register would have to suffice and we escorted Mr Rielly and Mr Vonhoff around the Project site.

    (b) On 27 October 2021, at around 10:00am:

        (i) I was told that CFMEU officials were at an area located to the northbound lane of the motorway, having driven directly into site rather than to the site office first (where they had gone on 25 October 2021). I asked Mr Treagus to drive with me over to where they were located. I instructed Mr Kelly to remain at the site office as I was going to tell the CFMEU officials to return to the site office to sign in. At this time I anticipated I may have the same issues in respect of requiring the officials to sign in as required by

our procedures. As Mr Treagus and I approached the spot where they were located, I recognised Mr Rielly immediately. I did not know the other man, but now know him to be Mr Pare.

(ii) Mr Rielly and I then had an exchange in respect of the requirement for visitors to sign in at the site office, and he maintained a position that he was not required to.

(iii) Mr Reilly had another exchange in respect of the signage which indicates that he is required to sign in.

(iv) Eventually, Mr Rielly handed me his federal and state permit and an entry notice written under section 117 of the WHS Act. At first glance the entry notice appeared to me to be very similar to the one I had seen for the visit on 25 October 2021. At that stage, Mr Pare also handed me his permits and a notice written under section 117 of the WHS Act. On reading both notices together I noticed that they appeared identical and listed generic and non-specific concerns.

(v) While I was reading the entry notices, I told Mr Rielly that the notices were very similar to the ones he had produced on the 25th, and Mr Rielly responded stating he was concerned about the guys working on the elevated work platform (**EWP**).

(vi) I arranged for a colleague to bring the SWMS from the site office, showed Mr Rielly and Mr Pare the SWMS, discussed with Mr Rielly the protections in place for the EWP and walked with them into the work areas to discuss their concerns (having formed the view that I would not be successful in having either of them to sign in).

(vii) While walking around site, Mr Rielly raised an issue that he thought WHSQ may raise, and there were a few phone calls with WHSQ officials that occurred (both with myself and with Mr Rielly).

(viii) Once Mr Rielly finished his phone call, he suddenly started asking me about Georgiou's procurement process and how we selected subcontractors. He stated words to the effect of "Because you are going to the bottom of the barrel and then going lower".

(ix) There was a further exchange about this and Mr Rielly asked about staff in the HR department of Georgiou (I cannot now recall the exact question about staff in HR) to which I did not respond. Mr Rielly then asked me questions about whether Georgiou pays workers on an ABN, to which I responded that Georgiou did everything in accordance with the Building Code.

(x) After this exchange, Mr Rielly turned to my colleague Mr Treagus and called me (referring to me as 'your boss') a liar.

(xi) At this stage, Mr Rielly seemed to get agitated that I was not reacting to him calling me a liar. There were further exchanges and ultimately it led to a conversation where words to the following effect were exchanged:

Mr Rielly: *You need to start using my subcontractors. We wouldn't have issues if you had our guys.*

Me: *Who are your guys?*

Mr Rielly: *You tell me who you need and I will tell you their names. If you don't start doing what I tell you, I will go to my car, grab my bat and start swinging it around.*

Me: *Are you saying you are going to hit me? Are you threatening me?*

Mr Rielly: *I never said I'm going to hit you. I might just start swinging it around the carpark.*

Me: *I am in the carpark, so are you still threatening me?*

Mr Rielly: *No, I would just swing it around the car park.*

I felt as though Mr Rielly was trying to intimidate and threaten me into using his subcontractors and that if I did not use them, he was going to get a bat and swing it out on the Project site or hit me.

(xii) Mr Rielly then said to me words to the effect of "*how much are you paying WHSQ to avoid getting notices?*", to which I did not respond.

(xiii) He then said words to the effect of "*Georgiou thought they were in prime position for a Coomera Connector, but I might see what I can do to knock them off*.".

20. There were no work health and safety infringement notices issued to Georgiou following the site visit of 27 October 2021. I was offended by Mr Rielly's accusation that I was paying WHSQ to avoid getting notices, because it is entirely untrue. However, at the time, I did not react which appeared to annoy Mr Rielly. After the event, I sent an email to Karl Rawnsley of Drive Engineering outlining what had happened. Drive Engineering was the Contract Administrator engaged by DTMR and Mr Rawnsley was the Contractor Administrator's onsite representative. I emailed Mr Rawnsley about the event to notify the Contract Administrator of what was occurring on site.

21. A copy of the email I sent, including a further couple of emails sent internally, is at **JB-3, pages 45 to 47** of the Bundle.

22. On the occasion of 25 October 2021, there is video footage (submitted by the CFMEU as part of the original Proceeding) of Mr Vonhoff saying on the phone to someone else that he was about to "go into war mode". I recall this footage was on the first occasion because I found it odd that Mr Vonhoff would say that when he had just begun to try to access the site, and it was the first time that I had met with him on the Project site, so it was unusual that he was ready to go into "war mode" at that early stage.

The Proceeding

23. I recall the Proceeding was commenced as a result of an investigator from the ABCC, Alyssa Webb, contacting me. She stated she had heard the CFMEU attended the Project site. A few days later, I attended a formal interview with the ABCC and eventually gave a written statement of the events.

24. As I understood the Proceeding, my role was one of a witness, and the ABCC was prosecuting the CFMEU in respect of the actions taken by Mr Rielly, Mr Vonhoff and Mr Pare. While I understood my role as a witness, Georgiou did engage Allens to assist in the process. At that stage, Georgiou also had already engaged Ryan Murphy of One Industrial Relations Consultants. Mr Murphy became the interface between myself and staff at ABCC and the ABCC's lawyers at the time, Clayton Utz.

25. The ABCC commenced proceedings on 30 March 2022. After the ABCC was abolished in around late 2022, the Fair Work Ombudsman (**FWO**) replaced the ABCC as the applicant in the Proceeding.

26. The matters that I detail in paragraph 19 above were included in an affidavit filed in the Proceeding. The Proceeding went to trial on 8, 9, 10 and 11 May, 17 August, 20 November 2023 and 22 March 2024 before Judge Vasta. I attended the trial on 10 and 11 May 2023 and gave evidence as detailed in my affidavit, and was cross-examined for approximately two days by the lawyers for the CFMEU.

27. I am aware from reading the Exit 41 Decision that:

    (a) on 17 November 2023, Judge Vasta received correspondence from the lawyers for the FWO stating that the parties had reached agreement on liability and would be sending in consent orders;

    (b) on 20 November 2023, at the hearing, Judge Vasta was informed by the FWO through its legal representatives that:

        (i) the respondents would accept the allegations that they had contravened section 500 of the FW Act and that they had acted improperly by failing to sign in when attending the Project site; and

        (ii) the allegation regarding the conversation between myself and Mr Rielly on 27 October 2021, as set out in paragraph 19(b)(xi) above (**Bat Allegation**), would no longer be pursued; and

    (c) that Judge Vasta then adjourned the hearing to 22 March 2024.

28. In the lead up to the hearing on 20 November 2023, I had not been told by Clayton Utz (or anyone else) that the Bat Allegation would not be pursued.

29. I did receive an email with an update from Clayton Utz on 19 March 2024 stating that the parties had reached an agreement on disputed factual issues, but it was not until after the Exit 41 Decision that I realised that the Bat Allegation would not be pursued.

30. A copy of the email I received from Ms Hilary Searing of Clayton Utz on 19 March 2024 is at **JB-4, pages 48 to 49** of the Bundle.

31. I recall reading the Exit 41 Decision and being shocked that the Bat Allegation had not been pursued. Firstly, I was not aware of why the Bat Allegation had been

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dropped, but also because I had spent a lot of time collating documents that were relevant, and spent two days being cross-examined, which felt like an interrogation.

32. To then receive no outcome on that allegation, it all felt like a waste of time. I was appreciative of Judge Vasta's comments in respect of the Bat Allegation, because otherwise I would not have known what happened to it. I sent an email to my colleagues after reading the Exit 41 Decision including some extracts from the Exit 41 Decision.

33. A copy of the email I sent on 19 April 2024 is at **JB-5, pages 50 to 51** of the Bundle**.**

34. I still do not understand why the FWO did not pursue the Bat Allegation. In my opinion, that allegation was the most serious, and at the time when the ABCC was pursuing the matter, it was a relief that the Bat Allegation was included in the Proceeding, because it is such serious behaviour. It seems to me that Mr Rielly simply got away with making that threat.

Other incidents on the Project

35. Prior to the Exit 41 Decision being made, there were many more visits to the Project site by CFMEU officials, as detailed in the Spreadsheet and above. The later visits by the officials of the CFMEU occurred in the same manner, with the officials refusing to sign in properly. I set out below a few other instances of site visits that caused me particular concern.

36. I also note that it was around February 2022 that Georgiou workers begun wearing body-worn cameras because it became apparent that we would likely be getting more and more site visits.

Incident on 17 January 2022

37. One incident occurred on 17 January 2022, a few months after the October 2021 visits, where Mr Rielly actually sat down on site after I would not let him walk through the site to look at "other" concerns. What had occurred was:

    (a) Mr Rielly attended the Project site with an entry notice under section 117 of the WHS Act;

    (b) he again refused to sign in;

    (c) he and I worked through all the matters listed on the entry notice;

    (d) it was about 2:55pm and I said to him "*do you agree everything is completed?*";

    (e) he agreed and asked to inspect another part of the site;

    (f) I said as we had worked through everything, that he had no reason to go to that part of the site;

    (g) Mr Rielly then appeared to get frustrated, and I told him that as far as I was concerned, we were done;

    (h) Mr Rielly then walked back on to site. Mr Kelly and I followed him asking him to leave site;

(i) Mr Rielly walked around for about 10 minutes and then sat down on a stack of timbers that were on site;

(j) I then returned to the site office and left Mr Kelly and Georgiou's safety representative to monitor Mr Rielly; and

(k) I believe that Mr Rielly remained where he was sitting for nearly 30 minutes before he returned to his car at the site offices and left at around 3:58pm.

A copy of a screenshot of a video showing Mr Rielly sitting down on site is at **JB-6, page 52** of the Bundle.

Incident on 16 June 2022

38. One of the most concerning incidents occurred on 16 June 2022. Night works were occurring at the Project for the delivery of concrete girders (supplied by Enco Precast), which were to be placed in specific positions on the motorway. The delivery required a full detour of the motorway, and Georgiou engaged Workforce Road Services for traffic management. I was not initially on site at the time, but attended as I received a call from Brad Turner (who was employed by Georgiou as Senior Project Engineer). I found out later that the following occurred:

(a) Matt Hayes, a worker from Workforce was in a bump-truck (which is a truck mounted attenuator used as a physical shield between oncoming traffic and workers on the road). The purpose of the bump truck is to protect the workers on foot that are working within the lane closures. If an errant vehicle moves towards the workers, the intent is that the bump truck will move in front of the vehicle and absorb the strike to protect the workers.

(b) The bump-truck was situated on the M1 because workers were conducting works on the motorway. Two of the three lanes had been closed with traffic cones diverting oncoming traffic into the remaining open lane, and the bump-truck was located in the middle of the three lanes acting as a visual barrier that could be seen by oncoming traffic and to protect workers working in those closed lanes of traffic.

(c) Mr Hayes saw an unidentified Ute vehicle driving up behind his truck, in the closed lanes. Mr Hayes swerved in front of the vehicle to stop the vehicle entering the construction site where the workers were.

(d) Somehow this vehicle had driven up behind the bump truck and tried to get around him into the work area in the closed lanes.

(e) Mr Hayes had to swerve the bump truck more than once to obstruct the unidentified vehicle from driving into the areas where the workers were on foot. The need to swerve the bump truck was dangerous both because swerving to block a vehicle itself is dangerous and because the bump truck was moving out of its position to protect the workers, which is the purpose of having a bump truck.

(f) The individuals from the vehicle appear to have parked their vehicle, and walked up to the window of the cab of the bump-truck, and spoke to Mr Hayes and then entered onto site.

39. Not only was the scheduled works with the bump-truck in the middle of taking place, but the vehicle driven was not a designated construction vehicle. The use of a non-

[redacted] [redacted]

designated construction vehicle on the Project site, during scheduled night works where visibility can be an issue, is extremely dangerous and that conduct had the capability of creating a high-risk safety incident. Additionally, driving into a closed lane which the bump-truck was seeking to protect could have caused a collision between the vehicle and the bump-truck.

40. In normal circumstances, if there was a designated construction vehicle required to have entered the Project site during the schedule nightworks, the proper process would have invoked the strict communication rules that apply which would have required the radio communications to be made to let relevant personnel know to expect certain vehicles or representatives entering the area. Following the communication occurring, vehicles would only enter the closed lanes after having passed the bump truck and not in front of it so that the bump truck can continue to stay in a position to protect the workers. The purpose of these procedures is to ensure safety of Mr Hayes, the workers on the Project site and any visitors.

41. Following the event, Georgiou received from Workforce a copy of the truck's dashcam footage. From that footage I can identify two people in high viz clothing as being the same two people that entered the site, namely Mr Rielly and Mr Mattas. Both Mr Rielly and Mr Mattas remained on the Project site for approximately 2.5 hours thereafter. After parking their vehicle at approximately 9:45pm, they did not leave the Project site until the early hours of the morning.

42. At the time Mr Rielly and Mr Mattas arrived at the exclusion zone, the truck was already positioned in the middle of the motorway and ready to be lifted into position. However, as Mr Rielly and Mr Mattas had entered the zone, the work had to be paused. Mr Rielly and Mr Mattas then started raising safety concerns and continued to do so for the 2.5 hours they were on site causing work to be paused. Each time they raised a concern, Georgiou representatives explained that the alleged concern was not an issue and how Georgiou was compliant. Mr Rielly and Mr Mattas would then move on to another alleged concern. Towards the end of their visit they raised a concern that a signature on a scaffold ticket was about to expire at midnight, that very night. Given the workers had lost around 2.5 hours of work and would be unable to complete the works during that night shift, I had to make a call to cease works for that shift and arrange for the reissuing of the scaffold ticket on another day.

43. As we couldn't complete the works within that shift, we had to store those girders on the trucks in the middle of the motorway over the weekend. As the CFMEU's attendance occurred over a long duration of time, the disruption meant we had to reschedule the works which incurred significant costs to the Project.

44. The timing of this visit appeared strategic, because it was the last scheduled night of nightworks which was on a Thursday night. The full detour required for the work could not be scheduled for the next night because there would be an associated increase in traffic volumes on a Friday night. Mr Rielly and Mr Mattas also arrived at a time when work still could be paused. The girders were to be lifted into position by Universal Cranes. Mr Rielly and Mr Mattas arrived moments before the girder was attached to the crane in preparation for the lift. If the girder had already been hooked to the crane and lifting had commenced when they arrived, it would have been dangerous to stop the execution of the lift. As we are required to advertise the scheduled nightworks, it meant it was public knowledge that the night works were scheduled to occur. I remember thinking though that it was odd for the CFMEU to turn up to site just minutes before the lift was to be executed.

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45. After this event, I arranged with DTMR for additional nightworks given the work could not be completed due to the disruption. DTMR approved the closing of the motorway to carry out the night works a couple of nights later on Sunday, 19 June 2022. I asked DTMR for permission to start the closure 1 hour earlier in an attempt to avoid completing the works at the same time, making it harder for the CFMEU to disrupt again, which was approved. I did so with the hope that the works could be completed before any Union officials arrived on site. Despite starting earlier, Mr Rielly and Mr Mattas again turned up on site minutes before the lifting of the girders was to commence. They remained on site for about 2 hours and 30 minutes before work was able to be recommenced. During that period, they again raised safety concerns. The alleged safety concerns raised appeared to me to be an attempt to delay the works again. I observed that the workers were becoming frustrated with the disruption and so I said words to the effect that we would put it to a vote and if the workers feel safe and comfortable to continue the works then they would continue the work. The workers voted that they felt comfortable with continuing the work. Following that Mr Rielly and Mr Mattas left site and we were able to continue work.

46. On 26 July 2022, I followed up with Workforce in respect of the incident on 16 June 2022.

47. A copy of the emails exchanged with Workforce are at **JB-7, pages 53 to 56** of the Bundle.

Incident on 15 March 2023

48. On another occasion on 15 March 2023, Mr Rielly attended the site office again with Mr Seiffert and Mr Gibson. My recollection is that, at the time, Mr Rielly, Mr Seiffert and Mr Gibson did not hold FWC permits and so they attended as "concerned members of the public" under section 81 WHS Act. Mr Rielly alleged that there was a complaint about a safety issue however they were unable to provide any evidence to support there being a safety issue. I recall that Mr Rielly even provided a false name for the alleged complainant. After about 20 minutes of them attempting to justify their alleged concerns, they left the site office and said they were going to go and inspect the issue.

49. As Mr Rielly, Mr Seiffert and Mr Gibson were not permit holders and had no right to enter the site, myself and some other workers requested they leave site as it was not safe. We eventually caught up with them on site and stood in front of them to block them continuing to walk through the site. At about this time, Mr Rielly moved behind Mr Hamish Troutbeck (who was an engineer employed by Georgiou at the time) and used his arm and shoulder to shove Mr Troutbeck in the back while Mr Troutbeck had his hands in his pockets. Separately, Mr Seiffert used his shoulder to shove Mr Troutbeck, and the force was significant enough that Mr Troutbeck stumbled sideways.

50. A copy of photographs of Mr Seiffert shoving into Mr Troutbeck and Mr Troutbeck stumbling after being shoved by Mr Seiffert are at **JB-8, pages 57 to 58** of the Bundle.

51. After this occurred, I sent two emails internally detailing what had happened.

52. A copy of those emails are at **JB-9, pages 59 to 61** of the Bundle.

Incident on 16 March 2023

53. Another incident that I recall was after a site visit by Mr Mattas and Mr Howard on 16 March 2023.

54. Mr Mattas and Mr Howard arrived on site with notices under section 117 of the WHS Act in relation to alleged concerns about falls from heights on the bridge. The notices they provided lacked detail. When questioned they would not even advise which bridge the "falls from height" risk was on. Mr Mattas and Mr Howard walked out of the site office refusing to provide any details about the safety concerns or to complete the visitor induction. They then walked into site and were repeatedly asked to leave but they refused.

55. Mr Mattas and Mr Howard walked onto bridge BR01 and inspected the works. They remained on the bridge for around 70 minutes with Georgiou employees observing them from a distance to ensure their location was known.

56. After Mr Mattas and Howard had left the site, the works supervisor found that a chisel had been used to pry and prop open the lower section of the containment screen which was installed on the bridge over the M1. Obviously that was a safety issue so the supervisor arranged for the chisel to be immediately removed.

57. Photographs of the chisel placed to create a gap in the safety screening and a photograph of the CFMEU officials are at **JB-10, pages 62 to 63** of the Bundle.

58. After that had occurred, I received an email from Trent Rousell, supervisor, who had added some extra controls to prevent others from prying and propping up the containment screen.

59. A copy of the email I received on 16 March 2023 is at **JB-11, pages 64 to 72** of the Bundle.

"Chicken wire" campaign

60. In March 2023, I became the subject of what appeared to be a coordinated effort of harassment. I believe it started as a result of an announcement regarding the Proceeding or when the Proceeding became public knowledge. On 15 March 2023, the lawyer who was handling the ABCC Proceeding advised Georgiou that the case was proceeding to a hearing.

61. Subsequent to that notification, CFMEU officials attended the Project site as follows (which is also detailed above):

    (a) on 15 March 2023, Mr Seiffert, Mr Rielly and Luke Gibson attended under section 81.3 of the WHS Act;

    (b) on 16 March 2023:

        (i) Mr Mattas and Mr Howard attended under section 117 of the WHS Act (this is the same incident discussed above);

        (ii) Mr Vonhoff and Mr Clark attended under section 117 of the WHS Act;

    (c) on 17 March 2023, Mr Mattas and Mr Clark attended under section 117 of the WHS Act;

[redacted] [redacted]

(d) on 21 March 2023, Mr Seiffert, Mr Rielly and Mr Gibson attended undersection 81.3 of the WHS Act; and

(e) on 22 March 2023, Mr Seiffert attended under section 81.3 of the WHS Act.

62. On 21 March 2023, a video was posted to the Facebook page of the CFMEU Construction & General QLD/NT page. The video was approximately 4 minutes long, included a photograph of myself in a Georgiou branded shirt, with chickens superimposed on top of my head, on my shoulder, as holding a chicken and along the banner at the bottom of the screen.

63. A copy of a screenshot of the Facebook post is at **JB-12, page 73** of the Bundle.

64. On 23 March 2023, following notification from Robyn Bambry, Senior Communication Advisor of the DTMR, I responded to DTMR with Georgiou's position in respect of the video posted. My email outlines why I thought the video had been posted, and also outlines the various site visits by the CFMEU officials, outlining the improvement notices and prohibition notices that had been issued (the prohibition notice was later challenged and retracted).

65. A copy of my email sent to DTMR is at **JB-13, pages 74 to 81** of the Bundle.

66. A copy of the email I received from Ms Bambry notifying me of the Facebook post is at **JB-14, pages 82 to 83** of the Bundle.

67. From 27 March 2023, I started to receive many text messages and calls from unknown numbers. I discovered that this was due to an ad being posted on Gumtree for a free chicken coop. The ad was from a user of 'Joey Barker' and it included my mobile number. I did not make that ad.

68. A copy of a screenshot of the Gumtree ad is at **JB-15, page 84** of the Bundle.

69. As a result of that ad, on 27 and 28 March 2023 I received a large volume of messages and calls asking about the free chicken coop. I received at least thirteen calls and eighteen text messages on those days, but continued to receive calls and texts until the ad was removed, which only occurred in May 2023, as detailed below.

70. The text messages I received in response to the Gumtree ad have been compiled into one bundle and appear at **JB-16, pages 85 to 102** of the Bundle.

71. I understood the "chicken" theme of the harassment was a reference to the mesh installed on one of the bridges going over the motorway. The requirement is to have installed onto the scaffolding or structure uni-mesh, which is a specialised safety containment mesh. That uni-mesh was actually installed, and I had arranged for additional wire to also be installed, over and above the required uni-mesh. The uni-mesh height was compliant, but there was a horizontal rail that was slightly higher. Rather than leave a gap from the top of the uni-mesh to the rail, I asked that it be filled with mesh. Rather than cutting a roll of uni-mesh, wire mesh was placed in this gap.

72. Based on the video that was posted, you can see that the footage was aimed so that you cannot see the uni-mesh that was installed, and it only shows the wire. That then became the theme, "chicken-wire". When you look at the footage closely,

you can actually see the corner of the uni-mesh. The caption that was posted with that video on the CFMEU's Facebook page stated:

> "*Following the CFMEU's intervention at the TMR / Georgiou Group's Exit 41 upgrade on the M1, there have been multiple enforcement notices – including a prohibition on further bridge work until serious problems are rectified – issued by WHSQ, due to serious risk to workers and the general public's health and safety.*
>
> *Another quality joint venture brought to you by TMR, Georgiou and the AWU*."

73. On 28 March 2023, Mr Rielly and Mr Seiffert attended site advising that they were following up on a previous anonymous safety complaint. Mr Rielly and Mr Seiffert advised me that Georgiou had received some "immediate compliances" noted by WHS during their inspection on site the day prior (27 March 2023). I asked Mr Rielly and Mr Seiffert how they would know about those immediate compliances, and one of them said words to the effect that "he has people". I am not aware of how they became aware of the immediate compliances noted by the inspector because immediate compliances are not formal notices issued by WHS to Georgiou, displayed anywhere or generally of public knowledge. Immediate compliances are generally minor compliance matters that are addressed during the inspection and then noted by the inspector only.

74. During that visit, Mr Rielly and Mr Seiffert were raising general concerns about public safety. In response, I raised my concerns about their own behaviour on site. I showed them photos of themselves from 15 March 2023 when they shouldered Mr Troutbeck. I also said to them that I have videos. Later, Mr Seiffert stated words to me to the effect, "I hope you keep them to yourself".

75. At one stage, I was heading back to the site office and either Mr Rielly or Mr Seiffert were playing chicken noises on their phones as they followed me.

76. A copy of an email I sent to Ryan Murphy following this event is at **JB-17, pages 103 to 105** of the Bundle. The email also details the event I have outlined at paragraph 0 to 49 above.

77. At around the start of May 2023, I started receiving text messages which all had a chicken theme, and some of them included the same video of chickens in a chicken coop. The text messages would vary between chicken memes or various emojis of chickens, chicken eggs and other emojis associated with chickens. I received the most text messages from a mobile phone number of [redacted], receiving 113 messages in a period of 2 days on 2 and 3 May 2023. I continued to receive text messages on 4 May 2023.

78. A bundle of the texts, starting with the ones received from the above mobile number, is at **JB-18, pages 106 to 149** of the Bundle.

79. At one stage, I received about 70 text messages before 6:00am one morning (commencing around 4:44am). The text messages were then spread out during the work day also and then at night, at around 7:00pm and 8:00pm. My mobile phone essentially became useless. I could not make or take phone calls while the messages were being sent to my phone.

80. The text messages I received in May 2023 appeared to me to be coordinated effort because they were continually received between 2 to 4 May 2023 and were all

[redacted] [redacted]

chicken themed. Often starting with exactly the same video clip of chickens in a chicken coop.

81. I believe I then asked Mr Murphy to contact Clayton Utz, being the lawyers for the Fair Work Ombudsman in the Proceeding. I recall they may have issued a "cease and desist" letter to the CFMEU, on the basis of intimidating a witness to a Federal Court case. That letter requested the text messages stop, the Facebook post and the Gumtree ad be deleted. After that letter had been sent, the Facebook post was deleted, the Gumtree ad deleted and the text messages stopped. I have tried to locate a signed copy of the letter but have been unable to.

82. A copy of the unsigned letter dated 4 May 2023 that I believe was sent to the CFMEU on 5 May 2023 is at **JB-19, pages 150 to 151** of the Bundle.

Impact of site visits

83. The consistent visits by the CFMEU officials definitely impacted the timing and the cost of the Project. Every time officials would visit, either I or another worker had to stop what we were doing and attend to where they were located on site. It would vary between 1 to 3 or 4 hours that they would visit the site. As the CFMEU officials refused to complete visitor induction process before walking onto site, it was unclear what their intent was or where they were going, and all works in the areas they entered had to stop to ensure their, and the workers', safety.

84. I estimate that I spent over 100 hours attending to these incidences and only received five improvement notices from WHSQ for safety concerns, and a single prohibition notice which was later challenged and retracted. I understand that Georgiou made a variation claim related to the various site visits, and the repercussions of those site visits.

85. I did not report the various site visits after the October 2021 site visits to the ABCC because it was in about July 2022 that the ABCC's powers were removed to enforce breaches on site, and I did not feel that I could report to the WHSQ because of an occasion on 15 June 2022.

86. On this occasion, WHSQ, Mr Rielly, Mr Mattas and Georgiou representatives were walking through the site. Mr Rielly oddly left the site during the inspection. He later returned to site but parked his vehicle on the western side of Cuthbert Drive. I noticed this and wondered if Mr Rielly was going to walk across Cuthbert Drive to access the site. This is significant because Mr Rielly argued in around October 2021 that it was unsafe for workers to do so. Mr Rielly started walking across Cuthbert Drive. I took photos of him doing so and brought this to the attention of the WHSQ officers who were onsite. I pointed out that Georgiou received an improvement notice for workers walking across Cuthbert Drive, which was an act that Mr Rielly had argued was a safety risk that warranted an improvement notice, and now he was engaging in the same act. I confronted Mr Rielly about this and he argued that this was a safe act. Mr Rielly asked why he couldn't cross Cuthbert Drive and I responded words to the effect that he should know as he argued that it was unsafe and Georgiou received an improvement notice for that. Mr Rielly then walked back across Cuthbert Drive despite me advising that he was engaging in an unsafe act. The WHSQ officer did not do anything about Mr Rielly's conduct. Later, Mr Rielly walked back across Cuthbert Drive, despite me advising that it was unsafe. From that point I did not think there was any point reporting any of the conduct of the CFMEU officials to WHSQ.

[redacted] [redacted]

87. Given the impact the site visits had on site, I was requested to contribute to a Powerpoint presentation to brief our colleagues in Western Australia on how to deal with Union officials in preparation for Best Practice Industry Conditions (**BPIC**) being introduced in WA.

88. The Powerpoint is called "Union/Regulator Interactions/Learnings", and a copy is at **JB-20, pages 152 to 173** of the Bundle.

89. As outlined in that presentation, in my opinion, I believe the CFMEU's interactions at the Project were driven by BPIC issues on other projects. I formed this view after Georgiou became the subject of various site visits (not just at the Project sites, but at other sites too) around the time that BPIC negotiations were being undertaken on other projects that Georgiou was involved with such as the Coomera Connector and Centenary Bridge projects (see the graph on slide 5 of the presentation referred to at JB-20).

90. A copy of an email I sent on 27 October 2022 internally in respect of the various CFMEU site visits is at **JB-21, pages 174 to 176** of the Bundle.

Mr Rielly's permit

91. Only in preparing this statement for the Commission of Inquiry have I become aware that Mr Rielly has had his entry permit granted by the Fair Work Commission, with conditions. I am disappointed that Mr Rielly has been granted that entry permit, particularly where the Bat Allegation was not pursued, and he will be allowed to enter sites again and there is no guarantee he will not adopt similar behaviour.

I swear the contents of this statement are true.

[redacted]
Signature of Deponent

Brisbane
Place Date 15/10/2026

[redacted]
Before me (signature of witness)

Vanessa Sze-Hang Lac
Full name of witness

Franklin Athanasellis Cullen Pty Ltd
Place of Employment

☐ Justice of the Peace (JP #)
☐ Notary public
☒ Lawyer
☐ Other authorised person (specify)

I am a special witness under the *Oaths Act 1867* (Qld).

This document was made in the form of an electronic document and electronically signed.

This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867* – I understand the requirements for witnessing a document by AV link and have complied with those requirements.

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

Bundle of Documents to

Statement of Joseph Barker

47			52	CFMEU			WHS QLD Attend				Improvement Notice	Prohibition Notice			
Date of Visit	Name or ABCC	Union/ABCC Officials Name	ROE	Time Arrived	Time Depart	Duration		Time Arrived	Time Depart	Duration			Official Reason	Mode of Communication	What was said?
	CFMEU	Dean Rielly	H08228	9:45	12:30						I2058515 :		The union official has attended site and issued a form 117 stating the following:		Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. Argued the emergency response training for EWPs.
25/10/2021	CFMEU	Matthew John Vonhoff	H09357	9:45	12:30	2:45	Neale Garaty	-10:30	-12:45	2:15	Workers on	nil	"I reasonably suspect that the PCBU has not complying to the following"	Face to Face	Went through the SWMS with WHS QLD & CFMEU for nearly 2 hrs and WHS QLD was satisfied there were no issues. WHS QLD Improvement notice issued for workers on foot crossing Cuthbert drive outside the site offices.
	CFMEU	Dean Rielly	H08229	10:05	11:05										Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. Union Officals drove straight into site at Abut A without attending the site office first (2 days after visiting the site office).
													The union official has attended site and issued a form 117 stating the following: "I reasonably suspect that the PCBU has not adhered to the following" -S213 WHSQ regulation-inspection and maintenance of plant -S299 High risk construction SWMS		Dean Rielly made a few unsavory comments, including questioning Georgiou's procurement processes: "How much are you paying WHS QLD to avoid getting notices" "Georgiou thought they were in prime position for Coomera Connector, but I might see what I can do to knock them off" "You need to start using my subcontractors" "If you don't start doing what I tell you I will go to my car, grab a bat and start swinging it around"
27/10/2021	CFMEU	Magnes Pare	H08230	10:05	11:05	1:00	Neale Garaty, Anzac Teoka	-11:30	-12:45	1:15	nil	nil	-S243 WHSQ Regulation emergency response systems	Face to Face	Concerns raised by Dean Rielly: Use of Ewp and emergency drill, use of EWP in proximity to the top of batter, use of earth bunds at top of batter. Questions asked again about EWP SWMS. No WHS QLD Notices issued.
28/10/2021	CFMEU	Dean Rielly	nil	6:45	6:50	0:05	nil				nil	nil		Face to Face	No NOE issued. Dean remained in the site office. Dean Rielly arrived onsite to check if we had been issued a Notice from WHS QLD. He spoke to my SPE and was advised we did not receive a notice.
28/10/2021	nil	nil					Anzac Teoka	nil	nil		nil	nil		Email/Text	Within a few hours of Dean Rielly's unofficial site visit Darren Kelly (Georgiou Safety Officier) received text and email messages from WHS QLD (Anzac) requesting additional information based on the CFMEU raised concerns on 27/10.
29/10/2021	nil	nil					Anzac Teoka	-10:00	-11:00	1:00	nil	nil		Face to Face	WHS QLD attended site to do an audit on working at heights, but also follow up on the CFMEU raised concerns from 27/10.
													The union official has attended site and issued a form 117 stating the following: "I Reasonably suspect that the PCBU has not complied with SWMS -Regulation S 299-S300		Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. CFMEU raised concerns about worker / plant separation onsite. They argued that bollards and flagging should be replaced with hard barriers. At 2:55pm we finished answering all questions related to the NoE (acknowledged by Dean) but Dean wandered off away form his escort and refused to leave site. At one stage Dean Rielly had a "sit in protest" for 20-30mins without speaking to Georgiou reps.
17/01/2022	CFMEU	Dean Rielly	H08901	13:00	15:58	3:00	nil				nil	nil		Face to Face	
													The union official has attended site and issued a form 117 stating the following: "I Reasonably suspect that the PCBU has not complied with the following" - S214 Powered plant and general control risks- managing the risk - S215 (4) Managing or control of powered plant at the workplace-the person must ensure that the plant does not collide with pedestrians or other plant -S 291 meaning of high risk construction work-WHS 101(g)		Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. CFMEU raised concerns about worker / plant separation onsite. CFMEU argued that bollards and flagging should be replaced with hard barriers. Georgiou argued that the use of bollards and flagging exceeded the requirements. This conversation included WHS QLD. Georgiou drew comparisions to the vehicle / worker separation requirements o fthe MUTCD but WHS QLD did not accept this document as suitable when considering worker and site traffic separation. Georgiou argued that No WHS QLD Notices Issued.
19/01/2022	CFMEU	Dean Rielly	H08902	8:12	12:54	4:42	Neale Garaty	9:21	13:00	4:39	nil	nil	- S 299 Requirement of SWMS	Face to Face	
29/01/2022	nil	nil					Neale Garaty	nil	nil	nil	nil	nil	**No site visit.** Neale Garaty officiall requested documents under s171 of the WHS Act	Email	**No site visit.** Neale Garaty officiall requested documents under s171 of the WHS Act
													Coomera Connector BPC Meeting with TMR / Unions		
	CFMEU	Dean Mattas	H08703	11:15	15:00						I2060283 :		The union official has attended site and issued a form 117 stating the following:		Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks or ROE requirements. CFMEU access to site was not correct inthat when they arrived at the site office they initally said there was an immediate safety concern, but then spoke about a range of unrelated topics. Joe Barker advised Dean Rielly that one of the topics on his NOE (worker / plant separation was still with WHS QLD for clarification so if Dean wanted to talk about it he would need to speak to WHS QLD. Dean said he would call WHS QLD, but when he stepped outside he actually went directly to site without an escort etc. To access site Dean Rielly and Dean Mattas walked across the roadway, which was an issue Dean Rielly raised in October and Georgiou recieved an Improvement Notice for. CFMEU made several issues of
11/02/2022	CFMEU	Dean Rielly	H08907	11:15	15:00	3:45	John Azcune	-14:00	-15:00	1:00	Unhygenic storage of water bottle	nil	WHSA 3 (a) (c) (F) - Lack of separation between mobile plant and workers - Trench exceeding 1.5 without bench battered or shored with workers around trench	Face to Face	works in the western roundabout. Culminated with an improvement notice for storage of water bottle on the ground.
14/02/2022	CFMEU	Dean Rielly	nil	7:55	9:29	1:34	nil	nil	nil		nil	nil	No NOE issued. Dean remained in the site office. Dean requested documents from previous inspection 19/1/	Face to Face	No NOE issued. Dean remained in the site office. Dean requested documents from previous inspection 19/1/22.
											2 issued to Silverstrand. Incorrect access into Shoring box, Incorrect training in use of access equipment.				Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. Dean Reilly (CFMEU) specifically nominated our stormwater drainage subcontractor Silverstrand. We spent 1hr on the western side of the site, then went to the eastern side where an issue was found with access into a trench. WHS QLD Issued Silverstrand 2 improvement notices (Access into the trench and training on use of trench access equipment).
													The union official has attended site and issued a form 117 stating the following: Suspected contravention of the WHS act namely - High Risk licensing for lifting with excavators (SB1 Regs) - S19(3) (F) workers under control of Silverstrand not understanding safety systems on project		
15/02/2022	CFMEU	Dean Rielly	H08909	8:15	12:25	4:10	Travis Dungey	-10:30	12:39	2:09	nil	nil	- VOC Operators on project not VOC`D by principal contractor	Face to Face	
													The union official has attended site and issued a form 117 stating the following: "I reasonably suspect that the PCBU has not adhered to the following" - Formwork installed being performed as per SWMS Bridge - Workers working in accordance with SWMS - R299 - 300 WHS Regulations		Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. Union official targetted the works at BR02 Abut A conerning formwork. No WHS QLD Improvement Notices were issued. When WHS QLD arrived onsite they called and spoke to Dean asking him to come back to the site office for discussions. For 20-30mins Dean refused as he said it was "unreasonable". He eventually relented and went back to the office. Dean raised concerns that the formwork was not constructed as per the drawings, but WHS QLD pointed out that the concerns he had were unfounded as the forms had just been stood and the areas of convern were not valid until the pour commenced (works only partially completed to date).
22/02/2022	CFMWEU	Dean Rielly	H08911	8:43	13:47	5:04	Neale Garaty, Brian Culleton	-11:30	-14:00	2:30	nil	nil	- Formwork Code of Practice - Follow up on previou visits	Face to Face	
25/02/2022	nil	nil					Travis Dungey			0:30	nil	nil	Unofficial visit to request documents previously provided to WHS QLD		Travis unofficially came to site to ask questions about the CFMEU complaint regards worker / plant separation from the 19/1. He requested that I provide the documents that was previously provided to Neale Garaty.
													The union official has attended site and issued a form 117 stating the following concerns : I reasonably suspect the PCBU has not complied with the following: - access/egress in and out of pits (S40 Reg WHSQ) - mergency plans & response I n Recovery of a worker (S43 WHSQ Regs) - Point of contact on accessing pits with equipment and task (S19(3) A,B,F)		Georgiou has photo / video recordings from this visit. Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. They entered site without Georgiou's permission or escort. The CFMEU apparently made a complaint to WHS QLD about drainage pit construction on the northbound onramp.
		Dean Rielly	H08933	8:09	12:15		Neale Garaty	8:35	12:22	3:47	nil	nil	- Information training and instruction (s19(3)(F)	Face to Face	WHS QLDarrived separat from the CFMEU reps and inspected the drainage pit construction on the northbound onramp. Some minor adjustments were made and the WHS QLD Rep was satisfied.
													The union official has attended site and issued a form 117 stating the following concerns : WHSA 19 (3) (A) (C) (F) - Lack of Seperation Between Mobile plant and Workers - Inadequate Access and Egress during Normal Working Conditions and During Emergencies - Lack of Information , Training , and Supervision provideA20:N21d to workers		I believe the WHS QLD rep tried to contact the CFMEU reps to resolve the complaint, but they would not return to the site office. As a result the WHS QLD representative considered the complaint closed so left site. Approximately 10minutes later the same WHS QLD rep returned to the site to "assist" the CFMEU with their concerns. WHS QLD. CFMEU and Georgiou sat in the crib room, went through the relevant SWMS. WHS QLD was satisfied and no Notices were issued.
14/06/2022	CFMEU	Dean Mattas	H08743	8:09	12:15	4:06								Face to Face	
													The union official has attended site and issued a form 117 stating the following concerns : I reasonably suspect the PCBU has not complied with the following: - benching & battering of trenches & pits in accordance with the site SWMS S19(3)(a) (c) WHQ - Exit & entry to pits & trenches safely - controlling the risk of falls s43 WHSQ - plant separation between workers performing task S19(3)(A)(B)(C)(F)		Georgiou has photo / video recordings from this visit. Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. CFMEU reps refused to engage in conversation concerning the specifics of the NOE. CFMEu entered the site without Georgiou;s permission or escort. CFMEU targeted the drainage pit on the northbound on ramp AGAIN. (a repeat from the day earlier 14/6).
		Dean Rielly	H08934	10:12	16:20		John Azcune	11:36	16:30	4:54	nil	nil		Face to Face	
													The union official has attended site and issued a form 117 stating the following concerns : WHSA 19 (3) (A) (C) (F) - Lack of Seperation Between Mobile plant and Workers - Risk of falls from heights in and around Excavations and Pits - Edge Protection not set up as per the Manufacturers Specifications and not fit for purpose - Lack of Information , Training , Supervision and Consultation provided to Workers regarding Safe Systems of Work.	Face to Face	Georgiou, WHS QLD & CFMEU walked through the site, discussed several areas. We later returned to the site office for a close out meeting where WHS QLD did not issue any notices. Dean Rielly oddly left the site during the inspection. He later returned but parked his vehicle on the western side of Cuthbert Drive. Joe Barker noticed this and wondered if Dean was going to walk across Cuthbert Drive to access the site. This is significant as Dean Riley argued in October 2021 that it was unsafe for workers to do so. As soon as Dean started walking across Cuthbert Drive Joe Barker took photos and brought this to the attention of the WHS QLD Officers onsite. Joe Barker confronted Dean Rielly about this and Dean argued that this was a safe act. He asked why he couldn't and Joe said Dean should know as he argued that it was unsafe and got Georgiou an Improvment Notice for it. Oddly enough later Dean Rielly walked back across Cuthbert Drive, despite Joe Barker advising that it was unsafe.
15/06/2022	CFMEU	Dean Mattas	H08744			6:08	Lewis Cash								
													The union official has attended site and issued a form 117 stating the following concerns : I reasonably suspect the PCBU has not complied with the following: - Access / Egress into the work area (R40 WHSQ) - Fails form heights prevention (R78 WHSQ) - Emergency Response Plans (R78 WHSQ) - Inadequate lighting whilst performing task and access/egress areas - Inadequate information, training and supervision provided by principal contractor to subcontractor & workers		Georgiou has photo / video recordings from this visit. Works being executed onsite at the time: - BR02 Girder Installation involving a full detour of the M1 Motorway southbound . This was the final night of the landing girders. - the timing on their arrival was just as the Jinker was about to move forward into itis final position for Universal to commence the lift. - This Jinker was granted special position to access the site 1hr earlier than originally planned. making the timing of their arrival too much of a coincidence. Georgiou representatives onsite: - Brad Turner - Senior Project Engineer - Darren Kelly - Safety Officer - Kerry Gall - Undergraduate Engineer - Andrea Perna - Structures site engineer - Trent Rousell - Structures Supervisor - Joe barker arrived on site at 10:24pm The CFMEU reps went to the site office, found it unattended and left their NOEs with the visitor register. The CFMEU officials alledgedly attempted to call ring civil supervisors phone numbers posted onsite to notify them of their presence onsite and ask who was supervisors the structures work being executed onsite. The CFMEU did not however call the Structures Supervisor - Trent Rousell, who was onsite, the Site Safety Officers - Darren kelly, who was onsite or Deputy Emergency Response Team Leader / Senior Project Engineer - Brad Turner, who was also onsite. They did not attempt to contact the Project Manager Joe Barker, who they had dealt with on several occassions prior. All of the people listed above had their contact details listed on the door at the entry to the site office. The CFMEU reps left the site offices and drove into the Closed lanes of the northbound carriageway in an unmarked vehicle and without flashing lights. When the "unknown" CFMEU vehicle entered the closed lane and moved towards the worksite the Truck Mounted Attenuator driver took defensive action and moved the TMA into the path of the CFMEU vehicle to protect the workers. The CFMEU Vehicle then swerved to move around the TMA but the TMA swerved a 2nd time. (This was recorded on dashcam footage that Georgiou has gathered from the traffic control subcontarctor)The CFMEU officials then parked their car in the closed land and exited their vehicle, approaching the TMA from behind on foot. This was done without any prior notice putting themselves, the workers and the public at danger. The TMA moved from it's correct position protecting the workers to address an imminet "threat", thus exposing workers from the original threat the TMA was inplace for. Due to safety concerns the CFMEU Officials were asked to move their vehicle from the closed lane multiple times by the Traffic Controllers, Georgiou representatives onsite and the QLD Police Officer onsite. Ultimately the CFMEU reps moved their vehicle and parked somewhere on the eastern side of the roundabout and then entered the site on foot again. The CFMEU reps and the onsite police officer continued to argue about where they were standing onsite and their presence onsite and ultimately the police officer recieved direction from his managers that the CFMEU reps should be provided acces to site. It was about this time that Joe Barker arrived onsite. Joe barker was under the impression that the CFMEU has already spoken with the Universal workers about stopping works. Dean mattas provided Joe Barker with a copy of his NOE. (Dean Rielly could not as apparently he had provided the triplicate copy to Darren Kelly earlier). Sean Rielly advised that the contents of the NOE were similar to Dean mattas NOE. CFMEU argued relatively minor safety concerns, including lighting etc. CFMEU Reps kept moving from one "minor issue" to another, appearing to deliberatly delay the works. CFMEU did identify that the scaff tag for the scaffold access tower to Pier 1 was due to expire at midnight 16/6/22. Georgiou were unable to provide evidence of the recent inspection or get the scaffold recertified before midnight and as a result the shift was cancelled.
		Dean Rielly	H08935	21:44	0:12		nil							Face to Face	
													The union official has attended site and issued a form 117 stating the following: - WHSA 19(3) A,C,F - Inadequate Task Lightingand Access Egress Lighting Provided to Workers during Normal Working Conditions and during emergencies. - Inadequate Task Lightingand Access Egress Lighting Provided to Workers during Normal Working Conditions and during emergencies. - Inadequate Information ,training ,instruction and Supervision provided to workers Performing High Risk activities and operating Plant - Risk of fall from Heights Around High Risk Activities		
16/06/2022	CFMEU	Dean Mattas	H08746	21:44	0:12	3:28	nil							Face to Face	
													The union official has attended site and issued a form 117 stating the following but specifically stating this visit was a follow up to the concerns raised by the CFMEU during the visit of the 15/06 : - Southern exclusion zones - Shoring & Exclusion Zone / Rescue Procedure - Plant v Pedestrian / Backing up trucks - Exclusion of culvert		Georgiou has photo / video recordings from this visit. Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. The objective of the visit was to inspect/take photos of the areas inspected by the CFMEU Reps on the 15/06. CFMEU targeted the drainage pit on the northbound on ramp AGAIN. (a repeat from the day earlier 14/6 & 15/6). I was very surprised that they showed no interest in inspecting the girder installation works area that the CFMEU reps had inspected the previous night.
		Luke Gibson	H09810	9:55	10:49	0:54	nil							Face to Face	As the CFMEU rep did not have the correct PPE Georgiou drove them around site to take photos from the vehicle.
													The union official has attended site and issued a form 117 stating the following: -I reasonably suspect PCBU and Contractors are not meeting safety Requirements onsite , regarding but not limited to Safety Systems of work - Exclusion Zones - Shoring / Trenching - Plant / Pedestrians		
17/06/2022	CFMEU	Paul Fitzpatrick	H09809	10:10	10:49	0:39	nil							Face to Face	
													The union official has attended site and issued a form 117 stating the that they reasonably suspect the PCBU has not compiled wioth the following : - Inadequate lighting for access/egress or normal work environment S19 (3)(A,C,F) - Emergency response R43 - Risk and falls R73 54 information, training, instruction of plant & machinery under normal & emergency conditions - non compliant scaffolding		Georgiou has photo / video recordings from this visit. Works being executed onsite at the time: - BR02 Girder Installation involving a full detour of the M1 Motorway southbound . This was the final night of the landing girders. - the timing on their arrival was just as the Jinker was about to move forward into itis final position for Universal to commence the lift. - This Jinker was granted special position to access the site 1hr earlier than originally planned. making the timing of their arrival too much of a coincidence. Georgiou representatives onsite:
		Dean Rielly	H08936	21:20	23:45		nil							Face to Face	

JB-1

47			52	CFMEU			WHS QLD Attend				Improvement Notice	Prohibition Notice			
Date of Visit	Name or ABCC	Union/ABCC Officials Name	ROE	Time Arrived	Time Depart	Duration		Time Arrived	Time Depart	Duration			Official Reason	Mode of Communication	What was said?
19/06/2022	CFMEU	Dean Mattas	H08747	21:20	23:45	2:25	nil						WHSA 19 (3) (A) (C) (F) - Inadequate Lighting for task Specific and Accessegress during normal work conditions and during an emergency - Inadequate information ,training , instructions and Supervision provided ton workers Performing High Risk work and High risk operationsof plant during normal working conditions and during an Emergency - Non Compliant Scaffold - risks of Falls from Heights and falling objects	Face to Face	- Brad Turner Senior Project Engineer - Darren Kelly Safety Officer - Kerry Gall - Undergraduate Engineer - Trent Rousell - Structures Supervisor - Joe Barker - Senior Project Manager - Berry Freshney - Construction Manager - Ryan Murphy - IR Manager CFMEU reps walked into the site office and were met by Ryan Murphy. Ryan question the validity of of their NOE. Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. CFMEU reps refused to provide any specifics on the NOE so they went to site without a Georgiou escort etc. CFMEU Reps continued to argue relatively minor safety concerns, quickly moving from one "issue" to another. CFMEU reps raised concerns with the Emergency Rescue plan for the EWP. Georgiou offered to conduct an emergency drill in their presences several times but CFMEU Reps would not cooperate so we conducted the Emergency drill with all involved. Once this was completed we documented it and got all workers involved to sign off on the SWMS. At this point we asked if any of the workers etc had any safety concerns. The Universal Cranes Branch manager and Supervisor walked through some of the concerns that the CFMEU Reps raised and were satisfied there was no safety risk so we returned to work.
	CFMEU	nil	nil				nil						CFMEU illegally post photos from their site inspection (15/6) on Facebook with defamatory comments against Georgiou and TMR. Dean Rielly post comments in support of the facenbook post "The bottom feeders of the civil construction world. Atrocious safety and still winning work. TMR should be disgusted".	Social media	CFMEU post photos from their site inspection (15/6) on Facebook with defamatory comments against Georgiou and TMR. Dean Rielly post comments in support of the facenbook post "The bottom feeders of the civil construction world. Atrocious safety and still winning work. TMR should be disgusted".
23/06/2022	WHS QLD	nil	nil				D. Ala-Oltinov	11:15	12:30	1:15	nil	nil	WHS QLD Received a complaint from the CFMEU concerning: - incorrect harness - incorrect use of Inertia reel - workers beneath suspended loads	face to face	WHS QLD were frustrated that CFMEU was not in attendance. The timing of the complaint is questionable as we were about to place the final deck unit on the first span, before demobilising to the other side of the bridge. It was pointed out that the nearest someone could get to see the harness was 100m away so how could someone even see if there was an issue? WHS QLD rep inspected BR03, reviewed the paperwork and observed Georgiou / LCR landing the final deck unit of the span without issue.
27/06/2022	CFMEU	Matthew John Vonhoff	H09482	12:25	14:29		nil						The union official has attended site and issued a form 117 stating the WHS Act 19 3 (A) (F) (C) . I am advised of Precast being lifted incorrectly by Plant . Access and Egtress to and from Bridges not fixed correctly . Non effective Emergency Procedures for workers working in Pits . No seperation between workers and Plant..	Face to Face	Georgiou has photo / video recordings from this visit. Dean riley produced his temporary extension to his PWC permit. Union officials did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. CFMEU reps refused to provide any specifics on the NOE so they went to site without a Georgiou escort etc. The CFMEU crossed the roads not at designated crossing points, again in contraccdiction of the WHS QLD improvement noticed they argued for (there is photogrpahic evidence showing both CFMEU reps walking across live roadways)
27/06/2022	CFMEU	Dean Rielly	H08945	12:25	14:29	2:04	nil						The union official has attended site and issued a form 117 stating the that they reasonably suspect the PCBU has not complied wioth the following : - Emergency Rescue Plan for entry and exit of Pits - Information, training ,Instruction+ supervision inadequate for lifting Precast Products onsite - Access and Egress to Bridges	Face to Face	CFMEU walked into BR02 Abutment A via a vehicle entrance as the pedestrian gate was closed. They raised several concerns with an access stairway onto the BR02 deck. I simply closed the access to stop the conversation altogether.
29/07/2022	CFMEU	Dean Rielly	H10011	8.50am	11.15am	2:25	John Azcune and Anzac Teoka				I2056923 : Workers were installing lintels ontop of stormwater gully pits. When CFMEU / WHS QLD entered the work area the workers packed up and left the area without properly securing the formply pit covers.	nil	Dean Rielly's issues were Non appropriate Controls in place for (Silica) Concrete cutting and Grinding and Access and Egress to Bridges , Pits and Drains.	Face to Face	Photo and video recording are available. CFMEU entered site and has approached a Georgiou Employee (Jake Kentwell)said he was attending site to inspect suspected of the WHS Act. Jake asked if the Official had he announced himself at the Site office , the Official said I dont have to , and so Jake directed the official to sign on to the Visitors register , he again ignored the request . At that stage another site engineer approached Jake (Bronson Butler) and said "Whats your concern?" the Official showed him his entry Permits and then finally handed him the Darren Kelly arrived with another HSE Advisor Andy Forsdike . The union official then approached Darren Kelly and was asked what were the issues and why he had not announced himself at the Site Office as requested on all other occassions.His response was he was not required too , Darren Kelly then responded with "you are here unnanounced, " Darren Kelly was then shown the Federal Permit of Entry and then the ROE .Dean Rielly then continued to walk onto site and approach the bridge areaon south end on Lahrs road. Joe Barker then attended site. The official , Joe and Bronson walked down to the abutment of the Bridge and discussed the Access to the bridge deck . An agreement was not reached. Dean then left the area and walked around to the North end of the same bridge. The Official upon entry to the work area , refused to sign on to the hazard task card and site register. He then walked across the site and headed toward the bridge abutment. He then decided not to use the designated pathway and walk to the underside of the bridge girders. He then took photos and said we were in breach of the Formwork and Temporary Works Code of Practices. Darren Kelly then responded that it was not formwork as the joint rod sponge was a permanent fixture to the bridge and would not be removed and it did not fall under "Supported" temporary formwork. WHSQ then arrived with Joe Barker and walked through site after signing onto the visitor entry register and having a TEMP Test. Discussion was around access / egress, silica exposure. After some conversation between WHSQ and the officials everyone then moved to the southern end again and conversation was around the ladder access and Handrail, with a slight reference to housekeeping of Reo bars on the ground that were cleared at that time, the access ladder was turned 90 degrees and handrail repositioned without issue, with WHSQ happy with the result. The union official then requested us all to return back to the north side of bridge and a discussion was had around cutting of Concrete without water suppression, that was unfounded , then covers over the inlet pits was then discussed. When WHS/CFMEU entered the area the workers took a break. As the work crew were not in attendance, and the steel trafficable covers were removed to install the Lintels, there were form ply pit covers placed back over the pits to stop workers falling into the pits, and in turn were not screwed down at this stage due to the process. The leading hand Bobby Wells was securing them down at the time of inspection while the crew were on Break . After debating with WHSQ they directed us that we had not fixed down the covers and no signage was attached to the cover at the time of use.
	CFMEU	Dean Rielly											Dean Dean Rielly attended our Breakfast Creek Green Bridge Project (Under Section 117)		
		Dean Mattas and Dean Rielly											Dean Mattas & Dean Rielly attended our Indooroopilly Project (Under Section 117)		
29/08/2022		Dean Rielly	H10016	9.15am	11.00am	2:15	Warwick Homes	11.00am	TBC				Access / Egress Falls from Heights working in Wet weather	Face to Face	DRAFT ONLY: Photo and video recording are available. Dean Riley went straight to site. Dean did not comply with Georgiou's visitor Safety protocols concerning the Visitor Register, Covid Declaration & COVID Temperature checks. (despite attending site many times previously. Dean ignored Georgiou's request to return to the site office and follow normal ROE protocols. Dean wandered around site without an escort and highlighted what I would consider "alledged issues" to simply waste time. I.e. we had previously poured the revieving slab so there was a step of approximately 300mm. We had bollards and flagging along this step. Dean argued that it was a fall from heights. We challenged this and Dean continued to argue the point. Dean made several phone calls during his illegal access. WHS later arrived in response to a complaint. We completed a site inspection with them and they found no issues.
													Fair Work Commission finds CFMMEU official Dean Rielly not fit and proper to hold entry permit		Fair Work Commission finds CFMMEU official Dean Rielly not fit and proper to hold entry permit Australian Building and Construction Commission On 2 September 2022, the Fair Work Commission refused the CFMMEU's application to renew the federal entry permit of its Queensland official Dean Rielly. The Fair Work Commission found Mr Rielly was not a fit and proper person to hold a federal entry permit. The ruling came after the ABCC Commissioner intervened in the proceeding, citing Mr Rielly's previous contraventions in matters brought before the courts as evidence of his unsuitability to be entrusted with the powers of a federal entry permit holder. In opposing the renewal of Mr Rielly's entry permit, the ABCC Commissioner pointed to Mr Rielly's prior contraventions of industrial laws in 2019 in the Coffs Harbour Hospital Case and the Pacific Highway Upgrade Case. In the Coffs Harbour Hospital Case Mr Rielly was ordered to pay a penalty of $10,000 for contraventions of the Fair Work Act 2009. The CFMMEU was also ordered to pay a penalty of $80,000 for contravening the Act, partly as a result of Mr Rielly's conduct. In the Pacific Highway Upgrade Case Mr Rielly was penalised $8,820 and the CFMMEU $100,800, again partly as a result of Mr Rielly's unlawful conduct in this matter. In accepting the evidence presented, Fair Work Commission Deputy President Saunders said: "Mr Rielly's conduct in contravention of the Act in the Coffs Harbour Hospital Case and the Pacific Highway Upgrade Case is plainly relevant to my assessment of Mr Rielly's fitness and propriety to hold a right of entry permit. Such conduct weighs against a conclusion that Mr Rielly is a fit and proper person to hold a right of entry permit because it reduces my confidence that Mr Rielly would, in the future, comply with his legislative obligations when exercising his right of entry powers as a permit holder under the Act." Deputy President Saunders went on to say: "After taking into account and weighing each of the permit qualification matters set out in ... the Act, I am not satisfied, on balance, that Mr Rielly is a fit and proper person to hold a right of entry permit. The matters which weigh in favour of a finding that Mr Rielly is a fit and proper person to hold a right of entry permit are outweighed by those that weigh against such a conclusion. On the material before the Commission, I do not have confidence that Mr Rielly will comply with his obligations as a right of entry permit holder on occasions when he is on premises owned or controlled by a third party and he is confronted by a difficult situation in which he perceives that one or more employees have been treated adversely or unfairly. ABCC Commissioner Stephen McBurney said the right of entry powers under the Fair Work Act provide permit holders with special powers and responsibilities. "The statutory scheme created by the Fair Work Act aims to ensure appropriate standards of conduct apply when permit holders exercise their statutory entry rights to enter building sites. Noting the Federal Government's intention to abolish the ABCC, the Fair Work Commission will retain oversight of permit applications, suspensions and revocations." Mr McBurney said. A list of union officials who do not hold a valid federal entry permit, or have conditions imposed on their federal entry permit, can be found on the ABCC's website. Note: In addition to successful prosecutions in the Coffs Harbour Hospital Case and Pacific Highway Upgrade cases, the ABCC has started court action against the CFMMEU, Mr Rielly and a second Queensland union official alleging they contravened right of entry requirements and refused to comply with lawful safety directions at the M1 Motorway project in April 2021.
													Centenary Highway Project EPIC Meeting with CFMEU		
													Dean Rielly & Kurt Pauls attended our Indooroopilly Project (Under Section 81 etc)		
18/10/2022		Dean Rielly	81.3	9:30	13:28	3:58	Travis Dungey, David Whittaker, Ryan Usher	11:34	13:15	1:41	nil	nil	Dean Rielly attempted to access the site as a representative of a worker is a safety issue dispute resolution (WHS Act Section 80, 81 & 82. He did not attempt to issue a NOE. When asked Dean Rielly confirmed that he was not onsite representing the CFMEU (to the point that he offered to change out of his CFMEU uniform to avoid confusion) but was there as an individual. Dean nominated 4 alledged issues 1) Worker access to water onsite 2) Plant / worker interface 3) Toilet hygine 4) Falls from heights When I asked Dean to explain where these alledged issues were he offered no specific information, basically answering "onsite". As a result of this I explained that as he provided no specific detail I could not even confirm if there was any validity to the alledged issues, so he had not triggered the Safety Issue Resolution process.	Photo and video recording are available. Dean Rielly attempted to access the site as a representative of a worker is a safety issue dispute resolution (WHS Act Section 80, 81 & 82). He did not attempt to issue a NOE. When asked Dean Rielly confirmed that he was not onsite representing the CFMEU (to the point that he offered to change out of his CFMEU uniform to avoid confusion) but was there as an individual. Dean nominated 4 alledged issues 1) Worker access to water onsite 2) Plant / worker interface 3) Toilet hygine 4) Falls from heights When I asked Dean to explain where these alledged issues were he offered no specific information, basically answering "onsite". As a result of this I explained that as he provided no specific detail I could not even confirm if there was any validity to the alledged issues, so he had not triggered the Safety Issue Resolution process.Dean Rielly rang WHS QLD and waited for them to arrive onsite. At ~11:34am Travis Dungey, David Whittaker, Ryan Usher from WHS QLD arrived onsite and we proceeded to the meeting room to discuss the issue. Travis explained the situation and stated that Dean had explained the situation and Travis believed he had reason to think the issue may be plausible. I explained from my position that as no specifics were given I could not confirm if the alledged issues were even valid. Travis suggested he would like to inspect the site to see if the issues were valid. I explained that I would not be granting Dean Rielly access to the site. Travis pointed out that he would not be involved in deciding if Dean should have access as it was for QCAT to decide. Dean Rielly advised that he would be going to site and I stated that I would be calling the Police as he had no right to access the site and that he would be trespassing. As WHS QLD wanted to access BR02 we travelled to the area in georgiou vehicles. **Dean Rielly attempted to access site at a number of location before he WALKED DOWN THE SOUTHBOUND OFF RAMP to illegally access the site (see attached images).** This was extremely dangerous as there was no pathway so at some stages Dean Rielly walked on the offramp pavement. This posed a great safety risk to the travelling public and himself. WHS QLD inspected BR02 and found no issues. During this time Dean Rielly wandered around BR02 Abutment B without an escort. When Dean Rielly approached Joe Barker Joe questioned how Dean had access the site and pointed out that walking down the off ramp was extremely dangerous to himself and the travelling public. This argument continued for several minutes during which Joe Barker advised Dean Rielly that he was trespassing and to leave site immediately as the police had been called. WHS returned to the site compound and left at 1:15pm. Dean Rielly returned to the site compound and asked when the police would be arriving onsite. Dean Rielly waited for approximately 13minutes before he left site in his vehicle.
		Dean Mattas											Dean Mattas attended our Indooroopilly Project (Under Section 117) at the same time as Dean Rielly attended Exit 41		
25/10/2022		Dean Mattas	10302	12:22	18:09	5:47	Peter Stevens, Nathan Williams	15:00	18:09	3:09	nil	nil	Dean Mattas accessed the site under a NOE Section 177 for the following suspected contraventions: - Access & Egress during normal working conditions & during an emergency on & around bridge. - Fall from heights & falling objects on & around bridge - Separation between mobile plant, light vehicles & workers - Information, instructions, training & supervision provided to workers regarding safe systems of work	face to face	Photo and video recording are available. Dean Mattas came to the site office and presented his NOE. Dean explained his NOE and I started to ask for additional detail to determine if there was potentially a contravention. Dean did not provide any specific details. Joe Barker specifically pointed out that the "Separation between mobile plant, light vehicles etc etc" had been discussed several times by himself and other CFMEU reps. It had also been reviewed by WHS QLD and Georgiou had provided all requested documents and no Notices had been issued to Georgiou. Becuase of this I asked what had changed? The conversation continued and I asked what specifically he had concerns with? In my opinion Dean did not offer any detail for me to determine if there was a potential contravention.

47			52	CFMEU			WHS QLD Attend				Improvement Notice	Prohibition Notice			
Date of Visit	Name or ABCC	Union/ABCC Officials Name	ROE	Time Arrived	Time Depart	Duration		Time Arrived	Time Depart	Duration			Official Reason	Mode of Communication	What was said?
															Dean Mattas then stated that he believed his NOE provided sufficeint detail and that I was hindering him so he requested whether Georgiou would provide him with an escort as there safety concerns onsite. I pointed out that he had not stated there was an imminent danger onsite so I was still asking questions. Dean Mattas again asked for an Escort and that he would be going onsite and I pointed out that he would need to sign onto the visitor register, complete a temperature check etc but I still didn't know where he wanted to go or if there was an issue. Dean Mattas informed me that he would not be completing the visitor register or taking a temperature check as he was not required to. I said under the Act he was required to comply with reasonable safety request and completing the visitor register and completing a temperature check was in our Safety Management Plan so it was a standard process. Dean suggested Georgiou was using this as an excuse to prevent him accessing the site. He said that he'd never encountered this requirement on other Georgiou projects. I said that these were the controls we had on the project to try to identify if people had a temperature and potentially Covid before entering the site. Dean argued it wasn't a requirement and I pointed out that the CFMEU continually argues that Georgiou does the minimum when it comes to safety, but this was an additional safety measure we have put inplace but now he was arguing he didn't have to comply. At this point Dean Mattas said we were obstructing him and walked out of the office. Dean appeared to be making phone calls (I suspect to WHS QLD). At approximately 15:00 WHS QLD Reps attended the site office, signed onto the visitor register and completed a temperature check. WHS QLD held conversations with Dean matats in the carpark, and then they came to the site office. We met with them and Dean Mattas in the meeting room to explain the situation. WHS QLD asked me to explain the situation and I stated that I thought that the NOE was lacking enough detail for me to determine IF there was potential contravention. I also pointed out that "Separation between mobile plant, light vehicles etc etc" had been discussed several times by himself and other CFMEU reps. it had also been reviewed by WHS QLD and Georgiou had provided all requested documents and no Notices had been issued to Georgiou. Becuase of this I asked what had changed? In my opinion Dean did not offer any detail for me to determine if there was a potential contravention. I also pointed out that Dean Mattas informed me that he would not be completing the visitor register or taking a temperature check as he was not required to. I said under the Act he was required to comply with reasonable safety request and completing the visitor register and completing a temperature check was in our Safety Management Plan so it was a standard process. WHS QLD stepped out of the room to get clarification from his supervisor and returned to the room and advised: - That WHS QLD thought that the degress of information provided was different and lesser for an NOE than say an Improvment notice. He explained that an NOE only needed "suspicion" of a potential contravention and becuase of this he believed that the NOE was valid. - That WHS QLD believed that the CFMEU NOE had sufficient information on it that Georgiou could transfer to the visitor register. - That WHS QLD did not think that CFMEU reps had to complete the temperature checks as it was not a government requirement.. WHS QLD then asked where I stood on this and I said that although I did not agree becuase he had that advice from his supervisor and that he was walking into a long running issue I would respect his assessment. I asked where WHS QLD wanted to go and they advised the overpass bridge. Becuase of this I suggested we drive around and Dean mattas suggested we walk. WHS QLD said they were happy to walk. At about 15:55 we left the office to complete the site inspection. After perhaps and hour we returned to the site offices to review various documents concerning worker / plant separation. task cards, SWMS, VMPs and Traffic Management Plans were reviewed. At approximate 18:09 WHS QLD
		Dean Rielly	-										Dean Rielly attended our Indooroopilly Project (Under Section 80, 81 etc) at the same time as Dean Mattas attended Exit 41		
26/10/2022													Dean Mattas & Dylan Howard attempted to acess the site under a NOE Section 177 for the following suspected contraventions: - Separation between mobile plant, light vehicles & workers - Exposure to uncontrolled hazardous substances - Effective Emergency Plan regarding first aid treatment & retrieval - Readily assessable ammenities & drinking water - Information, Instructions, training & supervision provided to workers regarding safe systems of work	face to face	Photo and video recording are available. Dean Mattas & Dylan Howard came to the site office and presented his NOE. I pointed out that there were similarities with his NOE the day prior. Joe Barker specifically pointed out that the "Separation between mobile plant, light vehicles etc etc" had been discussed several times by himself and other CFMEU reps. It had also been reviewed by WHS QLD and Georgiou had provided all requested documents and no Notices had been issued to Georgiou. Becuase of this I asked what had changed? The conversation continued and I asked what specifically he had concerns with? In my opinion Dean did not offer any detail for me to determine if there was a potential contravention. Dean Mattas was of the believe that he was compliant and requested an escort. I suggested I needed more information to determine IF there is a potential information. Dean Mattas argued there was enough information so he demanded an escort. I said I didn't think the NOE was valid and that regardless he needed to sign onto the visitor register and complete a temperature. Dean advised that they wouldn't be doing this. At this point the conversation descended into an argument and Dean left the office saying he was going onto site. Dean appeared to make some phone called (potentially to WHS QLD). Dean and Dylan sat in their vehicle for approximatly 10mins before driving away from site. (apparently there was a workplace fatality on the Gold Coast the same day, potentially meaning WHS QLD were unable to arrend site).
		Dean Mattas	10351	11:29	11:50										
		Dylan Howard	10303	11:29	11:50	0:21	nil				nil	nil			
															Dean Mattas & Dylan Howard both provided their NOEs and presented their Permits - The potential contraventions appeared similar to the previous visit's NOEs so Joe Barker asked Dylan for clarification - Working around.....investigated and reviewed by CFMEU & WHS QLD on 25/10 & no new information offered - workers not provided PPE.....Dylan said he witness someone drilling (?) at the bridge the previous week. Not on the day of the current visit. - Falling objects around bridges .. investigated and reviewed by CFMEU & WHS QLD on 25/10 & no new information offered - Information, Instructions.....no clarification offered While trying to clarifications from Dylan, Dean Mattas continued to interrupt and was arguing that they were compliant and asked for an escort / access to site. Joe Barker said he was asking questions to try and understand what the potential contravention actually was. Dean said he was going to step outside for 5 mins and give Georgiou a chance to consider (12:13). CFMEU reps did not return to the site office and 16mins later were spotted leaving the site. at 12:42 WHS QLD Officers attended site, entered the office and signed onto the Visitor Register and completed temp checks etc. At ~12:57 we visited site (Eastern Side of Cuthbert Drive just north of western roundabout). at ~13:05 Dylan Howard and Dean Mattas returned to site. I started to walk back to the office (along teh western side of Cuthbert Drive) and the CFMEU reps walked past me, appearing to be walking towards site to talk to WHS QLD. I asked what they were doing & where they were going but they ignored me. I asked if they were going to give me an NOE. No response. As they walked towards the worker crossing point on Cuthbert Drive I yelled out to them to not cross where they were as it was not safe (Jay walking) several meters from the designated crossing point. This was done infront of WHS QLD Reps. Joe Barker confronted the CFMEU Reps about this illegal and dangerous crossing as it was in contradiction with the previous given WHS QLD Improvement Notice. Joe barker asked WHS QLD if they were going to give the CFMEU Reps an improvement notice as they knew about the previous improvment notice. WHS QLD said no.
													Dean Mattas & Dylan Howard attempted to acess the site under a NOE Section 177 for the following suspected contraventions: - Working around mobile plant - workers not provided correct PPE while working with hazardous substances - falling objects around bridges - Information, Instructions, training & supervision provided to workers regarding safe systems of work	face to face	
		Dean Mattas	10352	11:45	12:29										
		Dylan Howard	10307	11:45	12:29	0:44									
		Dean Mattas	?	13:05	16:38										
2/11/2022		Dylan Howard	?	13:05	16:38	3:33									
15/03/2023		Georgiou advised that the Announced that FWC v Dean Rielly (Bat swinging) was going to heard on 8/5/2023													
		Dean Rielly	1												•15/3/23 - Beau Seffiert, Dean Rielly & Luke Gibson (Not FWC Permit Holders) attended the site as concerned members of the public under WHS Act s 81.3. (approx. 2hrs 47mins at the site) oIt appears that CFMEU are trying to discredit me by trying to get a reaction or trying to catch me out not telling the truth. oUnfortunately during this visit the CFMEU reps did exactly that: ▫Dean Rielly gave a false name of a worker who had complained. I immediately pointed out that the name was false ▫Dean Rielly shoves Georgiou Engineering in the back ▫Beau Seffiert shoulders Georgiou Engineer Sideways •This is the same "injured" shoulder that Beau got a $500k insurance payout on due to a car accident. 9:52 Dean Rielly Spotted outside the office (IMG_7724.jpg) 10:18 All 3 exit the site office stating they were going to inspect the issue 10:41 Dean Rielly & Beau Seffert walk away form the office towards site (no escort) (IMG_7755.jpg) 10:57 Dean Rielly & Beau Seffert enter site (SE corner of Computer Rd intersection - IMG_7768.jpg) 11:04 Ward Arrives on Lahrs rd 11:04 Hamish is walking beside Beau **11:04 Beau steps violently sideways into hamish with intent (IMG-7862.jpg) and shoulder charges hamish in his side, knocking him sideways (IMG_7863.jpg). Hamish manage remain on his feet.** 11:04 Beau is smiling at Hamish after the assault (IMG_7884.jpg) 11: Beau & Dean walk into the Mavis Crt intersection, and moving towards the NE corner of the Intersection 11:13 Luke Gibson arrives at Mavis Court Intersection 11:27 Luke, Beau & Dean start to walk back to the office form Mavis Crt. 11:39 Luke, Beau & Dean stop at the SE corner o fthe Computer Rd intersection and remain there for nearly 20mins. (IMG_8179) 12:04 Luke, Beau & Dean come back to the site office. (IMG_8196.jpg) They remain around the crib area for ~30mins (during this time it appears that they have posted Anti AWU stickers in the toilets and cribs) 12:39 Luke, Beau & Dean go to their vehicles and drive from site.
		Luke Gibson	1												
15/03/2023		Beau Seffiert	1	9:52	12:39	2:47							Safety Issue Resolution - complaint from a traffic controller on the project that the traffic control devices were not compliant	face to face	
		Dean Mattas	10397												-16/3/23 - Dean Mattas & Dylan Howard attempted to enter the site under WHS Act 117 (approx 2hrs 42mins at the site) oDean and Dylan complained about falls from heights on the "bridge". oThey refused to tell me which bridge they were referring to ol had someone watching them, but after they eventually left the bridge we did an inspection and found that they had wedged the containment screen (over the M1) open using a chisel (see below photo). oWHS Inspector advised that he did not support their RoEs as they had not complied with our visitor induction. YET he was led around the site by the CFMEU reps on a fishing expedition. I questioned this and challenged him to issue CFMEU with a notice regards unsafe access to site. He simply asked what our procedure was to handle "intruders". I pointed out that calling the police would be of no assistance as they would not determine if a "FWC Permit" holder had a legal right to be onsite. -16/3/23 - Matthew Von Hoff & Matthew Clark attempted to enter the site under WHS Act 117 (approx 42mins at the site) oThese guys arrived onsite WHILE the first two were still onsite. oMatt came into the site office and showed a photo he claimed was evidence of workers beside the road with no bollards or delineation to the adjacent traffic oHe showed this photo to myself and Luke Farrell. ol pointed out that in the corner of photo you could see a bollard base. 16/3 - 2 x NoEs WHS Act 117 •10:01am : Dean Mattas and Dylan Howard arrive onsite with a NoE under WHS Act s117 (H10350 & H10397 attached) oThe NoE lacked detail. When questioned they would not even advise which bridge the "Falls from height" risk was on •10:10am : Dean Mattas and Dylan Howard walk out of the site office refusing to provide detail or complete the visitor induction •10:25am : Dean Mattas and Dylan Howard walk into site at the SE corner of the Computer Rd Intersection. They are asked to repeatedly leave and they refused to do so. •10:38am : Dean Mattas and Dylan Howard walk onto BRDI and inspect the works. They remain on the bridge for ~70minutes •11:53am : Matthew Von Hoff & Matthew Clark approach the site office •11:55am : Matthew Von Hoff & Matthew Clark arrive onsite with a NoE under WHS Act s117 (H10267 & H10268 attached) oMVH advises they were just driving past and noticed there was no delineation between the workers and traffic on Cuthbert Drive (North). oMVH shows Joe Barker and Luke Farrell a photo on his phone oJB points out that in the corner of the photo a bollard base can be seen (adjacent to the traffic edge line), so MVH's statement was incorrect as he said there was no bollards. JB points out that it was either a coincidence or just timing that a photo was taken inbetween the bollards. oMVH then argues the spacing of the bollards was not correct. oMVH & MC state that they are going onto site and JB ask them to complete the visitor induction. They both refuse the temperature check so they are advised they aren't complying with our safety plan, meaning they have no right to enter site. •12:04pm : Matthew Von Hoff & Matthew Clark Leave the site office and attempt to walk onto site (Cuthbert Drive North) •12:18pm : Dean Mattas and Dylan Howard return to the site office oDean attempts to thank Joe Barker for his workers addressing the safety concerns they had raised while onsite oJB points out that he wasn't sure what Dean Mattas had witnessed but the Georgiou workers were not addressing any safety concerns he may have raised oDean Mattas and Dylan Howard Leave the site office and wait outside near the cars parked just outside the office (MVH & MC are waiting in the site office to engage with JB) •12:26pm : Matthew Von Hoff & Matthew Clark return to the site office and attemp to provide new evidence of non-conforming bollards oJB tells them their argument isn't valid and tells them to leave. •12:34pm : Dean Mattas, Dylan Howard, Matthew Von Hoff & Matthew Clark Walk back towards the general carpark area •12:42pm : Dean Mattas, Dylan Howard, Matthew Von Hoff & Matthew Clark Walk drive onto the NB Onramp in their vehicles.
		Dylan Howard	10350	10:01	12:42	2:41							Dean Mattas & Dylan Howard attempted to enter the site under WHS Act 117 concerning falling from heights on the "bridge"	face to face	
		Matthew Von Hoff	10268												
16/03/2023		Matthew Clark	10267	11:53	12:42	0:49							Matthew Von Hoff & Matthew Clark attempted to enter the site under WHS Act 117 howed a photo he claimed was evidence of workers beside the road with no bollards or delineation to the adjacent traffic	face to face	

47			52	CFMEU			WHS QLD Attend				Improvement Notice	Prohibition Notice			
Date of Visit	Name or ABCC	Union/ABCC Officials Name	ROE	Time Arrived	Time Depart	Duration		Time Arrived	Time Depart	Duration			Official Reason	Mode of Communication	What was said?
17/03/2023		Dean Mattas	10398												17/3 - NoE WHS Act 117 - ~08:30am : Dean Mattas and Matthew Clark arrive in the general carpark area. They stay in their vehicle for ~20mins - 08:59am : Dean Mattas and Matthew Clark arrive onsite with a NoE under WHS Act s117 (H10398 & H10270 attached) oCFMEU argued that the containment fencing needed to be 2m high above the deck - 09:08am : Dean Mattas and Matthew Clark refuse to complete the visitor induction. As a result they are advised they do not have permission to enter the site. - 09:11am : Dean Mattas and Matthew Clark Leave the site office to go onto site (BR01) - 09:30am : WHQ Reps arrive onsite oWHS Reps ask to see NoEs and ask about Covid Test oGeorgiou advising it's a simple temp check with a non-invasive temp gun. WHS Reps advise this is a reasonable request oWHS Reps complete visitor induction (including temp check) oAt some stage the CFMEU reps returned to the site office oSeparate discussions are held between WHS & CFMEU and WHS & Georgiou - 10:05am : WHS Reps, Ward Burdekin & Joe Barker leave the site office to inspect BR01 works - 10:15am : WHS Reps, Ward Burdekin & Joe Barker arrive at BR01 and the CFMEU reps are already on the bridge, in the work area. oCFMEU reps were advised that because they had not completed the visitor induction they were not allowed onsite. They were asked to leave site by JB numerous times. oCFMEU continues to discuss potential issues with WHS QLD Reps and WHS Reps are engaging with CFMEU - At ~10:30am WHS QLD advises that as they have found small aggregate, some loose tie wire and a zip tie outside of the containment fence (on BR01) Georgiou would be issued a Prohibition Notice oRefer •Figure 2 shows the arrangment of the perimeter containmemnt screen relative to the barrier •Figure 3 shows the stones above the balustrade •Figure 4 shows the tie wire •Figure 5 shows the zip tie - 11:00am : All parties leave BR01 and walk towards BR02 Eastern abutment access walkway oCFMEU continues to discuss potential issues with WHS QLD Reps and WHS Reps are engaging with CFMEU - 11:50am : All parties leave BR02 and walk towards the office oCFMEU continues to discuss potential issues with WHS QLD Reps and WHS Reps are engaging with CFMEU - 12:00pm : WHS QLD advise that they will go grab some lunch and then return for a debriefing oCFMEU continues to discuss potential issues with WHS QLD Reps and WHS Reps are engaging with CFMEU in the general carpark oJB ask WHS QLD if he should remain present during the discussion and he's told he's not required. oAt some stage it appears the CFMEU reps have left - 12:45pm : WHS QLD gives feedback to Georgiou in the site offices (~50mins). oCFMEU Reps did not attempt to attend the debrief. - 13:35pm : WHS stay in the crib to write up the notices 14:32pm : WHS QLD email notices and attend the site office to let us know they are leaving. oGeorgiou is issued with a Prohibition Notice and Improvement Notice (see attached) •Prohibition Notice - states the contravention as : ▪namely small pieces of aggregate, tie wire and zip ties on the structure outside containment screening at BR01 Southern profile. ▪Members of the public/road users on the M1 Pacific Motorway are at immanent risk of injury as a result of being hit by a falling object. •Georgiou Interpretation : oGeorgiou's approach of the use of a "Perimeter Containment Screening" (Formwork CoP 5.1.1) appears to be compliant. It states : ▪Containment sheeting may be supported by the building, structure, or specially designed scaffolding. It must extend at least one metre above the working surface. When formwork is being erected or dismantled in the immediate vicinity of the screening, the screening should be captive to the building and extend at least 1 metre above the top of the completed floor slab. •The perimeter containment screening installed was ~1200mm high with further cage screening ~600mm above the perimeter containment screening. But the presence of the materials suggest it may not have been a suitable control for the risk, otherwise the materials would not have been present. ▪Otherwise the loose materials should have been secured during the installation of the perimeter containment screening •Improvement Notice - states the contravention as : ▪I observed and photographed containment screening on BR01 where the installed height would not capture all falling objects as concrete rubble was observed to be above the installed screen. •There is no evidence to support the containment screening is fixed to the supporting substructure in a way it would be able to withstand any expected objects falling against it giving rise to the risk of objects onto the M1 Pacific Highway. •Georgiou Interpretation : oLike the Prohibition Notice, evidence of materials above the containment screen suggest the control could be improved by increasing the height of the screen oWHS QLD questioned how 1 section of the uni-mesh (black) was fastened in a regular pattern, whereas another section was different and more random. oFigure 6 shows the fastening of the Uni-Mesh oFigure 7 shows the Uni-Mesh installation manual for fastening locations. The installation guide suggest that each fasterning should not support more than 1m2 of mesh. oJB spoke to WHS Reps and advised the following corrective actions
17/03/2023		Matthew Clark	10270	8:30	12:15	3:45	Warwick Holmes, Ryan	9:30	14:32	5:02	I205119 : Containment fence (Uni-Mesh) did not have enough fasteners as per manufacturers instructions.	P128392 : small pieces of aggregate, tie wire and zip ties on the structure outside containment screening at BR01. **NOTE that this Notice was officially cancelled on the 26/4/23**	Dean Mattas and Matthew Clark arrive onsite with a NoE under WHS Act s117 (H10398 & H10270 attached) CFMEU argued that the containment fencing needed to be 2m high above the deck	face to face	
21/03/2023		CFMEU Facebook Post regards Exit 41 and Georgiou Project Manager													
21/03/2023		Dean Rielly, Beau Sefflert, Luke Gibson	81.3	10:10	10:45	0:45	nil						Attempted to revisit a previous 81.3. traffic control devices (bollards)	face to face	Attempted to revisit a previous 81.3. traffic control devices (bollards) - they were only members of the public and not in any official CFMEU capacity. I pointed - JB pointed out misrepresentation of "members - JB advised them there wasn't an issue as they didn't trigger the issues resolution proceedure - They reiteratted bollards - JB said the CFMEU rep had mentioned the same concern to WHS last week and no notices were issued and WHS QLD took no further action - JB mentioned the same CFMEU Permit holder specifically mentioned to WHS Reps that there were damaged bollards in the bin - CFMEU said the issues they raised was addressed then - JB pointed out cleaning up damaged bollards was part of our standard maintenance.
22/03/2023	nil	Beau Sefflert	81.3	7:53	8:27	0:33	Warwick Holmes	7:35	8:05	0:30			WHS attended site to inspect compliance after Prohibition & Improvement Notice.	face to face	WHS attended site to inspect compliance after Prohibition & Improvement Notice. I advised Warwick that Beau Sefflert was onsite under a 81.3. While walking back to the office Warwick and Beau crossed paths ad Warwick advised Beau that he was onsite inspecting a previous prohibition notice compliance.
23/03/2023		Anonymous Abusive Phone Calls (linked to CFMEU Facebook Post) to Georgiou Project Manager (~10)											Beau went to the office and spoke about an 81.3	face to face	Beau went to the office and spoke about an 81.3 (with Darren Kelly). Beau then left the site office and walked around the public spaces on the project.
27/03/2023		False Gumtree Ad (linked to CFMEU Facebook Post) posted with Georgiou Project Manager contact Details (5 calls & 15 texts)													
27/03/2023		Dean Rielly, Hayden	81.3	7:24	10:52	3:28	John Azcune, Jason Argent	10:14	12:15	2:01			Dean Rielly & Hayden arrive at the site office and state they are representing a worker who has raised a complaint (s81.3)	face to face	•20230327 John Azcune explains anonymous complaint oShort version of full video (full version V700000_0000002023032712321_0003) oNOTE that the time displayed on the video is 30mins ahead of the actual time. oI have photos that correlate the correct time -7:24 - Dean Rielly & Hayden arrive at Exit 41 -8:05 - Dean Rielly & Hayden arrive at the site office and state they are representing a worker who has raised a complaint (s81.3). Dean did not provide specific details, just referring to traffic. -8:15 - Dean Rielly & Hayden arrive at Exit 41 and walk around the site in a public areas until they enter the Lahrs Rd "old laydown area" at around 10am (TBC by Luke Farrell) ophoto taken showing Dean Rielly inside the Lahrs Rd compound with signage on the gate that they walked past. -10:10 - WHS Inspectors arrive at the Lahrs Rd compound (not to site office). They arrive in separate vehicles. John speaks to Luke Farrell and says something like "These guys don;t have permits. I have to tell them they can;t go onsite". Jason talks to Dean Rielly & Hayden (TBC by Luke Farrell). -10:14 John Azcune and Jason Argent arrive at Site Office oJohn advises that he will need to get the contact details of the person making the alledged complaint (in accordance with their recent Safety Issue Resolution) oJB ask if John will confirm the person is a worker with us. John says yes. -10:28 - John Azcune and Jason Argent step out of the office and enter the crib with Dean Rielly & Hayden to discuss the alledged issue -10:50 (Approx) John Azcune and Jason Argent walk back into the site office and advise oDean Rielly refused to provide contact details of the person making the alledged complaint. oJB points out that they can't do that as they are not permit holders. oJohn Azcune advises that he was treating it as a "Anonymous complaint" (???) -10:52 - Dean Rielly walks into the site office and says "See you later". Dean & Hayden leave site oJB starts recording the conversation. -10:53 - John Azcune continues to explain the situation with regards to safety issue v anonymous complaint -11:05 - WHS & Georgiou leave the site office to inspect the site. -12:15 - WHS leave site (at Lahrs Rd). No Notices Issued.
28/03/2023		Dean Rielly, Beau Sefflert	81.3	9:58	10:44	0:46	nil						(Dean Reilly & Beau Sefflert) today who were onsite to "follow up" on a previous anonymous complaint WHS Act s81.3	face to face	2 concerned members of the public (Dean Reilly & Beau Sefflert) today who were onsite to "follow up" on a previous anonymous complaint WHS Act s81.3. I have the entire interaction on tape and also have a witness. As I tried to determine tif their visit was frivilous etc they informed me that I had received 3 "immediate compliance" notices from WHS QLD yesterday. When I asked how he knew this he said "He has people". These aren't public knowledge and only Ward and myself were aware of 3 immediate compliance. WHS QLD would have recorded these in their diary notes from the visit. This information could not have been gained so quickly via the freedom on information act. They were going on about public safety and I questioned their concerns given their behaviour onsite. I showed them photos of them both shouldering one my my engineers when they were onsite previously. I showed them the photos, but let them know I also have videos. Hamish and I followed them around site at a distance. While in a public area Dean & Beau approached me and asked questions about a topic not related to a previous "complaint". I asked why they were onsite and Dean advised due to following up on the complaint but they had "closed" those issues and wanted to talk about something else. At this point I walked away as they admitted that they had closed their previous concerns. I started walking back to the office they followed Hamish and I. They were both playing chicken noises on their phones. This went on for several minutes while they followed me all the way back to the office.
21/04/2023	nil						John Azcune	9:41am	12:45	3:03	I2059771 : Housekeeping concerning grass around an existing stormwater pit		WHS QLD Audit of TMR projects on upcoming works and subcontractors	face to face	WHS QLD Issued a Requirement to produce documents : 1.An electronic copy in Portable Document Format file format (PDF) of the scope of works including critical stages of development and proposed dates for the Yalta Pacific HWY upgrade. I require the production of this document in an unredacted form. 2.An electronic copy in Portable Document Format file format (PDF) of Sub Contactor engaged. I require the production of this document in an unredacted form. WHS QLD also completed a general site walk
2/05/2023		Anonymous Text Messages (linked to CFMEU Facebook Post) sent to Georgiou Project manager													
3/05/2023		Anonymous Text Messages (linked to CFMEU Facebook Post) sent to Georgiou Project manager													
5/05/2023		**CFMEU issued with Cease & Desist Letter regards potential interference with Witness in Pending Federal Court Case. CFMEU removed Facebook Post regards Exit 41.**													
8/05/2023		FAIR WORK OMBUDSMAN v CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION & ORS Court Hearing Commences													

47			52	CFMEU			WHS QLD Attend				Improvement Notice	Prohibition Notice			
Date of Visit	Name or ABCC	Union/ABCC Officials Name	ROE	Time Arrived	Time Depart	Duration		Time Arrived	Time Depart	Duration			Official Reason	Mode of Communication	What was said?
9/05/2023		Hoani Edwards	Nil	22:50	TBC	TBC							Hoani Edwards was driving by and raised concerns with the suitability of the lighting on night shift.	face to face	At approx. 10:50pm I received a phone call from one of the LJ Crete Pit Crew that there was an union member onsite. I got to the area (Approach to BR01) where John (I believe that was his name) introduced him self. He cited a clam that he was driving home and seen that there was two excavators working in the darkness on top of the bridge Spoke to Travis and Ben (Excavator drivers) to stop work until we could get a lighting tower placed near them to provide light. Used the UHF to speak to them in front of John and he was happy with that and then left site. My Interaction I was in my car and he approached me and introduced himself to me and clamed to be on his way home from the city. And seen a issue with the lights. I asked if he had been to the office to sign in he replied with " No I was just driving by and seen the diggers did not have much light, I can use a 117 to enter if you want but thought a friendly word would have been better." So I called up the drivers to stop and organised a lighting tower and he left site happy.
11/05/2023		FAIR WORK OMBUDSMAN v CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION & ORS Court Hearing Completed													
16/05/2023		Hoani Edwards	Nil	22:30	TBC	TBC							Hoani Edwards was driving by and raised concerns with the suitability of the lighting on night shift.	face to face	About 10:30pm Hoani (this is the guy from last week) Dropped in and voiced his concern about the lighting where Mi Elec was working and suggested moving lights for them to work by and left site

JB-2

FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (DIVISION 2)

Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (The M1 Yatala Exit 41 case) [2024] FedCFamC2G 340

File number(s):	BRG 135 of 2022
Judgment of:	**JUDGE VASTA**
Date of judgment:	18 April 2024
Catchwords:	**INDUSTRIAL LAW** –contraventions – five-day trial – written submissions – change of pleadings – assessment of pecuniary penalty
Legislation:	*Fair Work Act 2009* (Cth): s 500, s 793 *Work Health and Safety Act 2011* (Qld): s 117
Cases cited:	*Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* [2018] HCA 3 *Australian Building and Construction Commissioner v Pattinson* [2022] HCA 13 *Commonwealth of Australia v Director, Fair Work Building Industry Inspectorate and Ors* [2015] HCA 46 *Mason v Harrington Corporation Proprietary Limited t/as Pangaea Restaurant & Bar* [2007] FMCA 7
Division:	Division 2 General Federal Law
Number of paragraphs:	182
Date of last submission/s:	22 March 2024
Date of hearing:	8,9, 10 11 May, 17 August, 20 November 2023 and 22 March 2024
Place:	Brisbane
Counsel for the Applicant:	Mr Felman KC and Mr McKechnie
Solicitor for the Applicant:	Clayton Utz
Counsel for the Respondents:	Ms Doust

Solicitor for the Respondents:	Hall Payne Lawyers

Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (The M1 Yatala Exit 41 case) [2024] FedCFamC2G 340

ORDERS

BRG 135 of 2022

FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (DIVISION 2)

BETWEEN:	**FAIR WORK OMBUDSMAN** Applicant
AND:	**CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION** First Respondent
	DEAN RIELLY Second Respondent
	MATTHEW VONHOFF (and another named in the Schedule) Third Respondent

ORDER MADE BY: **JUDGE VASTA**

DATE OF ORDER: **18 APRIL 2024**

THE COURT DECLARES THAT:

1. The Second Respondent, Mr Dean Rielly, contravened section 500 of the *Fair Work Act 2009* (Cth) ('FW Act') on 25 October 2021 by failing to sign the visitor register at a construction site for the Pacific Motorway (M1) Yatala South Interchange project (**the Project**) while seeking to exercise entry rights as a permit holder despite being requested to do so by the occupier.

2. The Third Respondent, Mr Matthew Vonhoff, contravened section 500 of the *Fair Work Act 2009* (Cth) ('FW Act') on 25 October 2021 by failing to sign the visitor register at the Project while seeking to exercise entry rights as a permit holder despite being requested to do so by the occupier.

3. Pursuant to section 793 of the FW Act, the First Respondent, the Construction, Forestry and Maritime Employees Union ('CFMEU'), contravened section 500 of the FW Act on 25 October 2021 by the conduct of the Second Respondent the subject of Declaration 1.

4. Pursuant to section 793 of the FW Act, the First Respondent, the Construction, Forestry and Maritime Employees Union ('CFMEU'), contravened section 500 of the FW Act on 25 October 2021 by the conduct of the Third Respondent the subject of Declaration 2.

5. The Second Respondent, Mr Dean Rielly, contravened section 500 of the *Fair Work Act 2009* (Cth) ('FW Act') on 27 October 2021 by failing to sign the visitor register at the Project while seeking to exercise entry rights as a permit holder despite being requested to do so by the occupier.

6. The Fourth Respondent, Mr Margues Pare, contravened section 500 of the *Fair Work Act 2009* (Cth) ('FW Act') on 27 October 2021 by failing to sign the visitor register at the Project while seeking to exercise entry rights as a permit holder despite being requested to do so by the occupier.

7. Pursuant to section 793 of the FW Act, the First Respondent, the Construction, Forestry and Maritime Employees Union ('CFMEU'), contravened section 500 of the FW Act on 27 October 2021 by the conduct of the Second Respondent the subject of Declaration 5; and

8. Pursuant to section 793 of the FW Act, the First Respondent, the Construction, Forestry and Maritime Employees Union ('CFMEU'), contravened section 500 of the FW Act on 27 October 2021 by the conduct of the Fourth Respondent the subject of Declaration 6.

THE COURT ORDERS THAT:

1. In respect of Declarations 1 and 5 above, the Second Respondent pay a pecuniary penalty of $15,000 to the Consolidated Revenue Fund of the Commonwealth within 30 days.

2. In respect of Declaration 2 above, the Third Respondent pay a pecuniary penalty of $3750 to the Consolidated Revenue Fund of the Commonwealth within 30 days.

3. In respect of Declaration 6 above, the Fourth Respondent pay a pecuniary penalty of $2550 to the Consolidated Revenue Fund of the Commonwealth within 30 days.

4. In respect of Declarations 3, 4, 7 and 8 the First Respondent pay a pecuniary penalty of $113,886 to the Consolidated Revenue Fund of the Commonwealth within 30 days.

5. There be no orders as to costs.

Note: The form of the order is subject to the entry in the Court's records.

Note: The Court may vary or set aside a judgment or order to remedy minor typographical or grammatical errors (r 17.05(2)(g) *Federal Circuit and Family Court of Australia (Division 2)*

(General Federal Law) Rules 2021 (Cth)), or to record a variation to the order pursuant to r 17.05 *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021* (Cth).

REASONS FOR JUDGMENT

JUDGE VASTA

FOREWORD

1 This matter began in the predictably orthodox manner of any fair work proceeding seeking declarations and pecuniary penalties. But it has ended in a rather bizarre fashion. What launched as a hotly contested proceeding requiring five hearing days which included robust cross examination followed by full written submissions, ended quite suddenly with a compromise between the Applicant and the Respondents.

2 Because of the unusual nature of these proceedings and the amount of "court time" that was utilised, I am of the view that it is in the public interest that I detail the evidence that was presented to the Court over the course of the hearing.

Chronology - Part One

3 On 30 March 2022, the Applicant (then known as the Australian Building and Construction Commissioner or "ABCC") filed an application asking the Court to make declarations, that the four Respondents had contravened the *Fair Work Act 2009* (Cth) ("the FW Act"), and, upon those declarations being made, that the Court impose pecuniary penalties.

4 The matter was programmed to come before me as a first hearing date, but the parties presented draft orders to me in Chambers. Between 3 May 2022 and 30 November 2022, I made various orders regarding the filing of material and extensions of time for such filings to occur. During these months, the parties also unsuccessfully participated in mediation.

5 On 12 December 2022, I made an order in Chambers substituting the Fair Work Ombudsman ("FWO") as the Applicant given the passage of legislation that had, in effect, abolished the ABCC.

6 The trial ultimately commenced on 8 May 2023 and continued on 9, 10 and 11 May 2023 until the evidence called by the FWO concluded.

7 Counsel for the Respondents then informed the Court that the First and Second Respondents would wish to file amended defences and that the Second Respondent would file an affidavit. Counsel also informed the Court that the Third and Fourth Respondents would not be making any amendments to their pleadings, nor would they be giving evidence.

8 On 11 May 2023, I adjourned the trial to allow for the filing of amended defences and the affidavit of the Second Respondent. I adjourned the trial until 17 August 2023. The First and Second Respondents duly filed their material.

9 On 17 August 2023, the trial resumed with the Second Respondent undergoing cross-examination. When that exercise concluded, the entire evidence had therefore all been led and appraised by the Court. The parties then requested an adjournment to file written closing submissions. They asked to be able to return to the Court to make some brief oral submissions to supplement the closing submissions.

10 I will continue with this chronology later in these Reasons, but it is appropriate, at this point, that I recount the substance of the evidence that was led before the Court over the five days of the hearing. In doing so, I will make some comments on that evidence, but I will explain the rationale later in these Reasons.

Introduction

11 The Pacific Motorway (or M1) is an eight-lane highway which connects Brisbane to the Gold Coast. Notwithstanding the sheer size of this highway, the growth in population in this corridor has necessitated upgrades as well as other solutions to the problem of traffic between Brisbane and the Gold Coast.

12 In recent times, the concept of a "second M1" has gained some traction and construction has either begun or is about to begin. It has been colloquially known as the "Coomera Connector" and is a major infrastructure project.

13 The town of Yatala is essentially bisected by the present eight lane highway. Motorists, who wish to go to Yatala, take exit 41 (whether the direction of travel is northbound or southbound), and proceed to a raised roundabout where they can use an overpass to proceed to the other side of the township.

14 In July 2021, Georgiou Group Pty Ltd ("the Contractor") began work on the Yatala South Interchange Upgrade Project. This project was to upgrade exit 41 on the Gold Coast Highway or Pacific Motorway (M1) so that there would be a second overpass on the highway to accommodate the increased traffic in the Yatala area.

15 On 25 October 2021, Dean Rielly ("the Second Respondent") and Matthew Vonhoff ("the Third Respondent:), who were organisers of the First Respondent, Construction, Forestry,

Mining, Maritime and Energy Union ("the CFMMEU"), arrived at the worksite. They refused to sign the visitors register.

16 On 27 October 2021, Dean Rielly and Margues Pare ("the Fourth Respondent"), who was also an organiser of the First Respondent, attended the worksite. They refused to sign the visitors register. The Second Respondent also said words that could be interpreted as a threat. The Second Respondent also made an allegation of corrupt conduct by the contractor.

17 The Applicant, Fair Work Ombudsman ("the FWO") brought the present proceeding and claimed that the actions of the Respondents amount to a contravention of s 500 of the FW Act because the Second, Third and Fourth Respondents (and through them the First Respondent) have acted in an improper manner.

The Contractor

18 The Contractor employed Mr Darren Kelly as its Health and Safety Advisor. He was the person who had the ultimate responsibility for safety on the site. As such, Mr Kelly oversaw the inductions, and the dissemination of safety information, to visitors, employees, and contractors. He also reviewed Safe Work Method Statements ("SWMS"), registers, safety data sheets, incidents and alerts and hazard analysis.

19 The contractor also employed Joseph Barker as its Senior Project Manager at this worksite. Mr Barker had the overall responsibility for the project.

20 The contractor also employed Mr Ben Treagus as a Senior Project Engineer at this worksite. He would oversee other engineers on the project and assist them with the coordination of works and the resolution of issues.

21 The worksite is a very large area, but it is punctuated by quite a deal of public road. Aerial photos at CB 98 and CB 126 clarify the large nature of this worksite.

22 Because construction was being undertaken in different areas of the worksite, which was divided by public roads, the contractor held daily safety briefings so that each worker understood what was happening in their particular work area, as well as what was happening overall on the worksite and how it may impact any other particular work area.

23 Each morning, all workers were required to sign a meeting attendance form to signify that they have understood what was happening in their area and what the safety concerns for that area

may be. If a worker arrived late and missed the "pre-start meeting", it was their obligation to ensure that they read all the materials from that meeting and to also sign the attendance form.

24 Examples of the signed attendance form are found at CB 116 and at other places in the Court Book. Examples of the discussions that were had at the pre-start meetings (and the documentation that would have to be read by any worker who was going to the worksite but had not attended the pre-start meeting) are found at CB 297 to CB 300.

Visitors to the site

25 The worksite did have capacity for "visitors" to attend the worksite. All visitors were required to attend the site office and to announce themselves to a representative of the contractor. There were signs to this effect throughout the worksite. The site office was at the western end of the worksite and is accessed by utilising the public road known as Cuthbert Drive.

26 Visitors were requested to sign the visitor register. Their name, phone number, company, and position, would all be recorded as would the declaration of the visitor as to any pre-existing condition or injury that would prohibit entry to the worksite. The signature of the visitor, time in and time out of the visitor, as well as the name of the escort from the contractor and the signature of the escort, would also all be recorded.

27 Visitors were then given an "induction" by the contractor where they were made aware of precautions that must be undertaken, any particular safety issues in the area in which they were visiting, emergency procedures and "what to do if the visitor becomes separated from their escort" as well as other pertinent matters. By signing the visitors register, visitors were acknowledging that they have been told of all the safety aspects pertinent to their visit to the worksite and have understood that information.

28 Such a form is found at CB 100.

29 The reason for implementing such a regime for visitors is self-evident. Obviously, it would be a gross dereliction of duty for the contractor to allow persons to enter the worksite who were not informed of the risks to their safety (and the measures to be taken to minimise those risks) and who had not acknowledged the same by signing the visitor register.

30 If a visitor entered any particular area in the worksite, their escort would read the "task card" to them or give them the task card to read themselves. The task card described what works were happening that particular day, in that particular area, and listed any additional hazards

that may be encountered on site during the shift. The card also described what risks were associated with those hazards (and the works that are being done) and the control measures that were being implemented. In this way, all visitors were then made aware of the risks and could act accordingly. The reason for implementing this regime is also self-evident.

25 October 2021

31 On 25 October 2021, the Second Respondent had apparently received a complaint about safety on this worksite. He arranged for the Third Respondent to meet him at the location. The Second Respondent arrived at the site office of the contractor at about 9:45 AM.

32 Mr Kelly went to the break in the fencing and met with the Second Respondent. The Second Respondent said that he was from the Union and that he was just waiting for his "brother", which Mr Kelly took to be another official from the Union.

33 Mr Kelly said to the Second Respondent, "*when he gets here, can you please come to the front, and we will go through the process of signing in*". Mr Kelly waited at the break of the fence. Another vehicle arrived which contained the Third Respondent. The Second Respondent again approached Mr Kelly.

34 This encounter was videotaped by the Second Respondent who was wearing a "body worn camera". This video became Exhibit 1 in these proceedings.

35 The Second Respondent gave evidence that, on an almost daily basis, he attended worksites as an official of the First Respondent. He said that he always wore a body camera because it was essential to record any interactions he had on worksite. He said that if he had any other official with him, it was also desirable for that person to also record interactions with their own body worn camera. This, in fact, did occur on 25 October 2021 with both the Second Respondent and the Third Respondent recording the interactions with the contractor and their officials.

36 What is depicted on the video is the Second Respondent handing his notice (under s 117 of the *Work Health and Safety Act 2011* (Qld) ("Queensland WHS Act")) to Mr Kelly. As Mr Kelly was reading the notice, he then asked the Second Respondent "*What are you guys here for today?*" to which the Second Respondent answered, "*Have you got a high risk construction SWMS for adjacent traffic?*" Mr Kelly answered that he did and asked the Second Respondent (and Third Respondent) to come into the office, sign in and that they could look at the SWMS.

37 When Mr Kelly requested the Second Respondent to "*come in and sign in as a visitor*", the Second Respondent retorted, in an emphatic manner, "*I won't be signing in*". There was a back-and-forth discussion where Mr Kelly was telling the Second Respondent that he had a requirement to sign in and receive a safety briefing and the Second Respondent insisting that there was no requirement for him to do so and that he would not be signing in.

38 Mr Kelly then left the break in the fence and walked towards the site office telling the Second Respondent that he needed to wait there while Mr Kelly spoke to "the PM" (a reference to the project manager, Mr Barker). As Mr Kelly was walking away, the Second Respondent can be heard chuckling.

39 Mr Kelly entered the site office and spoke to Mr Barker, informing him that the issue for the Union officials was "SWMS and working on the roads". Mr Kelly and Mr Barker then left the site office and went to the break in the fence and took up with the Second Respondent and the Third Respondent.

40 The Third Respondent was also video recording the encounter on his own body worn camera. This recording became Exhibit 2. Mr Barker and the Second Respondent began discussing workers crossing Cuthbert Drive to get from one part of the worksite to the other. Interestingly, the Third Respondent received a phone call at this time and can be heard telling the caller that he was "doing the dance" and that he (the Third Respondent) was "about to go into war mode".

41 It is apparent, when watching the video recording, that the Second Respondent was not going to go into the site office but was insistent upon venturing from the car park area to the places he wished to inspect.

42 Notwithstanding the impasse about whether the Second Respondent and Third Respondent had to sign the visitors register, Mr Barker instructed Mr Kelly to retrieve the SWMS from the site office and to bring that document back to where he and the Second Respondent were.

43 When Mr Kelly went back to the site office, he saw that there were three inspectors employed by Work Health Safety Queensland ("WHSQ") sitting in the site office. Mr Kelly and the inspectors had a conversation about the Union officials where Mr Kelly explained that they had not been threatening in any way, and he was not refusing them entry, but they were simply refusing to follow the process and sign in. He told the inspectors that he was retrieving the SWMS for the Union officials to inspect.

44 One of the inspectors suggested that they all go into one room so that they could all talk. Mr Kelly returned to the Second Respondent and Third Respondent and passed on the suggestion of the inspectors. The Second and Third Respondents were happy to accompany Mr Kelly and Mr Barker to that area. Once inside that room, the request was again made for the Second Respondent and Third Respondent to sign the visitor register. Again, both the Second Respondent and the Third Respondent refused.

45 The Third Respondent produced his Federal permit and his State permit and placed them on top of the register and said words to the effect that he and the Second Respondent had gone above and beyond what they were required to do for the contractor to allow them onto the site.

46 Mr Kelly retrieved the visitor register and the Third Respondent then placed the two s 117 notices (which had the signatures of each of the Second Respondent and the Third Respondent) on top of that register saying that "*as far as they were concerned* (the contractor) *can keep those notices with the register as that would prove that the two respondents complied with all of the requirements*". Unsurprisingly, Mr Kelly insisted upon them signing the actual register. He is heard sighing "*I don't understand why it is so hard*".

Site Inspection and Aftermath

47 Ultimately, despite the stalemate over the sign in, the Second Respondent asked questions about the worksite and explanations were given to him by Mr Barker. Questions were also asked by the WHSQ inspectors. The discussion, that is recorded in Exhibit 2, was civil and appropriate.

48 Eventually, the WHSQ inspectors, the Second Respondent, the Third Respondent, Mr Kelly, Mr Barker and Mr Treagus walked to various areas in the worksite and discussed issues pertaining to those areas. (I do note that neither the two Respondents not the WHSQ inspectors ended up signing the register) Those issues included the Elevated Working Platforms ("EWP") that were situated on both sides of the highway.

49 At the end of the site inspection, the WHSQ inspectors informed Mr Barker that they would be issuing an improvement notice which related to only one of the issues discussed. In effect, this conversation summarised that, out of all the issues discussed, including the sites where an EWP was utilised, the WHSQ inspectors had no concerns except for the issue the subject of the notice. This notice was sent by email to Mr Barker later that day. According to that

improvement notice, the provision, that was found to have been contravened, occurred because: -

> Workers are walking across roadways to enter the construction site, worker was observed and photographed carrying length of pipe from the (contractor) site shared/lunchroom area and site compound across the service road and accessing the construction site across the road, I was advised by Joe Barker that the procedure was to gain access to the site via the roundabout when access was viewed by going to the roundabout the site was barricaded off and workers would have to go under the barricade. Other workers who may access the work area next to the Southeast freeway on foot had to cross the on-ramp to the freeway.

50 The directions given as to the measures to be taken to remedy or to prevent the contravention, or likely contravention, were that the contractor was to: -

> Develop implement and train workers on procedures for workers on foot that access the worksite.

51 This matter was discussed with all workers at the pre-start meeting that occurred the next day and the notice was affixed in a prominent position for all workers to view.

Issues raised in cross-examination – 25 October 2021

52 The evidence did show that the register was in an appalling state. Whilst there is a note of the visitors, and their phone numbers, very rarely is the date of the visit, the company and position or the name of the escort recorded on the register. In a similar vein, whilst the sign in time is noted, the signature and sign out time is infrequently completed. Furthermore, the page numbers were rarely sequential.

53 The Respondents argued, through the cross-examination, that the requests to sign the register were unreasonable for a number of reasons.

54 It was argued that the poor record-keeping of the register illustrated that the contractor was simply paying "lip service" to the necessity of keeping such a register and that any request to sign the register was therefore not reasonable. In his evidence, Mr Kelly acknowledged the poor state of the record. He did not excuse this state of affairs and admitted that the maintaining of the visitor register was his responsibility. He also said that, as of October 2021, the project was still in its infancy and that the record-keeping improved as time went on.

55 It was also argued that, by insisting that the Second and Third Respondents sign the visitor register, the contractor was deliberately trying to slow down the process and to frustrate the Second and Third Respondents in the performance of their lawful duties. The argument was that this made the request to sign in "unreasonable".

56 Whilst the Second Respondent conceded that he was obliged to obey site rules, he reasoned that this was conditional on the site rules being "reasonable" and that he didn't believe that the request for him to sign in was a reasonable rule.

57 It was also argued that there was no need for any form of safety briefing because both officials were experienced Union organisers who consider themselves "officials" and who understood safety on a worksite; hence, there was no need for a safety induction. This also made the request to sign the register "unreasonable".

58 In his evidence, the Second Respondent further claimed that he had previously been told by WHSQ inspectors that he did not have to sign such a register, although he later admitted that this information was not part of his Fair Work Act training. However, the question remains, if he genuinely believed that this advice was correct, why did the Second Respondent not clarify this with the WHSQ inspectors who were present at the time.

27 October 2021

59 The Second Respondent said that ordinarily, if he had visited a site and found some safety problems, he would then follow up to see whether the problems had been rectified. He said that he decided to go to the project on 27 October 2021. He was with the Fourth Respondent. He approached the project from the north coming to the south.

60 He said that on this occasion, as he was approaching the project, he saw an EWP operating in an area adjacent to the northbound lane of the motorway. The EWP was up on an embankment which caused the Second Respondent to be concerned about the reinforcement of that level. His concern was that if the EWP overbalanced, it could injure the operator or even roll onto oncoming motorway traffic.

61 When he came off the overpass to the motorway, he could have proceeded straight to the site office (where he had been two days earlier), however he said he was concerned about the risk associated with the EWP and considered it urgent, so he drove directly into the area and parked there. This area is adjacent to the western entry onto the overpass, and it is the area outlined in blue in the photograph depicted at CB126. The Second Respondent said that he spoke to one of the subcontractors who told him that he would get someone in authority to attend.

62 The Second Respondent took photos of the area while he was waiting for someone to attend and wrote out his s 117 certificate which listed three concerns.

63 At this time, Mr Barker was in the site office and was informed that there were Union officials at the western abutment of BRO2. Mr Barker and Mr Treagus drove to that area of the worksite while Mr Kelly remained in the site office. Whilst the area of BRO2 is surrounded by fencing, there is an entry point near the beginning of the on-ramp to the motorway heading north. There is an exit point further along that on-ramp.

64 On the fence at the entry point to BRO2, there is a sign which is depicted in photographs that are exhibits 4, 5 and 20. The sign displays the following information: -

- authorised personnel only (written in white on a red background)
- all visitors must report to site office/supervisor
- all visitors must complete a site induction
- report any incidents or hazards to site staff
- the name and phone number of the site contact
- the name and phone number of the after hours contact
- the site office location

65 As they drove into the area, Mr Barker saw that two persons came out of a utility vehicle. Mr Barker recognised the vehicle as one that had been at the site office parking area two days earlier. Despite there not being any areas for non-authorised vehicles to park, a "visitor parking" sign had been mistakenly left on the temporary fencing and this utility was parked near that sign.

66 The Second Respondent and the Fourth Respondent were the two persons who alighted from the vehicle. Mr Barker approached the Second Respondent and asked, "*why did you not go to the site office?*" The Second Respondent answered that "*we are parking in the designated visitor area*". Mr Barker said that they had to report to the site office and sign onto the visitor register to which the Second Respondent replied "*No, I don't*".

67 Mr Barker pointed out the signage at the entrance where it clearly stated that only authorised personnel were to enter this area and that all visitors had to report to the site office. The Second Respondent said, "*I am an authorised Union representative; therefore, I am authorised to be on site*".

68 Mr Barker said that this wasn't the case and that the Second Respondent and Fourth Respondent needed to report to the site office first.

69 The Second Respondent asked why he had to go to the site office and Mr Barker replied that he needed to be told what risks were in the area before entering. Mr Barker pointed out that the Second Respondent had just driven into a live work area without being made aware of the works occurring, the risks associated with those works, and the control measures in place.

70 The Second Respondent and the Fourth Respondent did not read the task card and it was fortunate for them that, at the time they entered the work area, the workers were on a break and there was no construction activity occurring at that time.

71 The Second and Fourth Respondents then produced their Federal and State permits and handed to Mr Barker his notice of entry pursuant to s 117 of the Queensland WHS Act.

72 The Second Respondent asked to see the SWMS because there were "issues on site" and that he was concerned about the workers "*working on the EWP in here*". The issues raised by the Second Respondent related to the emergency response training for the EWP users and edge protection for the EWP working at the base of the wall that had the mesh in place ready for concreting (this area is clearly seen in Exhibit 12).

73 Mr Barker, having come to the view that neither the Second Respondent nor the Fourth Respondent were going to sign in, arranged for someone at the site office to bring the SWMS to BRO2. He showed the document to the Second Respondent and answered questions.

74 Mr Barker explained to the Second Respondent that there were star pickets along the edge of the boundary with two lines of orange flagging (clearly seen in Exhibit 12) and that, for any person using the EWP, this was sufficient to ensure that they stayed with in the area and did not veer off the edge of the base. The Second Respondent argued that this was insufficient.

75 Mr Barker finally explained that this was the same issue that had been discussed with the WHSQ inspectors two days previously and that they had no concerns. The Second Respondent said that "*I don't think they were happy; do you want me to ring them?*" Mr Barker replied "*yes, ring them*".

76 An almost comic scenario then ensued. While the Second Respondent was on the phone to one of the WHSQ inspectors (Mr Crow) that had been there on 25 October 2021, another of those inspectors (Mr Garaty) coincidentally phoned Mr Barker. This meant that both the Second Respondent and Mr Barker were simultaneously speaking to WHSQ inspectors about the same issue.

77 Mr Barker said that Mr Garaty told him that a complaint had been made concerning the EWP and that he might receive a visit on site about it. When Mr Barker replied that the Union was already on site, Mr Garaty told him that he would come to the site immediately.

78 The Second Respondent then told Mr Barker that Mr Crow wanted to speak with him and handed him the phone. Mr Crow told Mr Barker that the Second Respondent had claimed that AK Civil (the subcontractor performing works at BRO2) had not taken any steps to do an emergency drill in relation to the EWP but that he (Mr Crow) had informed the Second Respondent that AK Civil had actually completed an emergency drill but that it had not been documented.

79 After the various phone conversations concluded, the Second Respondent resumed conversing with Mr Barker, but the topic had moved away from the EWP and on to other matters.

THE CONVERSATION

80 Mr Barker claims that the conversation proceeded in the following manner:-

> **SR**: What is your procurement process? How do you select subcontractors? Because you are going to the bottom of the barrel and then going lower
>
> **B**: Are you talking about Rix?
>
> **SR**: Rix are the bottom of the barrel. You are going below that to use AK Civil for steel fixing
>
> **B**: (no response)
>
> **SR**: Is Courtney Scott involved in the procurement process? I'm not happy with her, she upset me recently
>
> **B**: (no answer)
>
> **SR**: Are you paying workers on an ABN?
>
> **B**: What? No. We have to do everything in accordance with the Building Code
>
> **SR**: You are lying about paying workers on ABN, you are paying people on 457 visas
>
> **B**: I don't know what you're talking about. Everything we do is in accordance with the Building Code
>
> **SR**: You are lying. How do you know it's done in accordance with the Building Code?
>
> **B**: Because it's audited by the ABCC
>
> **SR**: (talking to Mr Treagus) Your boss is a liar
>
> **SR**: (talking to Mr Barker) You're not even reacting to me when I am calling you a liar
>
> **B**: (no response)

SR: Who does your procurement process? Who does the selection of subbies?

B: Why?

SR: Is someone checking if people had a right to work? There are illegal immigrants on site

B: What are you talking about?

SR: The Irish, Silverstrand and Baden

B: I had not heard anyone comment about Baden before. What do you mean?

SR: He underpaid his people. He is a bad person. You need to start using my subcontractors. We wouldn't have issues if you had our guys.

B: Who are your guys?

SR: You tell me who you need and I will tell you their names. If you don't start doing what I tell you, I will go to my car, grab my bat and start swinging it around

B: Are you saying you are going to hit me? Are you threatening me?

SR: I never said I'm going to hit you. I might just start swinging it around the car park

B: I am in the car park, so are you still threatening me?

SR: No, I would just swing it around the car park

B: (no response)

SR: How much are you paying WHSQ to avoid getting notices?

B: (no response)

SR: Georgiou thought they were in prime position for a Coomera Connector, but I might see what I can do to knock them off

81 Mr Barker said that after this conversation, the Second Respondent and the Fourth Respondent began to walk towards their vehicle. At this time the Second Respondent raised two fingers and said, "*That's two nil to me*".

82 As they began to depart the worksite, Mr Barker pointed out to them that they needed to leave via the exit and not the entry (because this could have caused a collision with oncoming traffic that was rounding the roundabout). The Second Respondent said, "*I wouldn't have known that*" to which Mr Barker replied, "*That is why you need to go to the site office when you first arrive*".

83 The evidence of Mr Treagus differed from that of Mr Barker in some minor respects but not in any material way that would affect credibility. By and large, the evidence of Mr Treagus was completely corroborative of the evidence of Mr Barker.

Issues raised in cross-examination – 27 October 2021

84 The suggestion was made that the conversation involving the "bat", the bribing of the WHSQ inspectors and the "Coomera Connector" did not occur.

85 It was suggested to Mr Barker that the Second Respondent had exposed safety deficits under Mr Barker's watch and thereby embarrassed him. It was suggested that this embarrassment caused Mr Barker to concoct these three allegations as a form of revenge against the Second Respondent.

86 It was suggested to Mr Treagus that he felt compelled to go along with the tale told by Mr Barker because of his position in the company. It was suggested to Mr Treagus that he wanted to preserve his position with the contractor and so acquiesced to the pressure that had been put upon him.

87 It was suggested to Mr Barker that, if the Second Respondent had made these threatening statements, that he, Mr Barker would have told other people. Mr Barker agreed that he did not tell his immediate supervisor, but he did tell another person, Mr Donald, within hours of the conversation, about what had been said. Mr Donald is, apparently, the second in charge of the contractor behind Mr Georgiou himself.

88 A number of emails that had been sent by Mr Barker were put into evidence and there was much cross examination about them. All these exhibits were tendered to suggest to the Court that both Mr Barker and Mr Treagus had made previous inconsistent statements. The clear suggestion by the Respondents was that in making previous inconsistent statements, the Court should find that this undermines the credibility of those two witnesses to the point that the Court could not accept what they say, about conversations had with the Second Respondent, as being truthful or accurate.

Evidence of the Second Respondent

89 The Second Respondent gave some general evidence as to his experience before becoming an employee of the First Respondent. He said that, as an organiser for the First Respondent, he would go to sites just about every day. He explained that the occupier of the worksite has a duty to maintain safety at the worksite, and that this duty is not one that is transferable.

90 The Second Respondent said that every worksite is different and that a person cannot apply the safety standards that have been employed on one site and just transfer them to another site. Every safety plan must be one that is specific for that particular workplace.

91 The Second Respondent spoke of the importance of pre-start meetings and why it was essential that all workers know what is happening on a particular day at a worksite. For the same reason, the Second Respondent said that emergency drills are "absolutely necessary", and that SWMS must be updated periodically.

92 The Second Respondent said that when he visits a worksite, he does not consider himself to be "a visitor". The Second Respondent said that he considers himself to be "an official". He said that he believes that there is no requirement for him to be given an induction at any worksite when he attends. This evidence was somewhat incongruous with the evidence he gave regarding safety.

The conversation on 27 October 2021 as alleged by the Second Respondent

93 The Second Respondent said that Mr Barker asked him what the contractor could do for there to be no more problems and the Second Respondent replied that the contractor should stop using "bottom of the barrel contractors". The Second Respondent said that he knew that the subcontractors on-site had a history of using 457 workers and ABN workers. The Second Respondent said Mr Barker denied using such workers.

94 The Second Respondent said that he and Mr Barker had a conversation about subcontractors and that the Second Respondent offered to give him some names of subcontractors who were good and safe. The Second Respondent said that he was going to leave, and that Mr Barker pointed out the correct exit to use and he then left the site.

95 The Second Respondent denied ever threatening Mr Barker or making any reference to using a bat or claiming that Mr Barker corruptly influenced the WHSQ inspectors.

Lack of body worn camera footage

96 The most curious aspect of his evidence was that the Second Respondent did not utilise a body worn camera on this occasion. After giving evidence as to the necessity to use such a device, it is illogical that he would simply not utilise such a device particularly when the whole purpose for his visit to the site was to check on what progress the contractor had made on the issues identified two days previously.

97 When asked as to why he didn't have his recording equipment, the Second Respondent said that he didn't know. He said that the cameras have a very short battery life and so they have to download them and recharge them on a regular basis. He said that he believed that he just

forgot to grab it, but he couldn't be sure. It was put to him, by senior counsel for the Applicant, that a reason could have been that he didn't want to record what was going to happen that day. The Second Respondent denied that suggestion.

98 It seemed very strange that, coincidentally, the Fourth Respondent also did not have his body worn camera with him that day. The Second Respondent said that he did not know why the Fourth Respondent did not have his camera.

99 It is very difficult to accept the explanations given by the Second Respondent as to why there is no body worn camera footage of this incident. It defies common sense, especially given the evidence that the Second Respondent gave as to the importance of the body worn camera. The suggestion, made by senior counsel for the Applicant, seems a far more likely explanation, though it was not outside the realms of possibility that there actually was body worn camera footage which was simply not disclosed to the Court.

100 This is compounded by the fact that the Second Respondent said that the reason for him going to the worksite was to check on what, if any, progress the contractor had made with the issues that had been raised two days earlier. However, the Second Respondent left the worksite without doing anything to check that progress. He could not satisfactorily explain why it is that he went there to do one thing and left without doing it.

101 On his version of what had happened, there was absolutely no reason for him not to have accomplished the task that he set out to do. However, if he had behaved in the manner, in which Mr Barker and Mr Treagus have testified, it would be no surprise that the Second Respondent left the worksite as quickly as he could (to the extent that he tried to leave through the entry which was extremely dangerous).

Credibility

102 The Second Respondent admitted that he refused to sign in on 25 October 2021 and also on 27 October 2021. The Second Respondent maintained that there was no requirement for him to do so on either occasion. The Second Respondent denied that he had the conversation that both Mr Barker and Mr Treagus have said that he had with them on 27 October 2021.

103 Obviously, this aspect of the latter matter could only be resolved by an assessment of the credibility and reliability of the three witnesses involved. I watched each of the witnesses very closely and to studied how it was that they answered the questions. I was also able to assess the manner in which they behaved in the video taken on 25 October 2021.

104 Mr Barker impressed me as a straight shooter. His demeanour in the witness box matched his demeanour in the videos. He was respectful to all parties. His answers had an internal logic to them. He was cross-examined extensively about the making of the complaint as to the behaviour of the Second Respondent on 27 October 2021 and made appropriate concessions. His credibility remained unscathed.

105 Mr Treagus also impressed me as a witness of truth. He made appropriate concessions and was unconcerned as to what would be made of his evidence. He simply told the truth. I found him to be a reliable witness.

106 I watched the Second Respondent very closely and it seemed to me that he had rehearsed a particular story in his head so often that he had convinced himself of its truthfulness. However, when that story was properly probed, it started to come apart at the seams. It was internally inconsistent and contradictory and, in some parts, quite preposterous.

The submissions

107 As previously noted, it was common ground that the Second Respondent and the Third Respondent failed to sign in on 25 October 2021 and that the Second Respondent and the Fourth Respondent failed to sign in on 27 October 2021. The question was whether the refusal to sign the register constituted "*acting in an improper manner*".

108 With respect to the final allegation of contravening s 500 of the FW Act, the question was whether the conversation, as described by Mr Barker and Mr Treagus, actually occurred.

The submissions of the Applicant

109 The Applicant filed their written closing submissions on 4 October 2023. The submissions were very forceful and quite fulsome. The submissions asked the Court to accept that the request by the contractor for the Second Respondent and the Third Respondent to sign in on 25 October 2021, and for the Second Respondent and the Fourth Respondent to sign in on 27 October 2021, were reasonable requests and that the Court should reject any submission that the requests were unreasonable. As the requests were reasonable, the refusal to sign in meant that the Second Respondent, the Third Respondent and the Fourth Respondent had all acted in an improper manner.

110 With respect to the allegation about the conversation between Mr Barker and the Second Respondent on 27 October 2021, the Applicant made very forceful submissions that Mr Barker was a witness of truth and that his evidence withstood cross examination on all points.

111 The Applicant submitted that the evidence of the Second Respondent generally should not be accepted due to his credibility issues and the illogicality of his evidence on specific issues.

112 The Applicant further submitted that the Court should logically infer that on 27 October 2021, the Second Respondent was frustrated by questions of safety, he was frustrated that the WHSQ inspectors had not taken action on all of the matters he thought were important, he was frustrated that the contractor was not using "union contractors", and he was frustrated that the subcontractors (that the contractor was using) may well have been employing workers on 457 visas instead of local workers. The Applicant submitted that all of these matters were important to the Second Respondent and this frustration manifested in the Second Respondent making the threats and comments that he did.

The submissions of the Respondents

113 The Respondents filed their submissions on 1 November 2023. They also made very forceful submissions. The Respondents' argument was that the Second Respondent and Third Respondent were not exercising their rights under Part 3-4 of the FW Act on 25 October 2021 and, therefore, there could not have been any contravention of s 500 of the FW Act.

114 As an alternative, the Respondents argued that there was no request of the Third Respondent when he was in the car park and, that when he was in the crib room with the WHSQ inspectors, he was not exercising those rights.

115 As a further alternative, the Respondents submitted that there was nothing improper in declining to sign the visitor register.

116 As to the events on 27 October 2021, the Respondents submitted that there was nothing improper in failing to sign the register by the Second Respondent and the Fourth Respondent.

117 With respect to the conversation, the submission was that there was such gravity to this allegation that findings of a contravention having occurred should not be made lightly. The submission was that the conversation alleged was one that defied common sense. I will deal with the specific reasons upon which that submission was based when I talk of the submissions of the Applicant in reply.

118 The Respondents submitted that the Court should find that the contraventions have not been made out.

The submissions of the Applicant in reply

119 The Applicant filed their reply submissions on 15 November 2023. With respect to the submissions, that had been made by the Respondents, as to why the Court would reject the allegation that the Second Respondent had threatened Mr Barker, the Applicant made these submissions.

120 Firstly, it was not contrary to common sense for reference to be made to a "bat" rather than a further descriptor such as a "baseball bat" or a "cricket bat". This is no reason to doubt what Mr Barker had said.

121 Secondly, the analogy used in the submissions of the Respondents was not an apt one. The conversation was, even on the evidence of the Second Respondent, a robust one and took place in the context of the consistent and stubborn refusals by the Second Respondent to sign in and involved matters which the Second Respondent considered important and that he took seriously. To compare this conversation with the conversation that might occur in a coffee shop between the customer and a barista is not apposite.

122 Thirdly, simply because the Second Respondent did not lose his temper or explode when he gave evidence before the Court, could not be the basis for a finding as to how he acted on 27 October 2021.

123 Fourthly, the fact that Mr Barker did not call the police is not relevant, and this is not probative of whether or not the event happened.

124 Fifthly, an examination of what Mr Barker had said to persons could not lead to an inference that the "bat" conversation did not occur. In fact, the evidence was that Mr Barker mentioned the "bat" allegation to his manager on the afternoon of 27 October 2021.

125 Lastly, the contention that the evidence of Mr Treagus was not corroborative but rather a mere adoption of the evidence of Mr Barker was misconceived. Such a contention would require the Court to accept that Mr Treagus was somehow beholden to Mr Barker or motivated by the same factors which the Respondents rely upon to assert that Mr Barker has concocted this story. There was no evidence to support either contention. Mr Treagus was an engineer and did not report to Mr Barker. He did not have the same interests as Mr Barker regarding safety and

management of the worksite. He was removed from the interactions between Mr Barker and the Second Respondent and there was no basis to infer that his evidence was somehow manufactured.

Chronology - Part Two

126 As can be seen from the submissions of the parties, the matter was hotly contested, especially the evidence involving the most serious allegation regarding the conversation between the Second Respondent and Mr Barker.

127 Upon the filing of all the material, I had read and digested the submissions. Whilst I had not heard the final oral submissions of the parties, they were not going to add anything new to the mix.

128 In giving my recitation of the evidence that had been placed before me, any commentary by me was not "pre-judgement" but the result of considered deliberation having heard all of the facts and taken into account the very forceful and fulsome submissions of both parties.

129 By Friday, 17 November 2023, I had well and truly begun to compile my written judgment and was now only awaiting the final oral submissions (which would be made on the following Monday) that would complement the submissions that had already been made.

130 At 1:24 PM on Friday, 17 November 2023, my Chambers received the following email from a representative of the solicitors for the Applicant. The email read as follows: -

> Dear Associate,
>
> We refer to the above proceeding and the hearing on Monday, 20 November 2023.
>
> The parties have electronically filed the attached updated joint list of authorities.
>
> Could you please let us know if His Honour would like a hard copy bundle of authorities? If so, the parties will prepare a copy to hand up on Monday.
>
> The respondents' solicitor has consented and is copied into this correspondence.
>
> Yours sincerely,

131 My staff replied at 5:09 PM that I did not require a hard copy of that bundle. My staff then left Chambers at close of business (approximately 5.15 PM) on Friday, 17 November 2023.

132 At 5:57 PM that day, another representative of the solicitors for the Applicant sent a further email to my Chambers. It read as follows: -

> Dear Associate,

> We refer to the above matter.
>
> The parties have reached agreement on the matter of liability. The parties will be providing proposed consent orders for His Honour to this effect as soon as possible, and will be seeking orders to program the matter to a penalty hearing.
>
> However, in the interests of time, the parties wish to inform His Honour now and respectfully request that the hearing on Monday be vacated.
>
> The respondents' solicitor is copied and has consented to the Applicant approaching the Court on this basis.
>
> Kind regards

133 Given the time of day that the email was sent, there was no one in Chambers to receive that email. It was not until early on the Monday morning that my staff saw the email. I asked the parties to appear before me later on Monday, 20 November 2023 so as I could understand what had happened.

134 I was informed by junior counsel for the Applicant that the parties had agreed that the Respondents would accept the allegations that they had contravened s 500 of the FW Act on 25 October 2021 and 27 October 2021, in that they had acted improperly by failing to sign in when attending the worksite.

135 I was informed that the allegation regarding the conversation between the Second Respondent and Mr Barker would no longer be pursued. I then enquired whether the FWO now considered that Mr Barker and/or Mr Treagus were not witnesses of truth. Junior counsel rebuffed that suggestion immediately and said that the FWO considered both of them to be witnesses of truth. Junior counsel explained that, like any litigant, the FWO are permitted to compromise their litigation in any way that they see fit.

136 I asked whether the FWO had informed either Mr Barker or Mr Treagus of this decision and, whilst not confirming that they had not, the kerfuffle at the bar table gave me the distinct impression that it had not even crossed anyone's mind to tell either of those two "witnesses of truth" what the FWO was now doing.

137 I adjourned the matter to the next morning. At this hearing, I set a timetable for new pleadings, and other sundry material, to be filed. The penalty hearing was set for 22 March 2024. I noted in the orders I made that if I had concerns about the material, I would call the parties back to Court. After this date, I made a number of orders in Chambers extending the filing dates.

138 On 15 February 2024, I mentioned the matter as the parties had now filed a statement of agreed facts. I pointed out that there were factual aspects missing from that statement. Both Counsel

submitted that, for the purpose of determining penalty, I had to now ignore any evidence that I had heard if it was not contained in the new agreed statement of facts. I told senior counsel for the applicant that I had some concerns about perceptions regarding the Applicant's role as model litigant, especially with descriptions of the functions of the Applicant made on the FWO website. I said that I would appreciate some submissions on that topic.

139 The matter remained listed for resolution on 22 March 2024. When the submissions were ultimately filed in March 2024, the Court learned that the Applicant and Respondents had now agreed to the exact penalty for the First Respondent and to penalty ranges for the other three Respondents.

Model litigant

140 Whilst the FWO is a "model litigant", it is in a different position to occasions where the Commonwealth, or other government department, simply happened to be one of the participants. This is because the FWO is both investigator and prosecutor where the outcome sought is a civil penalty or a pecuniary penalty.

141 The FWO is, in effect, the gatekeeper for ensuring that the provisions of the FW Act are upheld. As is boldly trumpeted on the FWO website, the mission of the FWO is:-

> We help everyone in Australia follow the laws that make all workplaces equal and fair

142 It is therefore incumbent upon the FWO to ensure that they have the trust of the community, given the importance of the role that they have. This means that the FWO must help everyone to follow the laws, and in this case, the FW Act. It also means that they must treat everyone equally, whether they be the victim of a person, or entities, who have contravened the FW Act, or whether they be the perpetrators of such a contravention.

143 For the FWO to be effective, it must have the trust and confidence of the public. In doing this, it must live up to its purpose, as outlined on its website, which is:-

> to promote harmonious, productive, cooperative and compliant workplace relations in Australia

What has occurred in the present matter?

144 There were, in effect, three claims before the Court. Two of the claims involved allegations of "*acting in an improper manner in failing to sign in when exercising a right of entry*". The third claim was the most serious claim.

145 It was a claim that a representative of an employer was threatened physically and accused of corruptly paying Queensland Government officials and that the employer itself was threatened financially. All of those actions were claimed to have been committed by a person acting on behalf of a Union. The claim was based upon the evidence of two "witnesses of truth".

146 To abandon such a claim, especially at the eleventh hour, is something that one would think would not occur lightly.

147 In this case, the attitude of the Applicant was consistent from 30 March 2022 to 17 November 2023 with the filing of the application through to the filing of affidavits, the calling of witnesses who were cross-examined, the cross examination of a Union witness who gave contrary evidence, the making of very strong submissions in support of the claim and the making of very strong submissions in reply.

148 Yet, a little over 4 hours after finalising all the preparations for the last act in this long running saga (which was to occur on the following business day), the FWO abandoned the claim, notwithstanding that it still proclaimed Mr Barker and Mr Treagus as being "witnesses of truth".

149 What concerned me is that there may be a perception that the FWO had not complied with their obligations as a model litigant. Those obligations include such concepts as acting as transparently as possible and acting consistently.

150 The FWO "prosecutes" many matters before this Court, predominantly contraventions of s 716 of the FW Act where employers have failed to comply with compliance notices. The FWO prosecutes those matters fairly but very firmly. For public confidence to be maintained in the FWO, the same attitude, that is present in those matters, must, not only be present in all matters handled by the FWO, but be seen to be present in all matters handled by the FWO.

151 In this matter, the perception may very well be that the FWO has, by its own actions, not lived up to its purpose. Whilst it must treat all victims equally and all perpetrators equally, the perception here may very well be an Orwellian one; that is, that some victims, and some perpetrators, are more equal than others.

152 When I pointed these matters out to senior counsel for the FWO, he submitted that if any person had a perception that the FWO had not acted appropriately, such a perception would be an incorrect one.

153 He submitted to me that, when there is contested litigation, there is always a risk of failure. The FWO had a duty to ensure that the public monies, that they were expending, were being appropriately applied to litigation.

154 Senior counsel submitted that in this matter, there were three main allegations of contraventions of s 500 of the FW Act. If the matter had proceeded on 20 November 2023, the time of the Court would have been further expended upon the deliberation and ultimate delivery of a judgment. There was always a chance that the Court would find that none of those contraventions were proved. He submitted that even if any of those allegations had been proved, there was the ever-present spectre of appeal (which would also require the expending of precious funds). He said that this may mean that the final resolution of this matter may have been up to 2 years after 20 November 2023.

155 Senior counsel submitted that the compromise made by the FWO has resulted in two of the three allegations being admitted which means that the liability aspect did not have to trouble the Court any further. The parties have agreed to an exact penalty for the First Respondent and have agreed to ranges of penalties for the Second, Third and Fourth Respondents. He argued that this has also saved the Court time and energy. He also submitted that such a result means that there will not be any appeal and that, when the Court imposes a penalty, the matter will be at an end.

156 Senior counsel submitted that the detail of negotiations must, for obvious reasons, be somewhat opaque but the result of the negotiations, and the benefits to the community as a whole, are quite transparent.

157 It was proper for counsel to put those matters on the record because of the somewhat bizarre history of this litigation. Whether those matters are sufficient to dispel the perception, about how this litigation has been conducted, is not for me to say. It is not my confidence and trust in the FWO that needs to be maintained; rather, it is that of the community at large.

158 The propriety of the actions of the FWO is not for me to determine; however, it is my responsibility to put matters on the record (if only to explain what the Court had been undertaking for five whole sitting days) and for others to make of these facts as they will.

159 In this case, my task is quite clear. The parties have now filed amended pleadings. In doing so, they have set new goalposts for how this litigation needs to be resolved. It is not for a judge

to query why this has been done because such answers are totally irrelevant to what the judicial function in this matter has now become.

Agreed Statement of Facts

160 As has been previously noted, the parties informed the Court formally on 20 November 2023 that liability was no longer an issue in this matter. The parties have agreed to a statement that encapsulates all of the factual matters that ought be taken into consideration by the Court. The rather bland factual matrix upon which the Court must assess liability is as follows: -

> …
>
> 10. At all material times, it was a requirement, imposed by [the contractor], that all visitors to the Site report to the Site office and sign the visitor register. This requirement was for the purpose of allowing [the contractor] to identify who was on the Site and make visitors aware of the risks on the Site and any control measures that had been implemented.
>
> 11. At all material times, [the contractor] had erected signs which were displayed at each entry to the Site which contained the words - "Authorised personnel only". "All visitors must report to the site office/supervisor" and "All visitors must complete a site induction".
>
> …
>
> **The Events of 25 October 2021**
>
> 16. On 25 October 2021:
>
> (a) [the Second Respondent] arrived at the Site at around 9:45am; and
>
> (b) later in the morning, [the Second Respondent] and [the Third Respondent] (arriving on Site shortly after [the Second Respondent]) issued a notice of entry (NOE) under section 117 of the WHS Act to Mr Kelly, each detailing reasonably suspected contraventions of the WHS Act.
>
> 17. On approach to the Site, [the Second Respondent] had safety concerns relating to work being performed on the Site.
>
> 18. [the Second Respondent] arrived at the car park adjacent to the Site office compound area, which was accessible from the adjacent public roadway. [the Second Respondent] waited in the car park area.
>
> 19. While at the Site on 25 October 2021, each of [the Second Respondent] and [the Third Respondent] were exercising rights in accordance with Part.3-4 of the FW Act.
>
> 20. At about 9.45am, Mr Kelly observed [the Second Respondent] standing at the gate to the Site which was located on Cuthbert Drive, next to the Site office.
>
> 21. Mr Kelly and [the Second Respondent] proceeded to have a conversation (with words used to the following effect):
>
> (a) Mr Kelly said: "G'day mate, can I help you?".

(b) [the Second Respondent] said: "I'm from the union, just waiting for my brother."

(c) Mr Kelly said: "What are you here for?"

(d) [the Second Respondent] said: "I'm just waiting for my brother."

(e) Mr Kelly said: "When he gets here, can you please come to the front and we will go through the process of signing in"; and

(f) [the Second Respondent] did ·not respond further at this stage.

22. About 10 minutes later, [the Third Respondent] arrived on the Site.

23. Upon [the Third Respondent's] arrival, [the Second Respondent] and [the Third Respondent] approached Mr Kelly and had a conversation during which:

(a) [the Second Respondent] produced an entry notice under the WHS Act and his Federal and State permits to Mr Kelly;

(b) [the Third Respondent] produced an entry notice under the WHS Act to Mr Kelly;

(c) [the Second Respondent] asked to see the Safe Work Method Statements (SWMS);

(d) Mr Kelly told [the Second Respondent] he could view the SWMS, but first needed to follow the Site protocols including signing into the visitor register, completing the visitor-induction and announcing himself to the Project Manager for the Site;

(e) [the Second Respondent] refused to follow these requests, including to sign the visitor register, and kept asking to view the SWMS;

(f) Mr Kelly realised [the Second Respondent] was not going to comply with the requests and so asked both officials to stand at the gate while he got the Project Manager for the Site.

24. Mr Barker and Mr Kelly then both approached [the Second Respondent] and [the Third Respondent] in the Site car park. The group had a conversation during which:

(a) [the Second Respondent] stated that he wanted to see the SWMS immediately and was concerned about the emergency procedures with using the elevated work platform;

(b) Mr Barker then asked Mr Kelly to fetch the SWMS.

25. As Mr Kelly was fetching the SWMS from the Site office, three Work Health and Safety Queensland (WHSQ) Inspectors (Neale Garaty, Damian Crow and Geoff Collis) were in the Site office. Mr Kelly then returned to the gate and said words to the effect "we've got industrial relations here fellas, we've got a meeting room in here if you want to come in." The Inspectors did not sign the visitor register on 25 October 2021.

26. Mr Kelly, Mr Barker, [the Second Respondent] and [the Third Respondent] then proceeded to the crib room. Mr Kelly again asked the officials to sign into the visitor register and both [the Second Respondent] and [the Third Respondent] refused to do so.

27. [the Second Respondent], [the Third Respondent], the WHSQ Inspectors, Mr Barker and Mr Kelly then held a meeting · and discussed [the Second Respondent's] concerns. During the meeting, Mr Kelly repeatedly asked [the Second Respondent] and [the Third Respondent] to sign into the visitor register, but both continued to refuse to do so. During this conversation in the crib room, [the Third Respondent] showed his State and Federal entry permits to Mr Kelly and offered to keep them in the visitor register.

28. [the Second Respondent] and [the Third Respondent] then accompanied Mr Barker and the WHSQ Inspectors on an inspection of the Site.

29. [the Second Respondent] and [the Third Respondent] left the Site at about 12.15pm.

30. At no stage on 25 October 2021 did [the Second Respondent] or [the Third Respondent] report to the Site office and sign the visitor register.

The Events of 27 October 2021

31. On 27 October 2021, each of [the Second Respondent] and [the Fourth Respondent]:

(a) arrived at the Site at or around 10.00am; and

(b) later in the morning, issued a NOE under section· 117 of the WHS Act to Mr Barker,· each detailing reasonably suspected contraventions of the WHS Act.

32. On approach to the Site, [the Second Respondent] was concerned about an elevated work platform on a sloping verge adjacent to the Motorway.

33. [the Second Respondent] and [the Fourth Respondent] parked in the work area, at a location designated with the sign "visitor parking".

34. At or around 10.00am on 27 October 2021, Mr Barker was made aware by someone working in the Site office that CFMEU officials were on the Site at the location which was known as the Western Abutment of BR02 near the W3 gate.

35. Mr Barker and Mr Treagus both drove over to the BR02 area where they saw [the Second Respondent] and [the Fourth Respondent].

36. [the Second Respondent] and [the Fourth Respondent] waited in the work area for someone from Georgiou to arrive and at about 10.05am saw Mr Barker and another man arrive and park near to [the Second Respondent's] vehicle.

37. While at the Site on 27 October 2021, each of [the Second Respondent] and [the Fourth Respondent] were exercising rights in accordance with Part 3-4 of the FW Act.

38. Mr Treagus and Mr Barker approached [the Second Respondent] and [the Fourth Respondent] and had a conversation during which they said words to the following effect:

(a) Mr Barker asked why [the Second Respondent] and [the Fourth Respondent] did not report to the Site office first, sign onto the visitor register and discuss their reasons for attending the Site;

(b) Mr Barker asked [the Second Respondent] and [the Fourth Respondent]to report to the Site office and sign the visitor register;

> (c) Mr Barker pointed to the signage on the entry gate and said words to the effect "the signs say authorised personnel only and all visitors must report to the Site office.";
>
> (d) [the Second Respondent] denied they had to do these things, and said that he was an authorised union representative and therefore authorised to be on the Site;
>
> (e) [the Second Respondent] asked why he needed to go to the Site office to which Mr Barker responded that he needed to be told what the risks in the area were before entering and that what he had done was unsafe;
>
> (f) [the Second Respondent] handed Mr Barker an entry notice stating he was accessing the Site under section 117 of the WHS Act. He also produced his State and Federal entry permits. [The Fourth Respondent] then handed his entry notice to Mr Barker; and
>
> (g) as Mr Barker read the notices, [the Second Respondent] kept asking to see the SWMS.
>
> 39. [the Fourth Respondent] told Mr Barker, in response to a question from Mr Barker, that he was up from South Australia for a week. Otherwise, he did not say anything to Mr Treagus or Mr Barker whilst he was on the Site.
>
> 40. At about 11.10am, [the Second Respondent] and [the Fourth Respondent] left the Site.
>
> 41. At no stage on 27 October 2021 did [the Second Respondent] or [the Fourth Respondent] report to the Site office and sign the visitor register.

161 This means that the Second Respondent has contravened the FW Act on two occasions whilst the Third Respondent and the Fourth Respondent have contravened the FW Act on one occasion. Because the First Respondent is involved in each of the contraventions, technically this means that the First Respondent has contravened the FW Act four times.

162 However, it is obvious that there were only two actual occasions where the FW Act was contravened and, for the purposes of fixing the maximum penalty, the Court should only view the liability of the First Respondent in that manner. The maximum penalties are, therefore, $126,000 for the First Respondent, $25,200 for the Second Respondent and $12,600 for the Third Respondent and the Fourth Respondent.

Pecuniary penalties

163 The law in relation to assessment of pecuniary penalties has really been laid down quite comprehensively. The High Court, in *Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* [2018] HCA 3, said, at paragraph 116 of that judgment:

> As has been observed, the principal object of an order that a person pay a pecuniary

> penalty under s 546 is deterrence: specific deterrence of the contravener and, by his or her example, general deterrence of other would-be contraveners. According to orthodox sentencing conceptions as they apply to the imposition of civil pecuniary penalties, specific deterrence inheres in the sting or burden which the penalty imposes on the contravener. Other things being equal, it is assumed that the greater the sting or burden of the penalty, the more likely it will be that the contravener will seek to avoid the risk of subjection to further penalties and thus the more likely it will be that the contravener is deterred from further contraventions; likewise, the more potent will be the example that the penalty sets for other would-be contraveners and therefore the greater the penalty's general deterrent effect. Conversely, the less the sting or burden that a penalty imposes on a contravener, the less likely it will be that the contravener is deterred from further contraventions and the less the general deterrent effect of the penalty. Ultimately, if a penalty is devoid of sting or burden, it may not have much, if any, specific or general deterrent effect, and so it will be unlikely, or at least less likely, to achieve the specific and general deterrent effects that are the raison d'être of its imposition.

164 The High Court reaffirmed that principle very recently in the matter of *Australian Building and Construction Commissioner v Pattinson* [2022] HCA 13. The High Court said, at paragraph 46:

> [46] It is important to recall that an "appropriate" penalty is one that strikes a reasonable balance between oppressive severity and the need for deterrence in respect of the particular case. …
>
> [47] The penalty that is appropriate to protect the public interest by deterring future contraventions of the Act may also be moderated by taking into account other factors … where those responsible for a contravention of the Act express genuine remorse for the contravention, it might be considered appropriate to impose only a moderate penalty because no more would be necessary to incentivise the contravenors to remain mindful of their remorse and their public expressions of that remorse to the court. Similarly, where the occasion in which a contravention occurred is unlikely to arise in the future because of changes in the membership of an industrial organisation, a modest penalty may be appropriate having regard to the reduced risk of future contraventions.
>
> [48] It is not necessary to multiply examples further. It is sufficient to say that a court empowered by section 546 to impose an "appropriate" penalty must act fairly and reasonably for the purpose of protecting the public interest by deterring future contraventions of the Act.

165 In *Mason v Harrington Corporation Proprietary Limited t/as Pangaea Restaurant & Bar* [2007] FMCA 7, which is known as the *Pangaea case*, the Court went through, in effect, a number of factors the Court should be mindful of when imposing pecuniary penalties. One must be careful, though, in looking at the *Pangaea case* (Supra), that one does not simply look at those matters as some form of checklist to see whether or not the facts of the case with the particular factors either aggravate or mitigate the penalty. As such, the list compiled in *Pangaea* (Supra) is extremely useful, but it should not be a formula used by the Court to slavishly come up with some sort of almost mathematical guide for the imposition of penalties.

166 Notwithstanding what has been said in *Pattinson* (Supra), the principles in *Pangea* (Supra) are still apposite when looking at the circumstances of the contravention as well as the circumstances of the contravenor.

Agreed penalties

167 My task, in assessing pecuniary penalties, has been made very easy because the parties have come to an agreement as to what the penalties should be. In *Commonwealth of Australia v Director, Fair Work Building Industry Inspectorate and Ors* [2015] HCA 46 (*The Agreed Penalties Case)*, the High Court said at paragraph 57: -

> More generally, it is entirely consistent with the nature of civil proceedings for a court to make orders by consent and to approve a compromise of proceedings on terms proposed by the parties, provided the court is persuaded that what is proposed is appropriate.

168 At paragraph 58, the High Court said: -

> Possibly, there are exceptions to the general rule. There is, however, no reason in principle or practice why civil penalty proceedings should be treated as an exception. Subject to the court being sufficiently persuaded of the accuracy of the parties' agreement as to facts and consequences, and that the penalty which the parties propose is *an* appropriate remedy in the circumstances thus revealed, it is consistent with principle and, for the reasons identified in *Allied Mills*, highly desirable in practice for the court to accept the parties' proposal and therefore impose the proposed penalty. To do so is no different in principle or practice from approving an infant's compromise, a custody or property compromise, a group proceeding settlement or a scheme of arrangement.

169 It seems to me that, unless I am of the view that there is something unacceptable about the penalties arrived at by the parties, I should accept that the penalties are appropriate.

Are the penalties appropriate?

170 On the agreed statement of facts, the actions of the Second Respondent and the Third Respondent, on 25 October 2021, could only be described as belligerent. There is simply no excuse for acting in this improper manner. The actions of the Second Respondent, on 27 October 2021, doubled down on that belligerence. It seems to me that the Fourth Respondent was more of a bystander who simply followed the lead of the Second Respondent.

171 There are a number of factors that need to be taken into account.

172 The Second Respondent ceased his employment with the First Respondent in September 2022. He no longer has an entry permit under the FW Act but still has a WHS entry permit under the Queensland WHS Act. That permit expires on 21 December 2026.

173 The Third Respondent had only been an organiser for 10 months previous to 25 October 2021. He still holds an entry permit under the FW Act as well as an entry permit under the Queensland WHS Act. Both those permits expire around the beginning of 2027.

174 The Fourth Respondent no longer holds an entry permit under the FW Act.

175 But most significantly, given the appalling record of the First Respondent, is the fact that the First Respondent has organised that training be given to its officers. That training has been undertaken by Brian Lacy AO who was the Senior Deputy President of the Australian Industrial Relations Commission from 2001 to 2009. It is difficult to see that there could have been a more qualified person to impart their knowledge to officers of the First Respondent.

176 This training was undertaken in September 2022. It is a very concrete example that the First Respondent has developed insight into the illegal and antisocial behaviour of its officers. It is a proper illustration of remorse and one that justifies the amelioration of the penalty to be awarded to the First Respondent.

177 The agreed penalty for the First Respondent is $113,886. I am of the view that this is the appropriate penalty in all of the circumstances. Such a penalty is befitting of the need to deter the First Respondent specifically and other like-minded entities generally.

178 The agreed range of penalty for the Second Respondent is between $12,654 and $15,184. I am of the view that this is the appropriate range of penalty. As a result of the need for deterrence (in this case, more general deterrence than specific deterrence, given that the Second Respondent no longer holds a permit), it seems to me that the appropriate penalty for the Second Respondent is a penalty of $15,000. This penalty strikes the balance between the need for deterrence and the avoidance of oppression.

179 The agreed range of penalty for the Third Respondent is between $2530 and $3796. I am of the view that this is the appropriate range of penalty. The belligerence shown by the Third Respondent matched that of the Second Respondent on 25 October 2021. In my view, the appropriate penalty for the Third Respondent is a penalty of $3750.

180 The agreed range of penalty for the Fourth Respondent is between $2530 and $3796. I am of the view that this is the appropriate range of penalty. As previously noted, the Fourth Respondent was more of a bystander (being led by the Second Respondent) rather than an

active participant. In my view the appropriate range for the Fourth Respondent is a penalty of $2550.

181 I am of the view that the penalties for the Third Respondent and the Fourth Respondent also strike the balance between the need for deterrence and the avoidance of oppression.

182 Having come to those conclusions, I will make the orders as proposed by the parties.

I certify that the preceding one hundred and eighty-two (182) numbered paragraphs are a true copy of the Reasons for Judgment of Judge Vasta.

Dated: 18 April 2024

SCHEDULE OF PARTIES

BRG 135 of 2022

Respondents

Fourth Respondent: MARGUES PARE

JB-3

From: Ben Treagus
Sent: Thursday, 28 October 2021 5:03 PM
To: Joe Barker
Subject: RE: CFMEU / WHS QLD Visit

Joe,

Nothing further to add to the below summary.

Regards,

Ben Treagus
Senior Project Engineer
M: [redacted]

Our vision is to be *'the best people to work with'*
Think before you print! Please consider the environment.

From: Joe Barker [redacted]
Sent: Thursday, 28 October 2021 4:45 PM
To: Ben Treagus [redacted]
Subject: FW: CFMEU / WHS QLD Visit

Ben, do you have anything to add to the below for my internal report?

Joe Barker
Project Manager
T: [redacted]

Our vision is to be *'the best people to work with'*
Think before you print! Please consider the environment.

From: Joe Barker
Sent: Wednesday, 27 October 2021 4:54 PM
To: Karl Rawnsley [redacted]
Cc: Darren Kelly [redacted] Berry Freshney [redacted]; Sean Donald [redacted] Gary Georgiou [redacted]; Admin 3081 [redacted]
Subject: CFMEU / WHS QLD Visit

Karl, As discussed, we had an unannounced visit from CFMEU Reps today (Dean Rielly and Margues Pare). This was the 2nd visit from Dean this week. The 2 Reps were onsite for approximately 1 hr.

Unfortunately they went straight to site and did not report into the site office. They drove directly into the Western Abutment of BR02.

When I went out to site (with my SPE Ben Treagus) I caught up with them and they said they were parking in the designated Visitor area (as there was an old "visitor parking" sign on the back of the temp fencing).

I told them this was not acceptable as they had to report to the site office first. I repeated this several times. And I pointed out the signage at the gate they drove through that said "Authorised Personnel Only" and "All visitors must report to the site office". Dean said he was an authorised Union Rep, so therefore he was authorised. I said this was not the case.

He asked why he had to go to the site office first and I said he needed to be told what risk were in the area before entering, and that what he had done was not safe.

They then showed their Permits and handed me the below notices, which were very similar to the notices provided on Monday. I pointed this out and asked what had changed as WHS QLD had attended site and we had addressed the same concerns already.

So the 2 main areas that were discussed under the Notice were :

1. Emergency response training for the EWP users
    a. We grabbed the SWMS and provided it for discussion and pointed out it was exactly the same SWMS that they had reviewed on Monday, and that WHSQLD had also reviewed on Monday.
    b. This conversation went around in circles for several minutes.
2. Edge protection for the EWP working beside a batter at BR02 (infront of the Soil Nail Wall)
    a. Dean pointed out that there were earth windrows / bunds on the top of some batters, but not beside where the EWP was working. He asked why we did not do this.
    b. I pointed out that we had star pickets and 2 lines of flagging tape as edge protection offset from the top of the batter. This was the manner in which we controlled the risk.

The conversation went in circles for some time as I continued to point out that WHS QLD had reviewed the SWMS on Monday and they thought it was compliant. At this point Dean rang WHS QLD for clarification of their thoughts on the SWMS review.

During this conversation I received a phone call from WHS QLD advising me that the CFMEU reps would be coming to site as they had made a complaint. I advised that they were already onsite.

I returned to the CFMEU reps and the conversation went offtrack with Dean insinuating Georgiou had unsavoury dealings with WHS QLD, our questionable procurement processes with regards to subcontractor selection (illegal immigrants onsite), and also suggested he would be able to influence Georgiou ability to win future TMR projects. At this point the conversation dissolved and Dean said he'd be back tomorrow before leaving.

- Dean asked about our procurement process. How we selected subcontractors as we were "going to the bottom of the barrel, then going lower" I asked if he was talking about Rix and he was
- Dean was asking about our procurement process and who does the selection of subbies? I asked why and he asked if someone was checking if people had a right to work as they were "illegal immigrants". I asked what he was talking about and he mentioned the Irish and Silverstand. He also mentioned Baden. I said I'd not heard anyone comment about Baden before so what did he mean. And he said he underpaid his people and was a bad person.
    - Dean said we needed to start using his subcontractors. I asked who his guys were
    - Dean said that if we did start doing what he told us he would need to go to his car, grab his bat and start swinging it around? I asked if he was saying he was going to hit me and if he was threatening me. He said he never said he was going to hit me, he might just start swinging it around the car park. I said I was in the carpark was so he still threatening me. He said no he would just swing it around the car park
- Dean asked how much we were paying WHSQLD to avoid getting Notices
- Dean said that "Georgiou thought they were in prime position for Coomera Connector, but he might just knock them off".

Shortly after this WHS QLD (Neale Garaty and Anzac Teoka) arrived onsite.

We reviewed the SWMS with them (again) in light of the new CFMEU complaints. We completed a site inspection and discussed the complaint. At this point the WHS QLD reps left site and we later provided some more supporting information for their line of questions. **WHS QLD did not issue any notices.**

WHS QLD were fair and reasonable during discussions.

- S213 WHS Regulations - Inspection & Maintenance of Plant.
- S299 High Risk Construction Safety
- S43 WHS Regulations Emergency Response Systems

Additional – for entry under section 120

Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

☑ The above Union is entitled to represent the industrial interests of workers at this workplace.

☑ [redacted]ules that entitles the Union to represent the industrial interests of these workers is Rule 2.

☑ [redacted]'s relate to or affects workers the union is entitled to represent.

[redacted]

.....

ure

Penalties

- S.118 Person who fails to comply with s.t (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 08229

- S213
Plan
- S29
- S11

Additional –
Description o
the suspecte

Declaration:

☑ The a
☑ The p
☑ The s

[redacted]

3

47

JB-4

From: Joe [redacted]
Sent: Wed 20/03/2024 8:26:59 AM (UTC+10:00)
To: Roger Oliver[redacted]; Ben Treagus[redacted]]
Cc: Berry Freshney[redacted]
Subject: Fw: Georgiou - Exit 41 - Proceedings [CU-L.FID3449370]

FYI on the below.

Nothing too exciting to be honest.

Roger, could you please let Darren know if you have his personal email.

Joe Barker
Senior Project Manager
T: [redacted] M: [redacted]

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Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our r
pects to elders past and present.

From: Searing, Hilary [redacted]
Sent: Tuesday, 19 March 2024 1:56 PM
To: Joe Barker [redacted]
Cc: Bartlett, Martin [redacted]
Subject: Georgiou - Exit 41 - Proceedings [CU-L.FID3449370]

! **CAUTION - This email was sent from outside Georgiou Group**

Hi Joe

We hope you are well. We are writing to provide an update on the Pacific Motorway Exit 41 matter which you and other employees of Georgiou at the time provided evidence in.

The parties to the proceeding have been able to reach agreement on disputed factual issues within the matter by way of a statement of agreed facts. As part of the agreement reached, the individual Respondents admitted to multiple contraventions, specifically that they acted improperly while exercising a right of entry to a worksite when refusing to sign Georgiou's visitor register on both 25 and 27 October 2020. The CFMEU has also admitted to being involved in these contraventions by its officials.

Reaching this agreement with the Respondents reduced the need for further argument and provides us with certainty of the outcome of the proceedings. It also means that we will not need to wait for the Court to make a decision in respect of the contested factual issues and can move towards finalising the matter sooner.

The next step in the process is for the Court to make a decision on an appropriate civil penalty to be ordered against the Respondents for their contraventions. The parties are due back before the Court on 22 March 2024 for the penalty hearing, after which the Judge will release a decision on appropriate penalties.

If you are still in contact with Ben Treagus, could you please provide him with an update on the matter or we are happy to send an email to him if you would prefer.

Additionally, we know that Darren has moved on from Georgiou. If you are still in contact with Darren, could you please let him know too?

Once again, thank you very much for assisting us with this matter. It was a pleasure to work with you (and Ben and Darren).

If you have any questions about this matter or would like to discuss further, please feel free to give us a call. Otherwise, we will let you know when a decision has been given by Judge Vasta.

Kind regards

Hilary Searing
Partner
Clayton Utz
Level 28, Riparian Plaza, 71 Eagle Street, Brisbane QLD 4000 Australia | [redacted] | [redacted] | [redacted]
| **claytonutz.com**

JB-5

From: Berry Freshney [redacted]
Sent: Fri 19/04/2024 9:09:35 AM (UTC+10:00)
To: Gareth Davie [redacted]; Quinn Murray [redacted]
Subject: FW: CFMEU v FWC : Ruling
Attachment: Fair Work Ombudsman v Construction, Forestry and Maritime Employees Union (M1 Yatala Exit 41 Case) [2024] FedCFamC2G 340 (18 April 2024).pdf

FYI

bf

Berry Freshney
Construction Manage
r
[redacted]

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From: Joe Barker [redacted]
Sent: Friday, 19 April 2024 8:25 AM
To: Ben Treagus [redacted] Sean Donald [redacted]; Berry Freshney [redacted] Courtney Scott [redacted]; Roger Oliver [redacted]
Subject: CFMEU v FWC : Ruling

FYI: Ruling was published yesterday. $135k of fines for CFMEU etc for refusing to sign the visitors register. "No orders as to cost". (see attached).

Just a few extracts. The judge did everything but offer a ruling on the "Bat" accusation.

Credibility - regards the "bat" accusation

- *Mr Barker impressed me as a straight shooter. His demeanour in the witness box matched his demeanour in the videos. He was respectful to all parties. His answers had an internal logic to them. He was cross-examined extensively about the making of the complaint as to the behaviour of the Second Respondent on 27 October 2021 and made appropriate concessions. His credibility remained unscathed.*

- *Mr Treagus also impressed me as a witness of truth. He made appropriate concessions and was unconcerned as to what would be made of his evidence. He simply told the truth. I found him to be a reliable witness.*

- *I watched the Second Respondent very closely and it seemed to me that he had rehearsed a particular story in his head so often that he had convinced himself of its truthfulness. However,*

when that story was properly probed, it started to come apart at the seams. It was internally inconsistent and contradictory and, in some parts, quite preposterous.

Regards FWC withdrawing the "bat" claim

- *It was a claim that a representative of an employer was threatened physically and accused of corruptly paying Queensland Government officials and that the employer itself was threatened financially. All of those actions were claimed to have been committed by a person acting on behalf of a Union. The claim was based upon the evidence of two "witnesses of truth".*

- *To abandon such a claim, especially at the eleventh hour, is something that one would think would not occur lightly.*

- *In this case, the attitude of the Applicant was consistent from 30 March 2022 to 17 November 2023 with the filing of the application through to the filing of affidavits, the calling of witnesses who were cross-examined, the cross examination of a Union witness who gave contrary evidence, the making of very strong submissions in support of the claim and the making of very strong submissions in reply.*

- *Yet, a little over 4 hours after finalising all the preparations for the last act in this long running saga (which was to occur on the following business day), the FWO abandoned the claim, notwithstanding that it still proclaimed Mr Barker and Mr Treagus as being "witnesses of truth".*

- *What concerned me is that there may be a perception that the FWO had not complied with their obligations as a model litigant. Those obligations include such concepts as acting as transparently as possible and acting consistently.*

The judge smashed them about no "body camera" evidence of the 2nd day.

Joe Barker

Senior Project Manager

T: [redacted] M: [redacted]

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IMG_0308.JPG



JB-7

From: Joe Barker
Sent: Tuesday, 26 July 2022 1:39 PM
To: Janelle Imber
Cc: Brad Turner
Subject: RE: Exit 41 : Bump Truck Dashcam footage 16/6/2022

Thanks Janelle. Muchly appreciated.

From: Janelle Imber
Sent: Tuesday, 26 July 2022 1:28 PM
To: Joe Barker
Cc: Brad Turner
Subject: RE: Exit 41 : Bump Truck Dashcam footage 16/6/2022

CAUTION - This email was sent from outside Georgiou Group

Hi Joe,

I have forwarded this onto the TMA driver on that night, so as he can email you with his statement. His name is Matt Hayes. So if you receive an email from him you know who it is.

As far as we are concerned, you may pass this footage onto whomever you please, with our consent.

Thankyou
Kind Regards

Janelle Imber
Operations & Allocations

PH: [redacted]

15/38 Eastern Service Rd, Stapylton, Qld , 4207.
Workforce Road Services Queensland Pty Ltd
Operations and Technical Enquiries : 1300 WRS QLD
[redacted] | **www.workforce.com.au**

WORKFORCE ROAD SERVICES QLD

MEMBER
ROADMARKING INDUSTRY ASSOCIATION OF AUSTRALIA

Hey Ms Janelle,

I've got a couple of quick favours as I'm chasing information from the night the CFMEU drove into a closed lane and snuck up behind the Bump Truck when they entered the closed lane unannounced (16/6/2022).

First off, the Bump Truck driver took evasive action and moved the bump truck into the path of the oncoming unmarked CFMEU vehicle twice (as they swerved to get around him) forcing them to stop. This was brilliant and showed how much attention he was paying. Great work !!

1) You guys were nice enough to provide the rear facing dash cam footage.
    a. Can I pass this onto the ABCC as evidence of what I consider to be a High Potential Near Miss? I can not for the life of me see any issue with this but wanted to ask.
    b. Can you confirm that the images from the rear facing camera are actually reversed? I assume this will make sense to someone in the know.



2) The CFMEU Reps spoke to the driver of the bump truck (see images of the driver below)
    a. Can I get an email short statement from him as to what conversation the Bump Truck driver had with the CFMEU reps? I only need a couple of lines.
    b. The CFMEU reps moved their vehicle from behind to infront of the bump truck (see below). Did the driver say this was a safe spot to park? I would have thought it was still dangerous as it's between the bump truck and police vehicle.


CABIN
22/06/16
21:43:06
DEPLOYED
A -27.761515 +153.246201


CABIN
22/06/16
21:43:45
DEPLOYED
A -27.761589 +153.245972



i.

Joe Barker

Senior Project Manager
Level 3, 100 McLachlan Street
Fortitude Valley QLD 4006

Mobile: [redacted]
Email: [redacted]

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JB-8




CFMEU
UNION
ORGANISER
"AT YOUR SERVICE"
LOGISTICS

JB-9

From: Joe Barker
Sent: Friday, 24 March 2023 6:22 AM
To: Roger Oliver
Subject: FW: CMFEU aggression 15/03/2023 Part 1 of 2
Attachments: vlc-record-2023-03-19-11h32m37s-V700000_00000020230315111750_0011.MP4-.mp4

Dean Rielly shoulders my engineer in the back.

- Hamish was standing infront of Beau (with his hands in his pocket)
- Beau steps around hammish
- Then Dean moves up behind Hamish and shoulders him in the back

---

From: Joe Barker
Sent: Sunday, 19 March 2023 11:59 AM
To: Sean Donald
Cc: Roger Oliver
Subject: CMFEU aggression 15/03/2023 Part 1 of 2

Guys,

Just some quick evidence of how “members of the public” have been aggressive towards us on the 15/3/2023 in an attempt to physically imtimdate us.

Context:
Members of the public had enerted the worksite and as a result we were passively trying to stop them by standing infront of them.

- vlc-record-2023-03-19-11h32m37s-V700000_00000020230315111750_0011.MP4-
  - Dean Rielly shoves Hamish Troutbeck in the back.
    - Hamish was not interacting with Dean in any way (note hamish actually has his hands in his pockets)
    - Hamish had stodd infront of Beau, Beau stepped around Hamish and then Dean
  - Dean approach Hamish from behind and shouldered Hamish in the back.
    - I believe this was an attempt to physically imtimdate Hamish
- This is similar to a case where the ABCC took it to court where Dean shouldered past a worker and said something like “and he puts on a step”. Dean got a financial penalty on that one.

From: Joe Barker
Sent: Sunday, 19 March 2023 12:10 PM
To: Sean Donald
Cc: Roger Oliver
Subject: CMFEU aggression 15/03/2023 Part 2 of 2
Attachments: vlc-record-2023-03-19-11h51m39s-V700000_00000020230315111750_0011.MP4-.mp4; IMG_7862.JPG; IMG_7863.JPG

Part 2

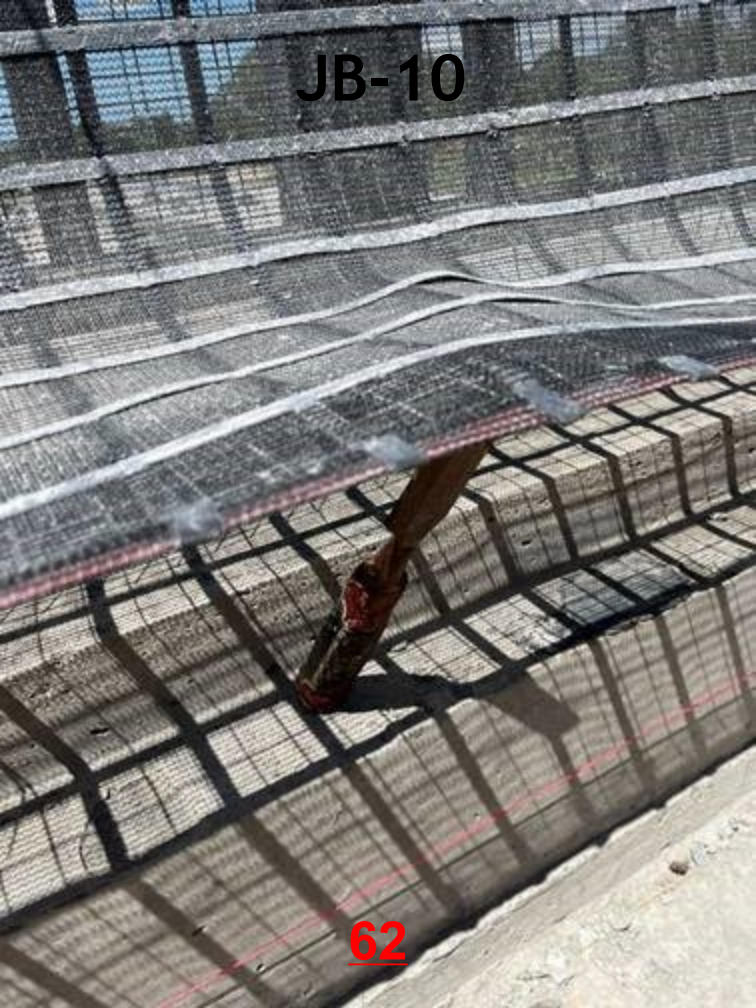
Guys,

Just some quick evidence of how “members of the public” have been aggressive towards us on the 15/3/2023 in an attempt to physically imtimdate us.

Context:
Members of the public had enerted the worksite and as a result we were passively trying to stop them by standing infront of them.

- vlc-record-2023-03-19-11h51m39s-V700000_00000020230315111750_0011.MP4-
- Beau shoulders Hamish Troutbeck sideways when they were walking beside each other
    - Hamish was walking beside Beau
    - Hamish actually has his hands in his pockets
    - Beau takes a big step into Hamish and shoulders him (IMG_7862). As per the video Hamish is moved meters sideways (IMG_7863)
        - I believe this was an attempt to physically imtimdate Hamish
- My bad that the footage is not centre of screen. The body camera just hangs over the front of my shirt and it was not sitting square. In the footage you can clearly see Hamish moving sideways suddenly and this corresponds to the photos. In my opinion this is a clear aggressive act attempting physical intimidation.


CFMEU
UNION


JB-10

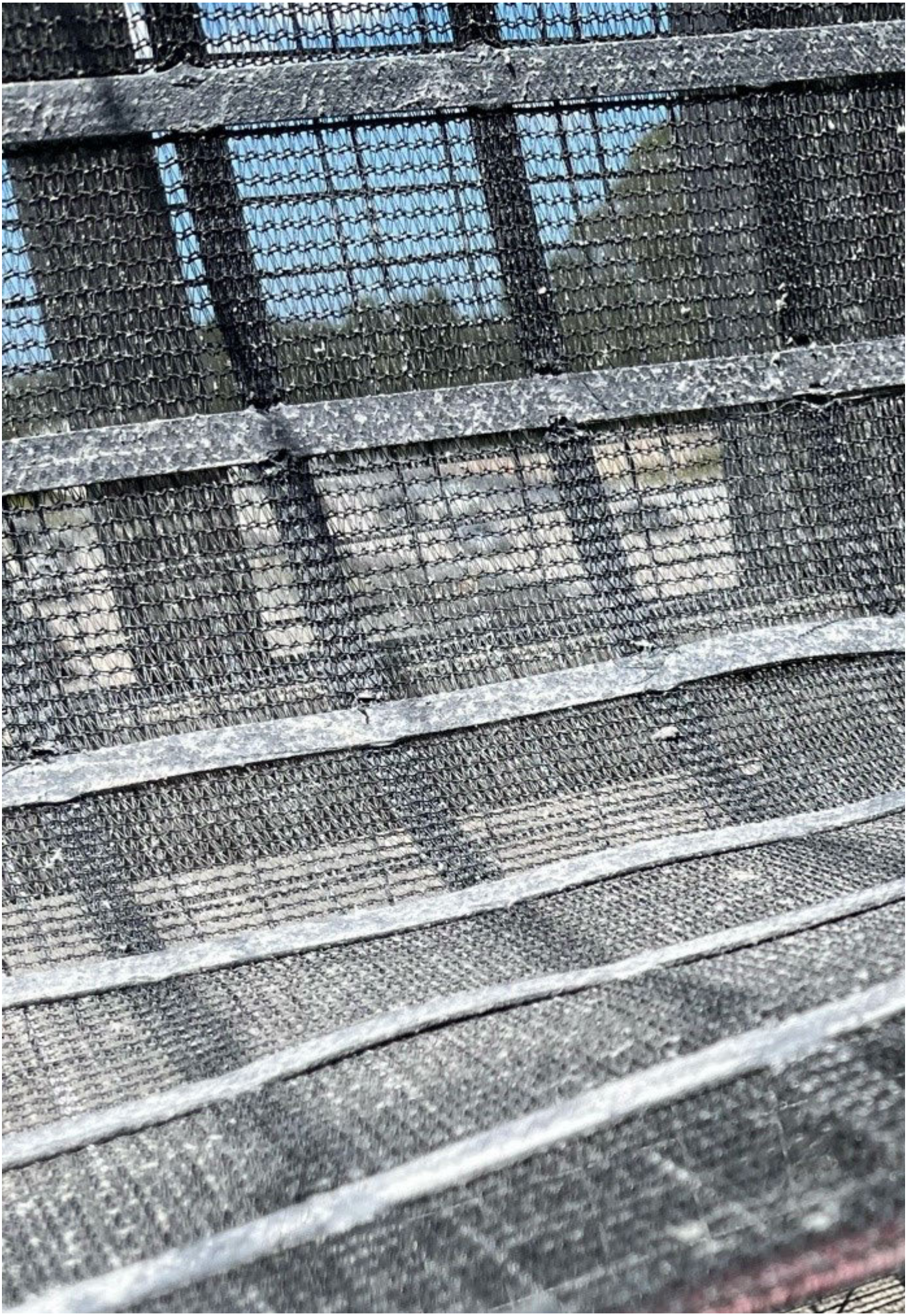

16 March 2023
10:55 am
DANGER
CONSTRUCTION
SITE

JB-11

From: Trent Rousell
Sent: Thursday, 16 March 2023 4:41 PM
To: Joe Barker; Ward Burdekin
Cc: Tim Nava
Subject: CFMEU

I've added some extra control In to prevent what them turkeys (cfmeu) did with the chisel and had another tidy up in area.

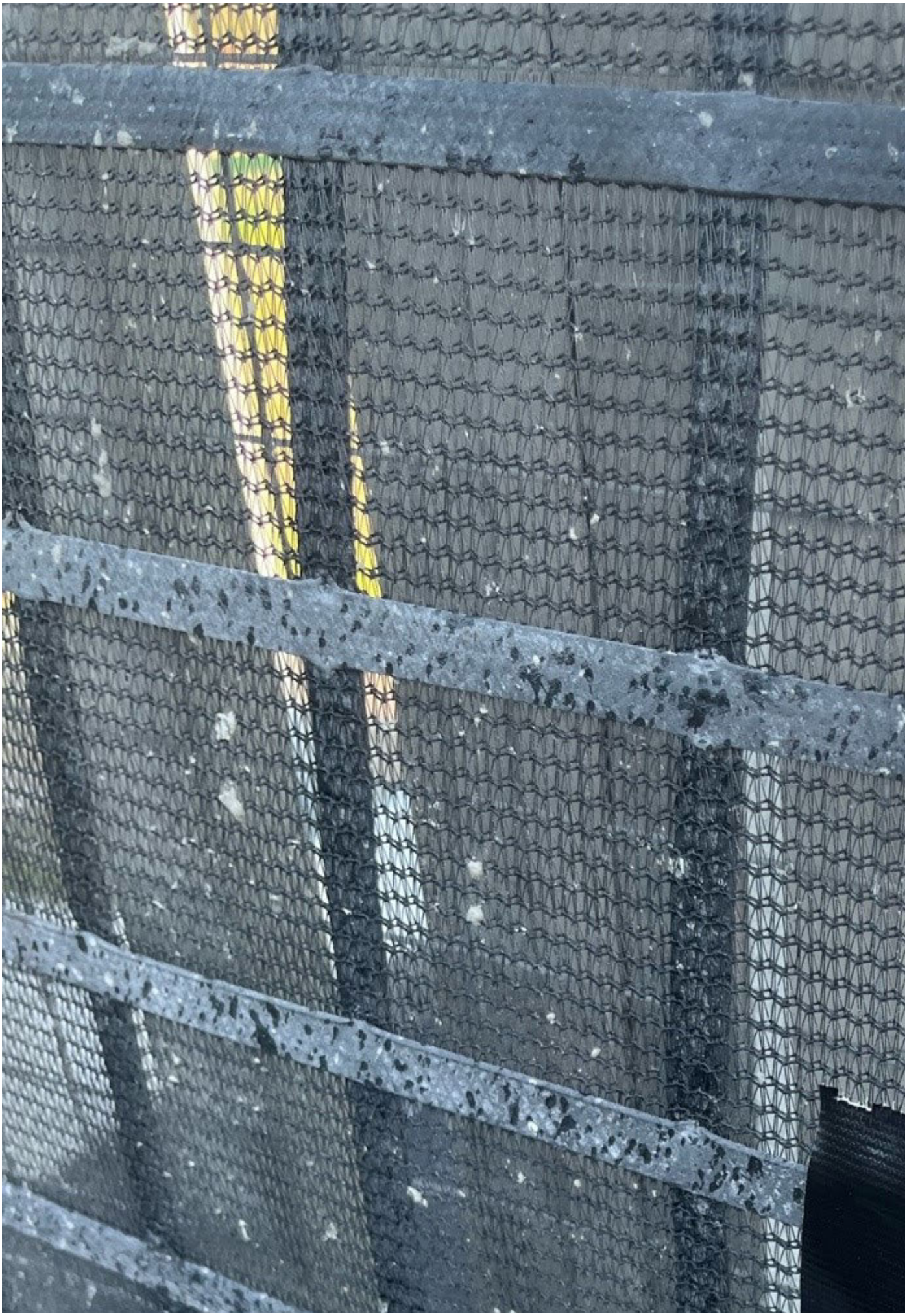
-base of unimesh fixed of to concrete
-any minor holes nothing was bigger then 20mm taped
-footpaths clean and vacuumed (concrete spilt dust)
-entry and exit free from materials

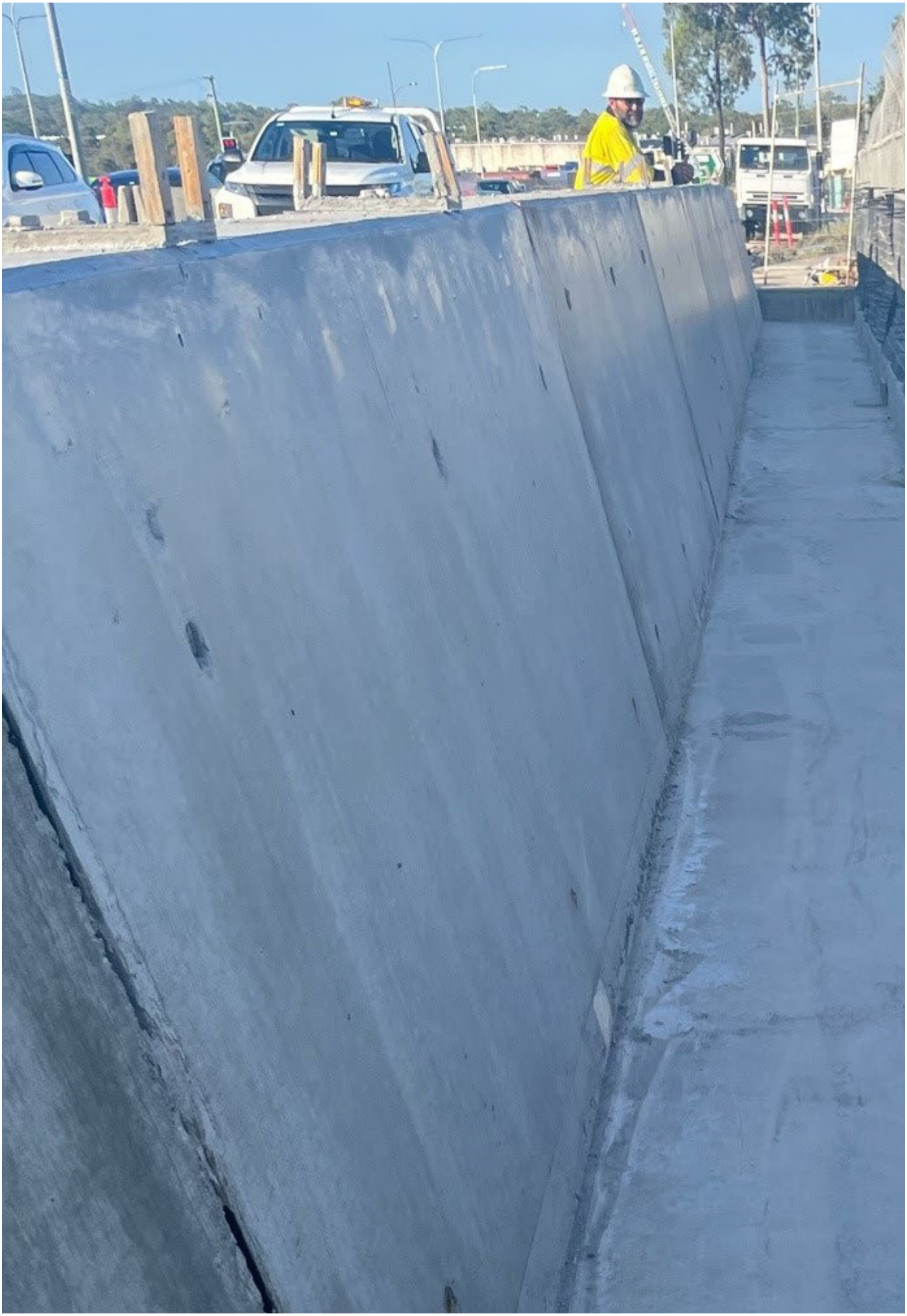














Sent from my iPhone



Trent Rousell
Supervisor

Telephone:
Mobile:
Email:

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JB-12

CFMEU Construction & General QLD/NT
21 March at 16:32 ·

Following the CFMEU's intervention at the TMR / Georgiou Group's Exit 41 upgrade on the M1, there have been multiple enforcement notices - including a prohibition on further bridge work until serious problems are rectified- issued by WHSQ, due to serious risk to workers and the general public's health and safety.

Another quality joint venture brought to you by TMR, Georgiou and the AWU. 😌



JB-13

From: Joe Barker [redacted]

Sent: Thur 23/03/2023 6:09:37 PM (UTC+10:00)

To: Robyn L Bambry[redacted]]; Karl Rawnsley[redacted]]; Alex [redacted] Daniel E Hocking[redacted]

Cc: Danielle Jonsson[redacted] Admin [redacted]; Alan G Purvis[redacted]; Sean Donald[redacted] Berry Freshney[redacted] Admin 3081[redacted]

Subject: RE: CFMEU facebook post

Robyn, please find our response below in 2 parts. The first being a summary and the second being technical comments on the footage that may be in addition to what Daniel has already prepared.

Summary

- Georgiou welcomes WHSQ's oversight on any project. It is worth noting that to date on the Project there have been (15) WHSQ visits to site, for approximately 39 hours. Georgiou understands that, anecdotally, we have been the most visited site in 2023 and 2022. Despite this there has been only two notices issued in 2023, with a total of 5 notices to date issued to Georgiou since the project commenced in April, 2021.
- Under the WHS QLD Code of Practice for Formwork (Cl 5.1.1) the safety requirements for a perimeter containment screening (Uni-Mesh) is 1000mm above the surface. Georgiou had this perimeter containment screening up to 1200mm, clearly exceeding the requirements. The additional mesh, colloquially the 'chicken mesh' was an additional "informal" control measure. Georgiou has responded to WHS QLD request to adjust our control measure to address their concerns. Georgiou is seeking advice on a review of both the notices issued so would caution against any negative inference from the issuance of the notices.
- To date the CFMEU has spent approximately 67 hours onsite. In 2023 the CFMEU has spent (11 hours on site) in lawful and unlawful accesses to site.
- It has been expressly stated by the CFMEU that they are targeting Georgiou.
- Georgiou's experience on TMR projects is being closely monitored by the Industry.
- Georgiou is seeking advice on the causal connection between the behaviours of the CFMEU and proper conduct of the Federal Court matter which Georgiou is not a party but for which our employees have been subpoenaed.
- Beyond being juvenile and incorrect the Facebook post may be, prima facie, a tactic to intimidate a witness subpoenaed to support the proper operation of the Federal Court.
- Georgiou brings to TMR's attention Section 148 of the Workplace Health and Safety Act 2011 which relates to the *unauthorised use or disclosure of information or documents* it is difficult to see how footage obtain in the presence of WHSQ Inspectors can then be used for the creation of juvenile memes for Facebook.
- During recent visits the CFMEU has placed stickers around Georgiou's site which have no bearing on Georgiou other than the obvious freedom of association concerns. It concerns Georgiou that the Queensland taxpayers will ultimately pay for making good the site sheds.
- Georgiou has identified the CFMEU's repeated pattern of behaviour as a present psychosocial risk. As we would all be aware the consequences for such a behaviour increases significantly on

1 April 2023, Georgiou seek a collaborative approach with TMR to find controls to ensure that Georgiou's employees are protected, especially our female colleagues, now and post 1 April 2023.

Technical Comments on the Footage

- Appears to be footage taken from 16/3/23 & 17/3/23, when The CFMEU Permit Holders attempted to enter the site under WHS Act 117.
- On both days the CFMEU Permit holders refused to comply with Georgiou's protocols for "Visitors" to site. This means that the CFMEU Representatives Right to Enter the site is potentially in breach of their permits.

0:00 – 0:23 (16/3/23)

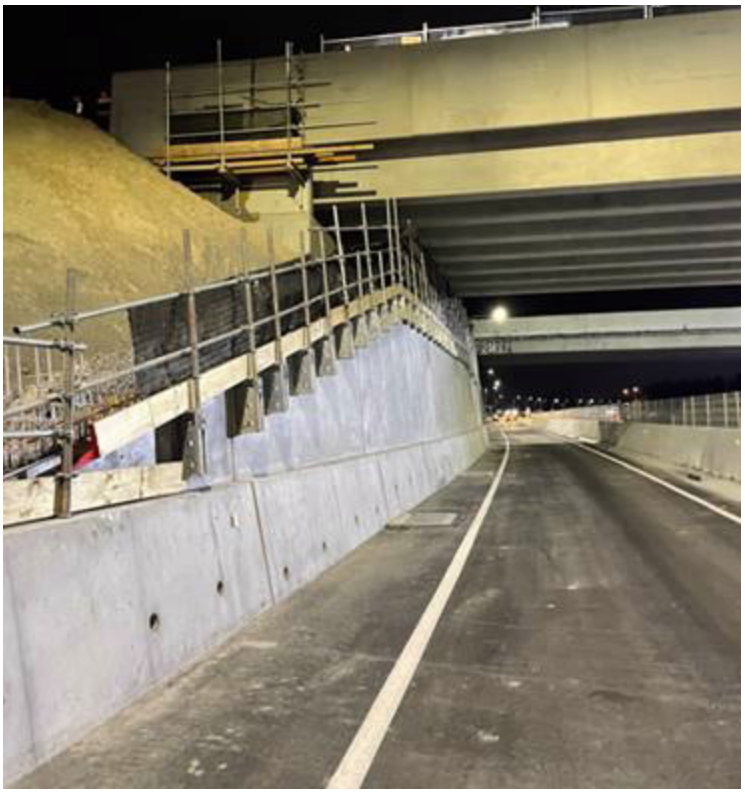
- Project has incurred extension of time for over 4 months of wet weather
- The photo was taken from within the site (potentially in breach of their permit)

0:23 – 0:40 (16 or 17/3/23)

- No setting up a parapet but a road traffic barrier. There is a difference as it implies different safety controls
- CFMEU argued that the mesh needed to be 2m high. This was incorrect and this was confirmed by WHS QLD.
- *Scaff Mesh ~900mm high.* It was 1200mm high as measured by WHS QLD..
- The black Uni-Mesh was a "Perimeter Containment Screen" approximately 1200mm high, that under the WHS QLD Code of Practice for Formwork was required to be 1000mm high.
- The "Chook Mesh" was an additional "informal" control measure Georgiou had put in place above what was required under the WHS QLD Code of Practice for Formwork.

0:40 – 1:05 (17/3/23)

- These images are NOT from the overpass bridge. They are in the Abutment Protection area between the eastern abutments of BR02 and BR01
- No WHS QLD Notices were issued for this area or the mesh as it was closed off. The removal of this mesh had already commence on the lower section of the batter (see below image of original configuration) with the next step being the removal of the hand rail and remaining mesh and installation of the final handrail (planned to be completed with lane closures)
    - Cable Ties are a recognised method of fixing in accordance with the manufacturers installation guide
    - Holes are allowed in the mesh <25mm. The grid pattern on the mesh is approximately 50x50mm
    - The "amendments" appear to be referring to the Uni-Mesh patch repair. The installation guide suggest that fixings (in this case zip ties) can be used as long as each fixing supports less than 1m2. This patch is ~0.04m2.

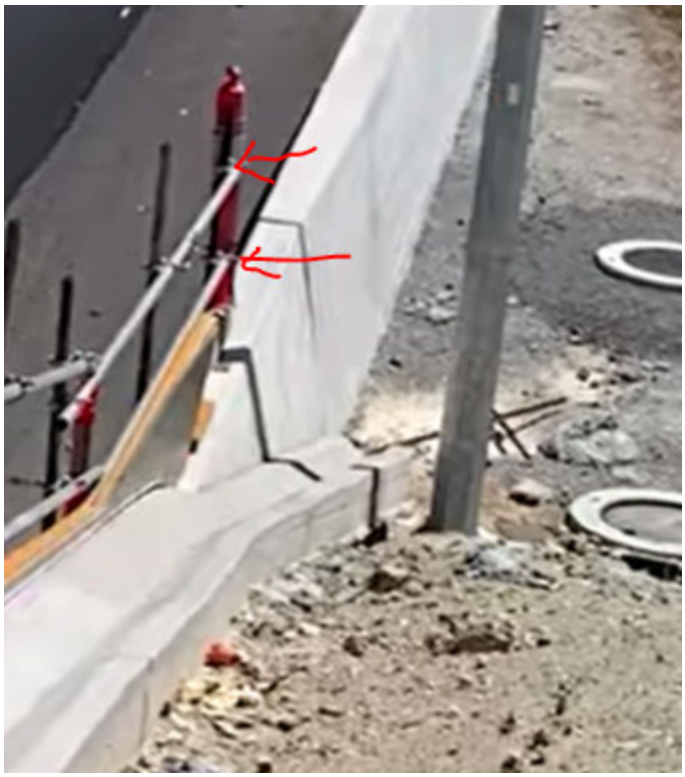


1:05 – 1:33 (17/3/23)

- These images are NOT from the overpass bridge. They are at the eastern abutments of BR02

- No WHS QLD Notices were issued for this area or the mesh as it was closed off to prevent access. The removal of this mesh had already commence on the lower section of the batter (see below image of original configuration) with the next step being the removal of the hand rail and remaining mesh and installation of the final handrail (planned to be completed with lane closures)

    - Building materials – not an issue
    - Access to get up to the abutment – False. Access has always been from the top.
    - No Top Rail – False & misleading. 2 rails can be seen the video. The angle is not favourable.



1:33 – 2:00 (17/3/2023)

- These images are NOT from the overpass bridge. They are in the Abutment Protection area between the eastern abutments of BR02 and BR01
- No WHS QLD Notices were issued for this area as it was closed off to prevent access.
- The removal of this mesh had already commence on the lower section of the batter (see below image of original configuration) with the next step being the removal of the hand rail and remaining mesh and installation of the final handrail (planned to be completed with lane closures).

2:01 – 2:50 (17/3/2023)

- These images are from the Westbound overpass Bridge BR01
- CFMEU argued that the containment fence was supposed to be 2m high. WHS QLD confirmed this was not correct.
- A WHS QLD Prohibition and Improvement Notice was issued. Georgiou are currently reviewing it to determine if the Notices will be challenged.

2:50 – 3:31 (17/3/2023)

- The discussion is in regards to the CFMEU entry under WHS Act s117.
- The CFMEU Permit holders entry to site is potentially in breach of their permits.

03:31 – 3:58 (17/3/2023)

- Video taken in the sites general carpark area.

Below are before and after photos of the bridge to show the perimeter containment screening.

Before



After



Joe Barker
Senior Project Manager

Telephone: [redacted]
Mobile: [redacted]
Email: [redacted]

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on which we work, and pay our respects to the Elders past, present and emerging.



From: Robyn L Bambry [redacted]
Sent: Thursday, 23 March 2023 12:11 PM
To: Joe Barker [redacted] Karl Rawnsley [redacted] Alex Tan [redacted] Daniel E Hocking [redacted]
Cc: Danielle Jonsson [redacted] Admin 3081 [redacted]
Subject: RE: CFMEU facebook post

! **CAUTION - This email was sent from outside Georgiou Group**

Hi Joe – Dan is putting something together refuting the post so maybe check with him, you might not have to do anything for now

Kind regards,

Robyn Bambry
Senior Communication Advisor (Customer and Stakeholder Management Team) | South Coast Region
Program Delivery and Operations Branch | Infrastructure Management & Delivery Division
Department of Transport and Main Roads
P: [redacted] | M: [redacted]
First Floor, Nerang Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
[redacted]
www.tmr.qld.gov.au

From: Joe Barker <[redacted]>
Sent: Thursday, 23 March 2023 12:09 PM
To: Robyn L Bambry [redacted]>; Karl Rawnsley [redacted] Alex Tan [redacted]; Daniel E Hocking [redacted]
Cc: Danielle Jonsson [redacted] Admin 3081 [redacted]>
Subject: RE: CFMEU facebook post

Robyn, I've just sat down at my desk. Will get onto this asap.

Joe Barker

Senior Project Manager

Level 3, 100 McLachlan Street

Fortitude Valley QLD 4006

Telephone: [redacted]

Mobile: [redacted]

Email: [redacted]

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on which we work, and pay our respects to the Elders past, present and emerging.

From: Robyn L Bambry [redacted]
Sent: Thursday, 23 March 2023 11:44 AM
To: Joe Barker [redacted]; Karl Rawnsley [redacted] Alex Tan [redacted]; Daniel E Hocking [redacted]
Cc: Danielle Jonsson [redacted]
Subject: CFMEU facebook post
Importance: High

! CAUTION - This email was sent from outside Georgiou Group

FFS, more joy involving CFMEU!!!

https://fb.watch/jq2SjSaWdW/?mibextid=qC1gEa

I've been asked to draft an urgent Hot Issues Brief for the DG/Minister.

Do you have any stats or info you can provide about recent visits to Exit 41 that you already have to hand so that you don't need to spend any more time on this????

Kind regards,

Robyn Bambry
Senior Communication Advisor (Customer and Stakeholder Management Team) | South Coast Region
Program Delivery and Operations Branch | Infrastructure Management & Delivery Division
Department of Transport and Main Roads
[redacted]
First Floor, Nerang Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
[redacted]
www.tmr.qld.gov.au

From: Thom Baker
Sent: Thursday, 3 September 2026 2:10 PM
To: Thom Baker
Subject: FW: CFMEU facebook post

Thom Baker
HR Manager - QLD
[redacted]

Care.
Integrity.
Excellence.

Our vision is to be 'the best people to work with'
Georgiou Group acknowledges the Traditional Custodians of the land on which we work and pay ou

From: Joe Barker
Sent: Thursday, 23 March 2023 12:09 PM
To: Robyn L Bambry [redacted] Karl Rawnsley [redacted] Alex Tan [redacted] Daniel E Hocking [redacted]
Cc: Danielle Jonsson [redacted] Admin 3081 [redacted]
Subject: RE: CFMEU facebook post

Robyn, I've just sat down at my desk. Will get onto this asap.

From: Robyn L Bambry [redacted]
Sent: Thursday, 23 March 2023 11:44 AM
To: Joe Barker [redacted]; Karl Rawnsley [redacted] Alex Tan [redacted] Daniel E Hocking [redacted]
Cc: Danielle Jonsson [redacted]
Subject: CFMEU facebook post
Importance: High

! **CAUTION - This email was sent from outside Georgiou Group**

FFS, more joy involving CFMEU!!

https://fb.watch/jq2SjSaWdW/?mibextid=qC1gEa

I've been asked to draft an urgent Hot Issues Brief for the DG/Minister.

Do you have any stats or info you can provide about recent visits to Exit 41 that you already have to hand so that you don't need to spend any more time on this????

Kind regards,

Robyn Bambry
Senior Communication Advisor (Customer and Stakeholder Management Team) | South Coast Region
Program Delivery and Operations Branch | Infrastructure Management & Delivery Division
Department of Transport and Main Roads

[redacted]
First Floor, Nerang Office | 36-38 Cotton Street | Nerang Qld 4211
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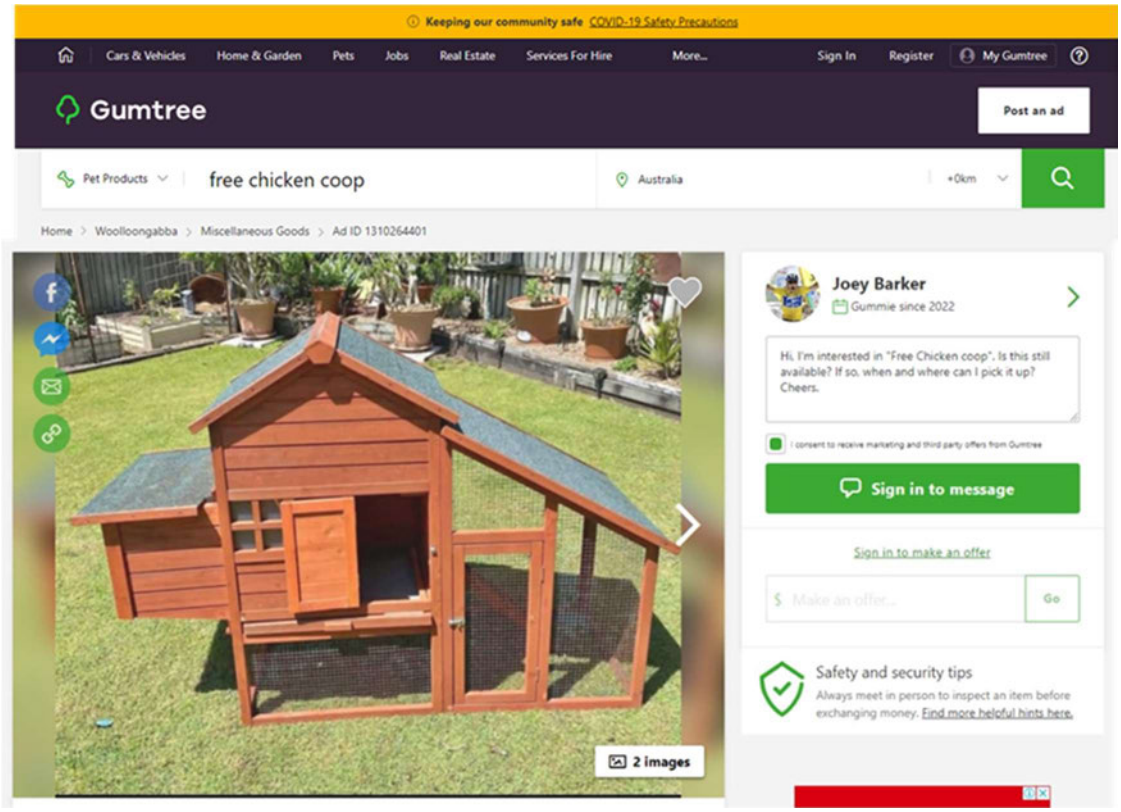
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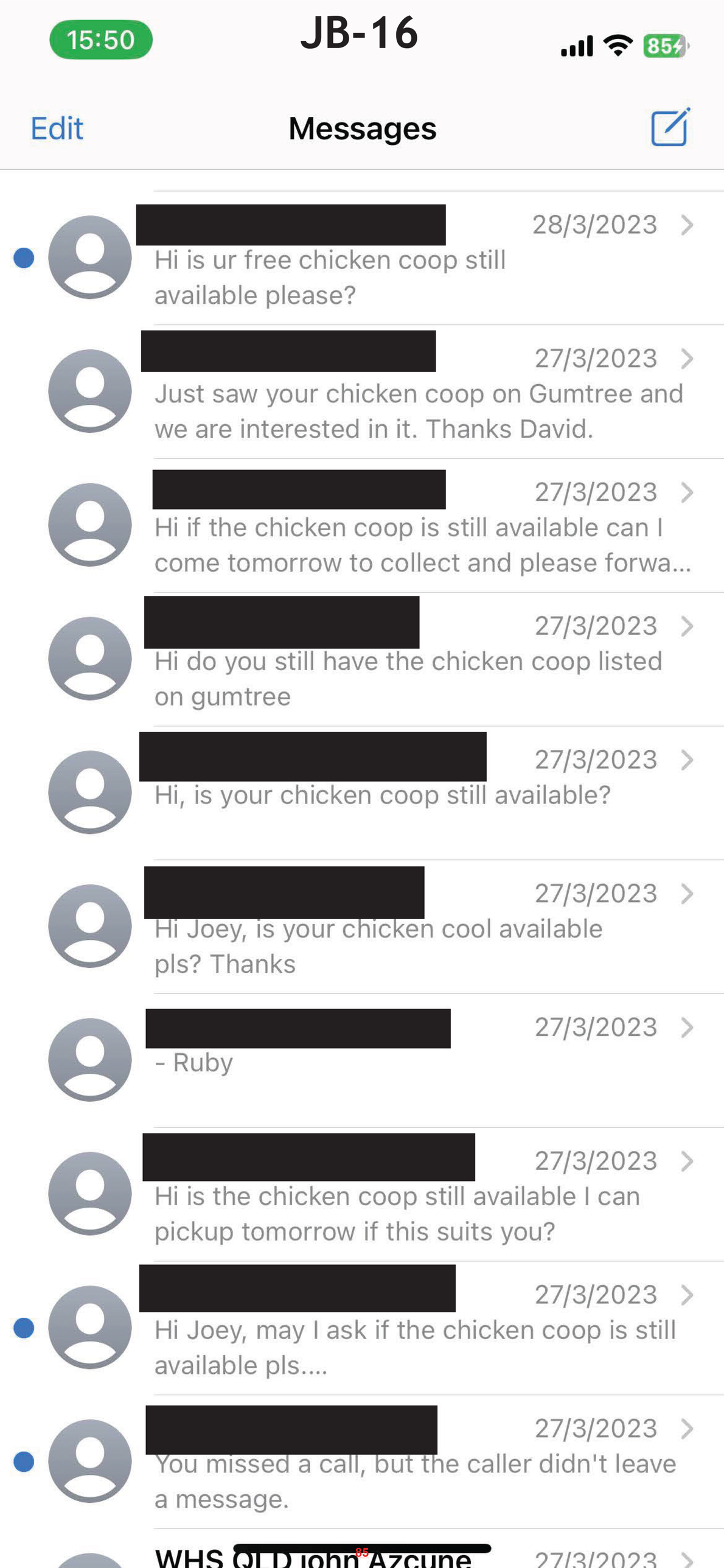
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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

JB-15


Keeping our community safe COVID-19 Safety Precautions
Cars & Vehicles
Home & Garden
Pets
Jobs
Real Estate
Services For Hire
More...
Sign In
Register
My Gumtree
Gumtree
Post an ad
Pet Products
free chicken coop
Australia
+0km
Home
Woolloongabba
Miscellaneous Goods
Ad ID 1310264401
2 images
Joey Barker
Gummie since 2022
Hi, I'm interested in "Free Chicken coop". Is this still available? If so, when and where can I pick it up? Cheers.
Sign in to message
Sign in to make an offer
Go
Safety and security tips
Always meet in person to inspect an item before exchanging money. Find more helpful hints here.


15:50
JB-16
85
Edit
Messages
[redacted]
28/3/2023
Hi is ur free chicken coop still available please?
[redacted]
27/3/2023
Just saw your chicken coop on Gumtree and we are interested in it. Thanks David.
[redacted]
27/3/2023
Hi if the chicken coop is still available can I come tomorrow to collect and please forwa...
[redacted]
27/3/2023
Hi do you still have the chicken coop listed on gumtree
[redacted]
27/3/2023
Hi, is your chicken coop still available?
[redacted]
27/3/2023
Hi Joey, is your chicken cool available pls? Thanks
[redacted]
27/3/2023
- Ruby
[redacted]
27/3/2023
Hi is the chicken coop still available I can pickup tomorrow if this suits you?
[redacted]
27/3/2023
Hi Joey, may I ask if the chicken coop is still available pls....
[redacted]
27/3/2023
You missed a call, but the caller didn't leave a message.
[redacted]
27/3/2023

Text message
27/03/2023 11:16:30 AM (Read 30/03/2023 2:30:42 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

30/03/2023 1:29:13 PM (Read 30/03/2023 2:30:42 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

4/04/2023 12:32:07 PM (Read 30/05/2023 1:55:59 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

Text message
3/04/2023 10:13:32 AM (Read 3/05/2023 12:49:51 PM)

[redacted]
You missed a call, but the caller didn't leave a message.

3/04/2023 12:12:31 PM (Read 3/05/2023 12:49:51 PM)

[redacted]
You missed a call, but the caller didn't leave a message.

3/05/2023 11:41:13 AM (Read 3/05/2023 12:49:51 PM)

[redacted]
You missed a call, but the caller didn't leave a message.

3/05/2023 3:15:53 PM (Read 5/05/2023 3:36:24 PM)

[redacted]
You missed a call, but the caller didn't leave a message.

iMessage
27/03/2023 9:15:00 PM (Delivered 5/04/2023 5:10:46 PM | Read 5/04/2023 5:10:46 PM)

[redacted]

Hi if the chicken coop is still available can I come tomorrow to collect and please forward you address thank you

Text message
27/03/2023 6:16:43 PM (Read 30/05/2023 1:52:35 PM)

[redacted]

Hi Joey, may I ask if the chicken coop is still available pls.
Thank you
Regards
Ria

Text message
27/03/2023 7:06:05 PM (Read 27/03/2023 7:06:13 PM)

[redacted]

Hi Joey, is your chicken cool available pls? Thanks

Text message
28/03/2023 6:38:17 AM (Read 30/05/2023 1:55:10 PM)

[redacted]

Hi is ur free chicken coop still available please?

Text message
27/03/2023 3:30:21 PM (Read 27/03/2023 3:30:54 PM)

[redacted]

hi Joey, i am in Holland Park and would like to pick up your chicken coop, can come now ?
thanks mark

27/03/2023 4:11:19 PM (Read 30/05/2023 1:52:13 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

[redacted]

iMessage
27/03/2023 9:11:57 PM (Delivered 5/04/2023 5:10:46 PM | Read 5/04/2023 5:10:46 PM)

[redacted]

Hi do you still have the chicken coop listed on gumtree

Text message
27/03/2023 2:39:50 PM (Read 30/05/2023 1:51:46 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

iMessage
27/03/2023 1:39:19 PM (Read 27/03/2023 1:43:12 PM)

[redacted]

Hey Joey, just saw your ad up for a chicken coop. If this is still available I'd be happy to come pick up whenever suits you. Cheers kahl

Text message
27/03/2023 1:15:54 PM (Read 27/03/2023 1:38:47 PM)

[redacted]

Hi, we'd like to pick up the chook house, when would suit?
Regards Tim

27/03/2023 1:17:51 PM (Read 27/03/2023 1:38:47 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

Text message
27/03/2023 2:42:14 PM (Read 30/05/2023 1:52:00 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

iMessage
27/03/2023 6:47:34 PM (Delivered 5/04/2023 5:10:49 PM | Read 5/04/2023 5:10:49 PM)

[redacted]

Hi is the chicken coop still available I can pickup tomorrow if this suits you?

Text message
27/03/2023 10:28:21 PM (Read 28/03/2023 5:42:32 AM)

[redacted]

Just saw your chicken coop on Gumtree and we are interested in it. Thanks David.

Text message
27/03/2023 4:54:19 PM (Read 28/03/2023 9:24:55 AM)

[redacted]

You missed a call, but the caller didn't leave a message.

iMessage
27/03/2023 4:54:43 PM (Read 28/03/2023 9:24:55 AM)

[redacted]

hi, just seeing if you're chicken coops available

thank you

Barry

28/03/2023 9:23:50 AM (Read 28/03/2023 9:24:55 AM)

[redacted]

Hi

calling re Massage table

Barry

iMessage
27/03/2023 6:54:35 PM (Read 27/03/2023 6:58:16 PM)

[redacted]

Hey Joey, i'm interested in you chicken coop listed on gumtree. We need more room for our chickens. Is it still available, if so when would best suit you to be able to pick it up??

27/03/2023 6:58:11 PM (Read 27/03/2023 6:58:16 PM)

[redacted]

- Ruby

Text message
23/03/2023 12:23:07 PM (Read 4/09/2026 3:00:47 PM)

[redacted]

You missed a call, but the caller didn't leave a message.

JB-17

From: Joe Barker
Sent: Tuesday, 28 March 2023 1:00 PM
To: Ryan Murphy
Subject: CFMEU interaction today
Attachments: vlc-record-2023-03-28-12h47m00s-V700000_00000020230328110428_0005.MP4-.mp4

Just aheads up that it appears I might have inadvertantly upset 2 concerned members of the public (Dean Reilly & Beau Seffiert) today who were onsite about a potential WHS Act s81.3. I have the entire interaction on tape and also have a witness.

A lot of rubbish happened (where they informaed me that I had received 3 “immediate compliance” notices from WHS QLD yesterday. When I asked how he knew this he said “He has people”. These aren’t public knowledge. WHS QLD would have recorded these in their diary notes from the visit. This information could not have been gained so quickly via the freedom on information act.

Anyways they were going on about public safety when I showed them photos of them both shouldering one my my engineers when they were onsite previously. I showed them the photos, but let them know I also have videos.

I was helpful enough to point out to Beau that he was using his “LEFT” shoulder to do this. (see below. Hamish is 6’8” so abit of force is required to move him sideways) This is sort of interesting as Beau received a $500k insurance payment for injuries to to his left shoulder as the result of a car accident.

They didn’t like that.

Later on when I got bored I started walking back to the office they followed me. They were both playing chicken noises on their phones. This went on for several minutes while they followed me all the way back to the office.

As Beau was leaving he was nice enough to provide the below/attached sound grab. (Full video available showing it was Beau talking to me).

“What do you do with these video after? I wonder. I hope you keep them to yourself”.


CFMEU
UNION
ORGANISER


CFMEU
UNION
ORGANISER

JB-18

[redacted]

iMessage
2/05/2023 1:41:10 PM (Read 2/05/2023 1:41:30 PM)

[redacted]



2/05/2023 3:00:42 PM (Read 2/05/2023 3:02:08 PM)

[redacted]

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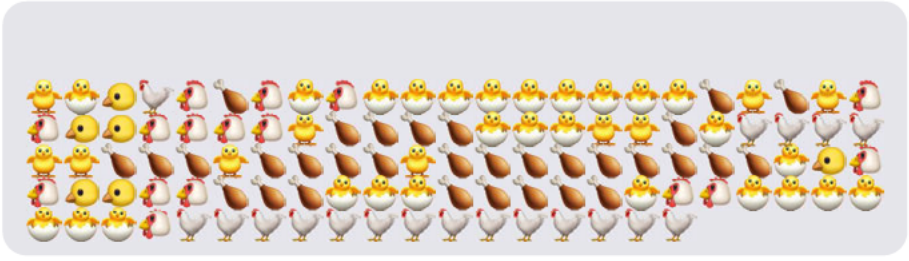
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3/05/2023 4:44:46 AM (Read 3/05/2023 4:47:08 AM)

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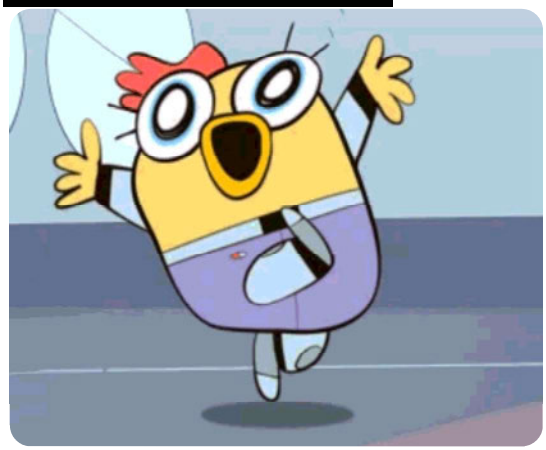
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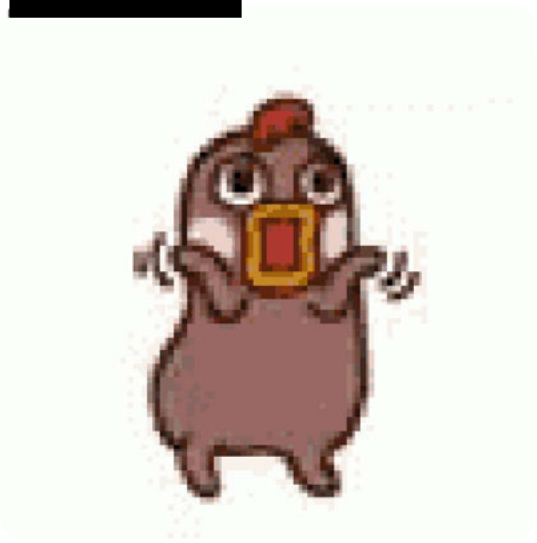
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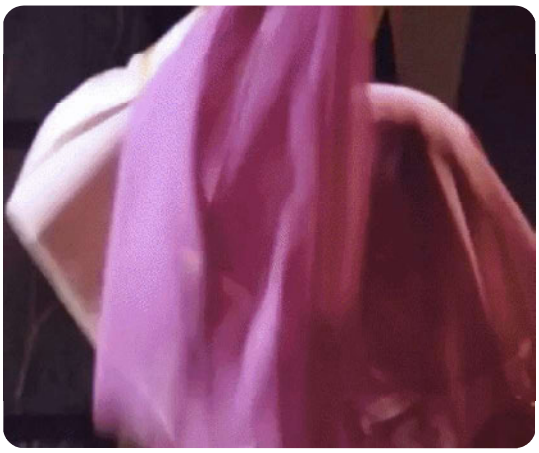
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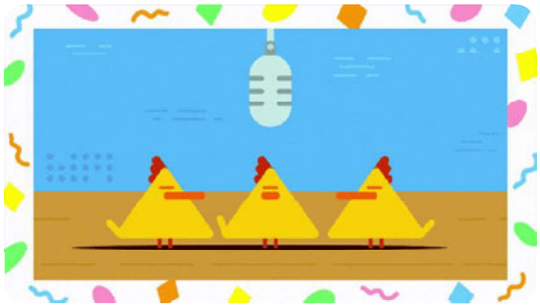
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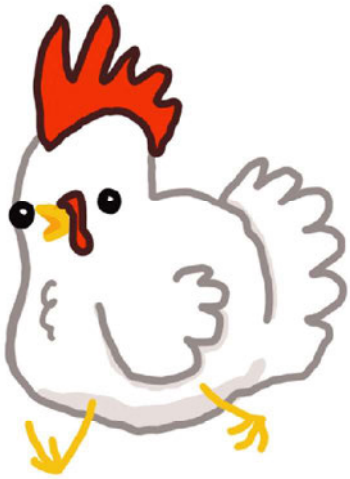
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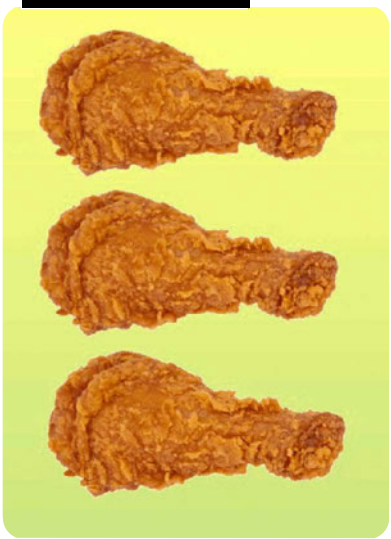
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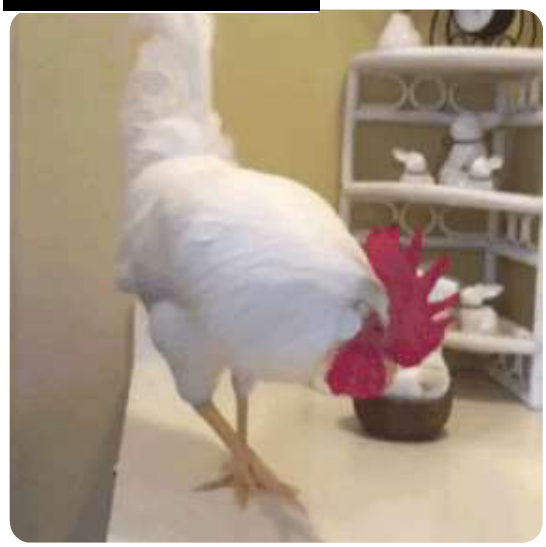
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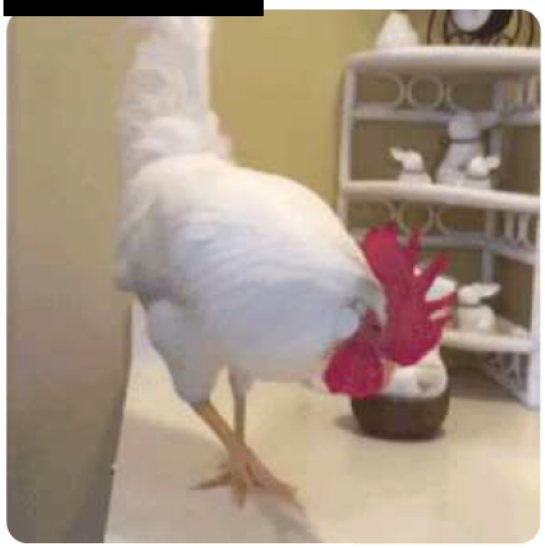
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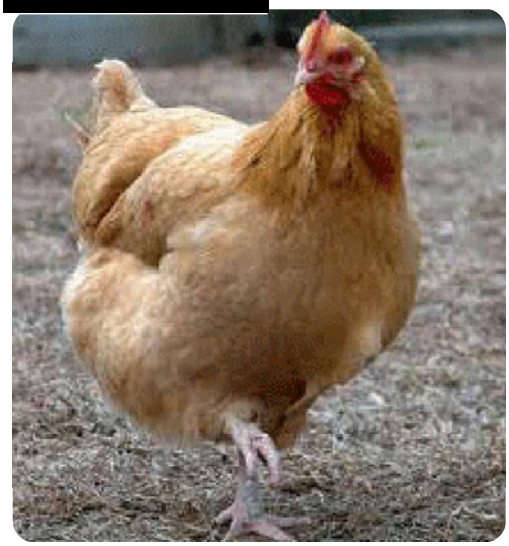
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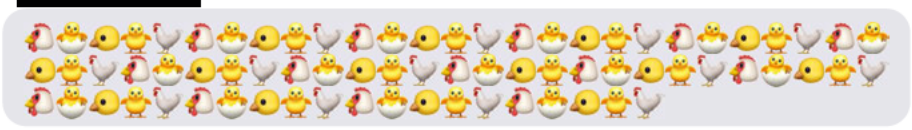
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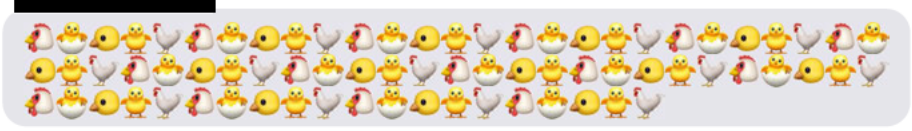
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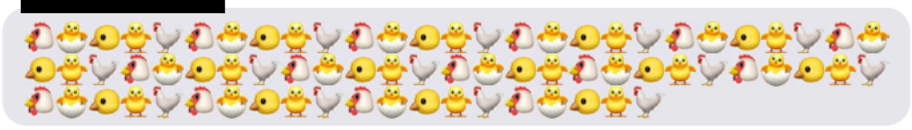
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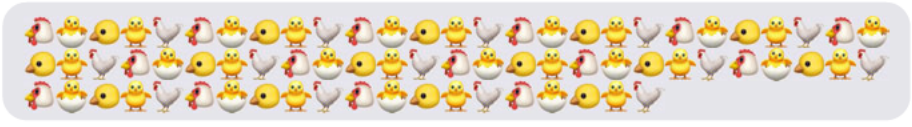
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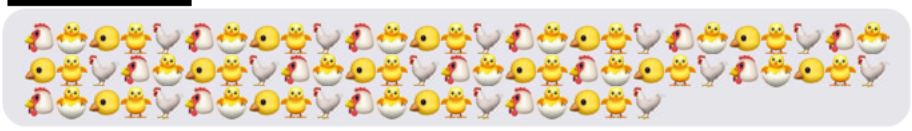
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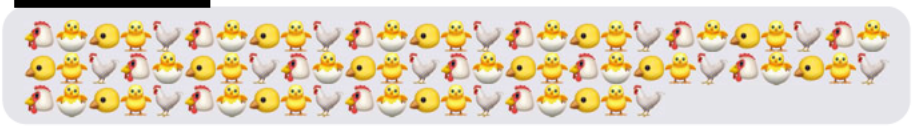
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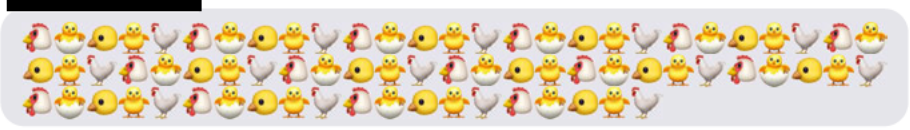
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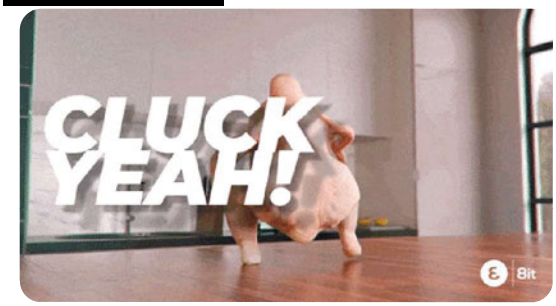
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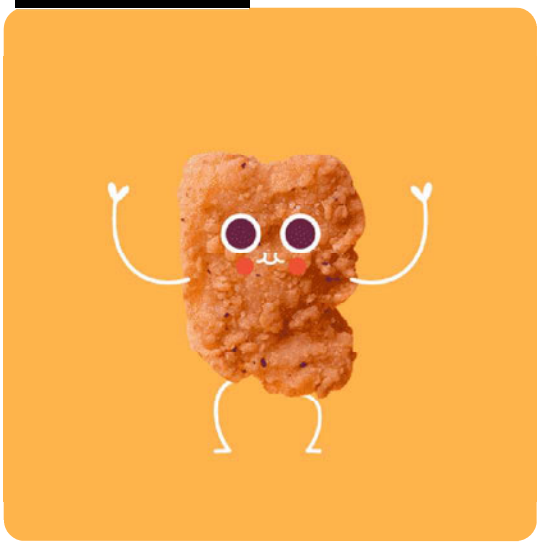
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CLAYTON UTZ

Confidential

Email

4 May 2023

Mr Joe Kennedy
Principal
Hall Payne Lawyers
[redacted]

Dear Colleagues

Fair Work Ombudsman v CFMMEU & Ors, BRG135/2022 ('Proceeding')

We refer to the above Proceeding.

We have been instructed that one of the Applicant's witnesses in this Proceeding, Joe Barker, has been the subject of recent unsolicited contact, that is, since 2 May 2023, 153 anonymous text messages containing chicken noises, chicken videos or chicken emojis have been sent to Mr Barker, and prior to that:

- on 21 March 2023, the CFMMEU posted a video on the CFMMEU Construction & General QLD/NT Facebook page depicting Mr Barker as a chicken farmer or something similar;
- on 27 March 2023, an ad was placed on Gumtree with a free chicken coop with Mr Barker's mobile number listed as the contact (in circumstances where Mr Barker has not placed this ad himself – or asked anyone else to do it on his behalf);
- on 27 March 2023, Mr Barker received 10 anonymous calls in a ten-minute timeframe; and
- on 27 March 2023, Mr Barker answered an anonymous call, and it was put to him that he had relations with chickens.

As of todays' date, we are instructed that the unsolicited anonymous contact to Mr Barker is continuing, and that the Facebook video (containing objectively similar content referring to chickens) remains active.

Given the content of the CFMMEU Facebook video and the close proximity of the unsolicited anonymous contact to the trial and to Mr Barker giving evidence, we are concerned to ensure that the CFMMEU and its officials and members are not engaging in conduct (or persuading, inciting or encouraging others to engage in conduct) that would constitute an unacceptable interference with the administration of justice. Accordingly, we request that the CFMMEU communicate to its members that if they are involved in any such conduct it should cease and desist. We also request that the CFMMEU remove the video from Facebook immediately.

Please confirm by 3pm, 5 May 2023, that the CFMMEU has taken the above steps. Should the CFMMEU fail to do so, the Applicant reserves its right to:

- bring this letter to the attention of the Court; and/or
- bring an application before his Honour Judge Vasta seeking to stop the unsolicited contact towards Mr Barker.

Please do not hesitate to contact us to discuss.

Yours sincerely

Hilary Searing, Partner
[redacted]

Martin Bartlett, Senior Associate
[redacted]

Our ref 19215/19817/81021652

Georgiou



Union / Regulator Interactions/Learnings

JB-20

Georgiou

Setting the scene

- What prompted the sudden influx of interactions with the unions
- What was the climate like eg
  - about 5years ago WHSQ inspectors were providing an educational focus on industry, this focus changed why?
  - What were the triggers
- Challenges
  - S81.3 Issues Resolution
    - Implementation of s81(3),s484, & s117 support material
  - Inspectors enlivening process in support of entry to site

153

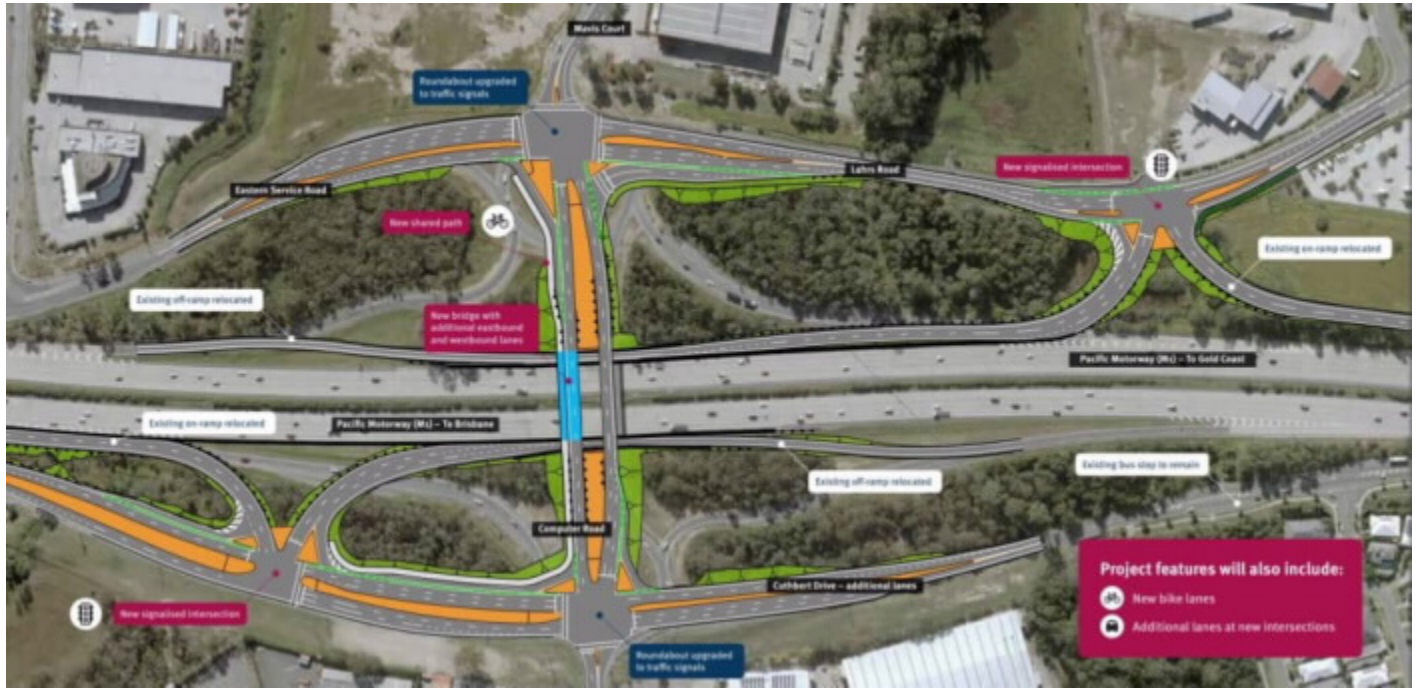
Joe Barker
Senior Project Manager
Exit 41

Georgiou



Exit 41

Proximity to Coomera Connector





The best people to work with

Impact of BPIC on Exit 41

- BPIC not applied to Exit 41 Contract
- Union completed coordinated visits across all Georgiou SEQ projects
- Note the Union interactions on Exit 41 appear to be driven by BPIC issues on other projects

156



Exit 41 Interactions / Impact

General

- Over 50 Notice of Entry
  - Several different reps
- A dozen Safety Issue inspections
- Several unofficial visits
- 22 WHS QLD visits
- Only 4 Improvement Notices

Impact on project

- Disruption (120hrs+)
- Supervisors / Engineers / Admin
  - Things got personal
  - Phone calls
  - 150 + text messages before 5am
  - Gumtree ads
  - Photos / videos on Facebook

WHS / Union Interactions

- WHS & Unions arrived at the same time
- WHS did not follow it's own Safety Issues Guidelines…
- Union advised that Project received 2 immediate compliances the day prior
- WHS Officially requested a list of a subcontractors onsite…
- WHS Act was changed…

ABCC Court Case

Based on Illegal Entry and Threats



- ABCC discussion Nov 21
- ABCC Statement Nov 21
- ABCC lodged Court Application March 22
  - Multiple administration hearings
  - Georgiou Reps subpoenaed to appear in court May 23
  - I was cross examined for several hours over 2 days
    - The lawyer tried every trick to prove I was an unreliable witness and commit perjury
    - ABCC took a plea bargain at the 11th hour

158

ABCC Court Case

Regards FWC withdrawing the "bat" claim

•To abandon such a claim, especially at the eleventh hour, is something that one would think would not occur lightly.

•In this case, the attitude of the Applicant was consistent from 30 March 2022 to 17 November 2023 with the filing of the application through to the filing of affidavits, the calling of witnesses who were cross-examined, the cross examination of a Union witness who gave contrary evidence, the making of very strong submissions in support of the claim and the making of very strong submissions in reply.

•Yet, a little over 4 hours after finalising all the preparations for the last act in this long running saga (which was to occur on the following business day), the FWO abandoned the claim, notwithstanding that it still proclaimed Mr Barker and Mr Treagus as being "witnesses of truth".

•What concerned me is that there may be a perception that the FWO had not complied with their obligations as a model litigant. Those obligations include such concepts as acting as transparently as possible and acting consistently.



159

ABCC Court Case

Learnings

- Emergency Contact list
- Control the Prestart Sheet
- Records, Records, Records
  - Take photos of everything (when they arrive and depart)
  - Visitor Process needs to be bullet proof
  - Register was not well maintained and consisted of loose sheets
  - Be diligent with recording the interactions
- Use body cameras at all times
- Do not offer documents / records
- Know the Right of Entry process and follow it completely.
  - Safety Issue Resolution was written
- Come up with a plan on WHO will deal with Union / WHS
- Train up engineers / supervisors on how to interact
- Know the WHS interaction rules….

160

Quinn Murray
PM Centenary Bridge
Gareth Davie
Construction Manager

Georgiou



Centenary Bridge 2024

Setting the Stage

- GBJV established a Greenfields Agreement with AWU to comply with new BPIC
- CFMEU rallied against all AWU agreements as being sub-standard Industrial Instruments

Opening Act

- 41 Union Visits in first 9 months on site
- Social Media Smear Campaign launched against JV Partner (BMD)
- Aug-23 CFMEU and AWU threatened significant disruption if Traffic Controller ‘Altus’ was retained on project

Final Catalysts

- CFMEU Aligned TC, KPI, contained self-nominated union delegates – caused significant trouble
- GBJV procured Temp Works steel from China due to Aus being unable to hit program
- GBJV rebuffed CFMEU attempts to modify Greenfields agreement



Actions / Responses

Union Actions

- CFMEU began an illegal blockade in Late Feb which lasted for 6 weeks
- Stormed the site on a number of occasions preventing deliveries, pulling apart fencing, and delaying or disrupting pours

Site Response

- Shutdown site during initial phases when situation escalated
- Employed security firm to prevent illegal access to the project site and to protect staff/workforce
- Engaged IR consultants to remove project team interaction with union delegates

Corporate Response

- Sought and achieved Federal Court Injunction
- Modified policies to enable site to rebuff attempted entries
- Challenged WHSQ notices when issued regarding refusal to comply with S117/118 requests from Union Officials

Lessons Learned

Key Site Lessons

- 2nd Hand Command – villainise PM/CM by only refusing Union Officials requests as a result of Head office/ management direction
- IR support and rotating people at the coalface key to sustained barrages

WHSQ Lessons

- Proactively engage with WHSQ
- Resolve Union purported breaches with WHSQ officials

Corporate Lessons

- Aggressively pursue legal responses to illegal behaviours
- Challenge WHSQ notices
- Better HQ preparedness for such situations / sustained campaigns



Jonty Bekkers
HR/IR Manager
Coomera Connector

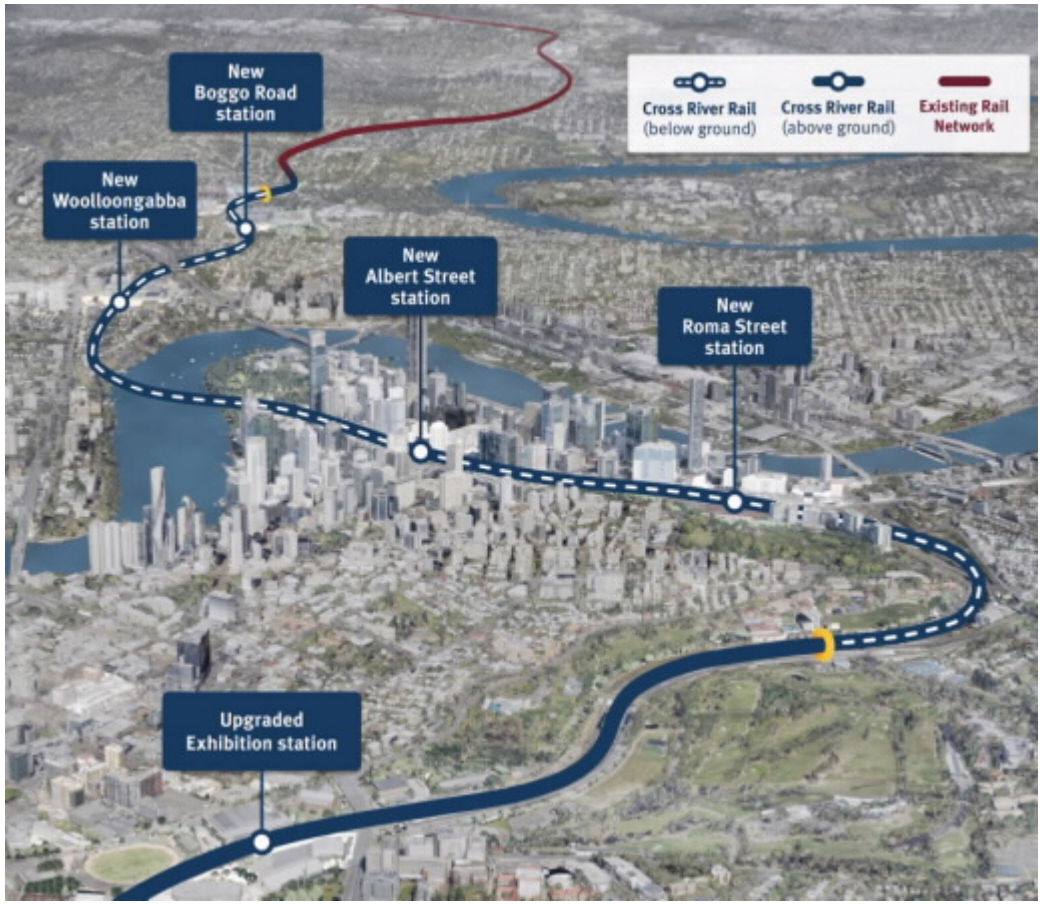


Georgiou

Cross River Rail TSD: April 2020 – September 2022

Background

- $6+ billion dollar rail project involving construction of four underground stations and twin tunnels located in/around Brisbane CBD. Construction commenced in late 2019.
- BTG unions (CFMEU/ETU/PPTEU/AWU) sought Project EA with CPB Contractors, aligning with Queen's Wharf EA and typical high-rise building EA conditions.
- State labour government in power 'encouraging' CPB to bargain with BTG.
- CPB bypassed BTG, secretly bargaining with AWU, citing limited CFMEU coverage in civil construction; resulting in two Project EAs with the AWU.
- BTG committed to disrupting Project throughout delivery.



Georgiou

Cross River Rail: April 2020 – September 2022



Background Cont.

- Leadership within work health and safety regulator aligned with BTG.
- Safety inspectors split: some aligned with BTG, others neutral.
- Demarcation dispute between AWU and CFMEU.
- WHS Inspectors pressured to issue CPB regulatory notices, aiding BTG safety narrative and influence on government.
- 40% turnover in safety, supervision, and IR/HR roles due to hostile IR environment.
- Two worker's compensation claims from workplace aggression linked to CFMEU/ETU conduct.
- Personally involved in 200+ right of entries, 4 court cases, and 25+ ABCC breach notices.

167

Learnings from Cross River Rail

- **Union-endorsed delegates and HSRs:** These roles hold significant power—avoid or limit them wherever possible.
- **Subcontractor strategy:** Be selective with union-endorsed subcontractors; plan their use carefully.
- **Crib rooms matter:** Spread them out and keep sizes small to minimise mass meetings and dislocate the workforce. Ensure they're well-maintained and fully compliant with WHS standards.
- **Control site access:** Place your most trusted people/subcontractors in key roles like hoist operators, gatekeepers, and traffic controllers.
- **Act fast with legal action:** If legal action is necessary, don't hesitate—go straight to the Federal Court for injunctions. Detailed notes and CCTV footage are your best assets.
- **Establish a right of entry protocol:** Split responsibilities—HR/IR should handle entry compliance before Safety or Superintendents engage.
- **Document requests:** Don't hand over documents immediately—set up an approval process first.

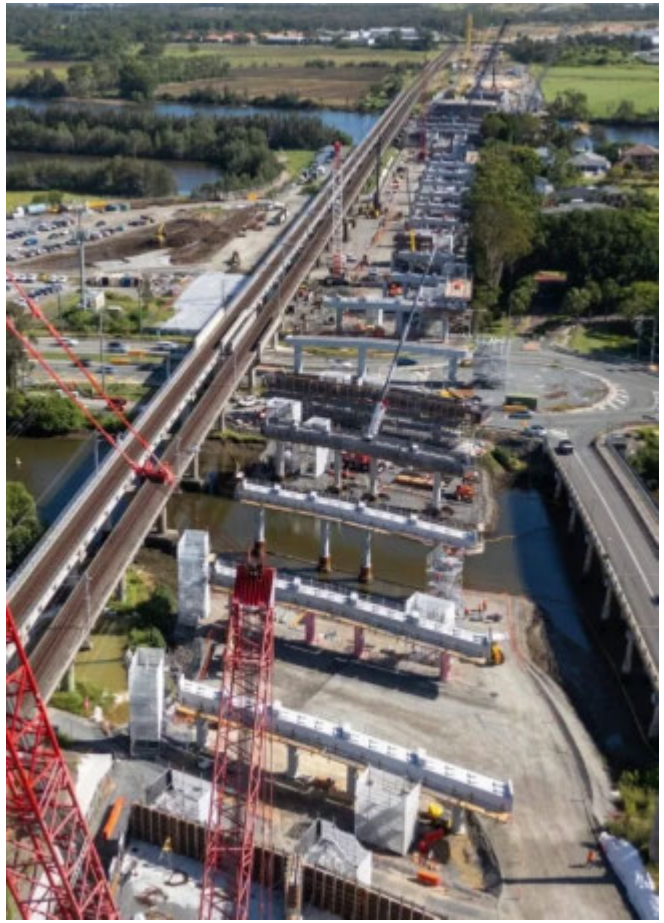
Coomera Connector: September 2022 – *Current*

Background

- $700+ million motorway project; commenced construction in February 2023.
- Delivered by the Acciona Georgiou Joint Venture (**AGJV**).
- BPIC applied to the project and AGJV's major subcontractors.
- State Labour government 'encouraged' AGJV to bargain with all relevant unions for an EA; ETU showed little interest in EA due to Project's limited electrical scope and self-perform.
- Agreement with CFMEU not reached due to terms, coverage concerns, and potential Building Code breaches (now abolished). EA created with AWU instead.
- CFMEU, unhappy with exclusion, stated they would disrupt the project.



Coomera Connector: September 2022 – *Current*



Background Cont.

- Project's General Superintendent proactively and strategically built relationships with local CFMEU organisers.
- Nearly 40 right of entries on the Project to date and no concerns or aggression.
- Organisers call up before coming on-site. Conduct themselves appropriately when on-site.
- Since the CFMEU administration, compliance has improved.
- Ongoing dispute between AWU and CFMEU re. coverage and Cross River Rail "sweetheart" deal.

Learnings from Coomera Connector

- **Be better than the worst:** You don't need to outrun the bear, just the slowest contractor.
- **Avoid unnecessary escalation:** Support and allow Superintendents to build relationships with local organisers as a means of mitigating conflict. Be consistent with how things are approached but allow them the freedom to manage in a way they feel is best.
- **Happy workers, safe workplace:** A satisfied, engaged workforce is your best defence against union influence. Proactively communicate and consult on issues that may affect them.
- **Identify vulnerable areas:** Pinpoint tasks prone to union attention (e.g., FRP activities, girder installations) and ensure proper supervision and support.
- **Have a plan when things go bad:** Set up clear escalation processes and systems in response to relationships souring/confrontational right of entries.
- **Address genuine safety issues:** Fix legitimate concerns instead of arguing every point.
- **Keep it small:** Limit the audience and communication lines during contentious discussions.

Overall Learnings

- **No one-size fits all:** Every project has a unique IR landscape shaped by location, size, scope, history, government, and contractors. Consider all these factors at project commencement. Everyone has a plan until they get punched in the face.
- **Safety first:** It's the industrial weapon of choice, especially the "low-hanging fruit." Don't neglect these.
- **Disagree without being disagreeable:** Be firm without being rude—it's harder for people to stay aggressive when you're nice.
- **Say no without saying no:** Use phrases like, "*I'd need to check that with HQ—I don't have that authority*." or "*I wish I could, but I'd lose my job if I let you do that*". Let them think your power is limited.
- **Maintain separation:** Don't let union organisers have a direct line to senior management (e.g., PM). Keep the site team as a buffer to create circuit breakers and escalation pathways.
- **Slow it down when things heat up:** Step away, take a pretend call, or reschedule "meetings." Use the time to prep the site before escalating.

Georgiou



Thank you.

georgiou.com.au

JB-21

From: Ben Burgess
Sent: Thursday, 27 October 2022 11:10 AM
To: Joe Barker; Tristan Ogden; Jeremy Stephens
Cc: Roger Oliver
Subject: RE: CFMEU visits

Hi Joe,

I have added our other visits from previous months and comments in red.

25/08

- Indooroopilly : Dean Mattas & Dean Riley under section 117 etc
  - WHS Attend site

19/09

- Indooroopilly : Dean Riley & Kurt Pauls under section 81 etc
  - WHS Attend site

18/10

- Indooroopilly : Dean Mattas under section 117 etc
  - WHS Attend site
- Exit 41 : Dean Rielly under section 81 etc
  - WHS attend site
- Green Bridge : ??

25/10

- Indooroopilly : Dean Riely under section 81 etc
  - WHS Attend site
- Exit 41 : Dean Mattas under section 117 etc
  - WHS attend site
- Green Bridge : Dean Rielly attended site but no Georgiou people present so he left

26/10

- Indooroopilly : Dean Rielly visited the site crib to see if any notices were issued?
  - Any attempt to enter site? Entered site crib took photo of notice then left. Sean Roff advised that he was not allowed on site and he is trespassing.
- Exit 41 : Dean Mattas & Dylan Howard under section 117 etc
  - CFMEU reps refused to provide sufficient information to determine if there was a potential contravention.
  - WHS did not attend site
- Green Bridge : ??

Ben Burgess
Health and Safety Advisor

Telephone:
Mobile: [redacted]
Email: [redacted]

Our vision is to be the 'best people to work with'
Georgiou Group acknowledges the traditional custodians of the land on which we work, and pay our respects to the Elders past, present and emerging.

From: Joe Barker [redacted]
Sent: Thursday, 27 October 2022 10:49 AM
To: Ben Burgess [redacted]; Tristan Ogden [redacted]>; Jeremy Stephens [redacted]
Cc: Roger Oliver [redacted]
Subject: CFMEU visits

Hey guys, I just wanted to check some dates with you chaps of when CFMEU visited your site recently. I need this info to support a claim as CFMEU is clearly targetting Georgiou and I am arguing it is only because of TMR introducing BPIC etc. So any info is appreciated. Below is my guess on the recent visits.

18/10

- Indooroopilly : Dean Mattas under section 117 etc
  - WHS Attend site
- Exit 41 : Dean Rielly under section 81 etc
  - WHS attend site
- Green Bridge : ??

25/10

- Indooroopilly : Dean Rielly under section 81 etc
  - WHS Attend site?
- Exit 41 : Dean Mattas under section 117 etc
  - WHS attend site
- Green Bridge : Dean Rielly attended site but no Georgiou people present so he left

26/10

- Indooroopilly : Dean Rielly visited the site office to see if any notices were issued?
  - Any attempt to enter site?
- Exit 41 : Dean Mattas & Dylan Howard under section 117 etc
  - CFMEU reps refused to provide sufficient information to determine if there was a potential contravention.
  - WHS did not attend site
- Green Bridge : ??

Joe Barker
Senior Project Manager

Telephone: [redacted]
Mobile: [redacted]
Email: [redacted]

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