



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURT**

**WEDNESDAY, 3 DECEMBER 2025
AT 10.00 AM**

DAY 5

APPEARANCES

**Mr S Wood AM KC, Commissioner
Ms Jacqueline King, Witness
Ms Stacey Schinnerl, Witness
Mr P Wheelahan KC with Mr M Costello KC and Mr A Smith, Counsel Assisting
Ms K McMillan KC, Counsel Assisting for Ms Jacqueline King
Mr T Spence, Counsel for Stacey Shinnerl and the Australian Workers Union
Mr C O'Grady KC, Counsel for CFMEU Administrator Mr Mark Irving KC
Ms R O'Gorman KC, Counsel for Mr Michael Ravbar and Mr William Lowth
Mr T Kimmins, Counsel for Mr Jade Ingham
Mr H Clift, Counsel for the CEPU, ETUQ and PGEUQ
Mr D de Jersey KC and Mr D. Wilson, Counsel for Sarina Wise and the State of Queensland
Ms E Cooper, Counsel for BMD Group
Mr D O'Brien KC, Counsel for Cross River Rail Delivery Authority**

<THE HEARING COMMENCED AT 10.00 AM

COMMISSIONER: May I take appearances, Mr Costello, Mr Smith, you still appear.

5

MR COSTELLO: Yes, I appear, your Honour.

COMMISSIONER: Ms McMillan, you're appearing as counsel for -

10 **MS McMILLAN:** Yes.

COMMISSIONER: - Ms King. Mr Spence, you're still appearing as counsel for Ms Schinnerl and the AWU?

15 **MR SPENCE:** Indeed.

COMMISSIONER: Mr O'Grady, you're still appearing as counsel for the CFMEU administration?

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

COMMISSIONER: And Ms O'Gorman, you're still appearing as counsel for Mr Ravbar and Mr Lowth?

25 **MS O'GORMAN:** I am.

COMMISSIONER: Mr Kimmins, you're appearing as counsel for Mr Ingham?

MR KIMMINS: Correct.

30

COMMISSIONER: Mr de Jersey, you're still appearing as counsel for the State of Queensland and for Sarina Wise?

MR DE JERSEY: I am, Commissioner, with Mr Wilson.

35

COMMISSIONER: With Mr Wilson. Thank you. Ms Cooper, you're still appearing as counsel for the BMD Group?

MS COOPER: Correct.

40

COMMISSIONER: Mr O'Brien is not here - sorry.

MR BLOOMINGDALE: (Indistinct).

45 **COMMISSIONER:** Thank you. Mr Bloomingdale, is it? Mr Clift, you're still appearing for the CPU, the ETU Queensland and what was the third union you appear for?

MR CLIFT: The PCV (indistinct), Commissioner.

COMMISSIONER: Thank you. Are those all the appearances? Yes? Mr Costello?

5

MR COSTELLO: Your Honour, before I resume with Ms King -

COMMISSIONER: You don't need to call me "your Honour", Mr Costello, as much as I like it.

10

MR COSTELLO: My learned friend, Mr de Jersey, has one matter that he wanted to bring to your attention before I resume with the witness.

COMMISSIONER: Thank you.

15

MR de JERSEY: Commissioner, as you know, I appear for the State. I conferred at some length with the Deputy Commissioner of Police this morning.

COMMISSIONER: Yes -

20

MR de JERSEY: Regarding the evidence that was given yesterday.

COMMISSIONER: Yes.

25

MR de JERSEY: And obviously I should just put on the record the Queensland Police wishes to support all of those who came forward and gave evidence, including, of course, yesterday's evidence - yesterday's witness, Ms King. There may be - may be - an application to cross-examine Ms King -

30

COMMISSIONER: Yes.

MR de JERSEY: But I should just make it clear that if that can be avoided, it will be. I'm not presently in a position to make that application if it be made, and I won't be until there's been careful review of yesterday's transcript.

35

COMMISSIONER: Yes.

40

MR de JERSEY: But also some further time that I will need to confer with the Deputy Commissioner and perhaps I will say the Commissioner as well, in order to take instructions and to the matters that were raised in evidence, but I just thought I should put it on the record that it may be that there's an application to cross-examine.

45

COMMISSIONER: Thank you, Mr de Jersey, and just in terms of the record, can I say that the Commission has been very well assisted by the QPS. The Commissioner has given us, I think, between seven and 14 resources that are working away doing the Commission's business and we have had excellent support from the QPS as a Commission of Inquiry. That doesn't count one way or another in terms of the

assessment of the evidence of Ms King but in terms of expressing our thanks to the QPS, they couldn't be more helpful in terms of what they've done to assist this inquiry since it was established.

5 **MR de JERSEY:** Thank you, Commissioner.

COMMISSIONER: On that point, and this is something I might raise with Mr Kimmins and Ms O'Gorman, we won't want to get into the habit of requiring a careful review of transcript before people make applications to cross-examine,
10 otherwise this Commission will go forever.

MR de JERSEY: Of course.

COMMISSIONER: I understand what you say and your application will be treated
15 seriously when it's made, but - and so will yours, obviously, Mr Kimmins, but as a general rule, it's not usually going to be sufficient reason to ask for a delay in the cross-examination to allow the review of the transcript. People are here, they've been given leave, they're able to take down what the witness says and the transcript is usually available the next morning. I think Mr Costello might be able to tell me, but I
20 think yesterday's transcript is available and is on the website now. But I don't want to pre-empt any application you might make, but just make that general observation.

MR de JERSEY: And thank you for that, Commissioner, and I should say, that's the reason I would identify that the Deputy Commissioner is at pains to avoid making
25 that application so there is to be a careful review of the transcript before the decision to make the application (crosstalk) is made.

COMMISSIONER: I understand.

30 **MR de JERSEY:** Thank you, Commissioner.

COMMISSIONER: Thank you, Mr de Jersey. Might deal with your application to cross-examine, Ms O'Gorman - Mr Kimmins at the end of Ms King's evidence, if that's convenient.
35

MR KIMMINS: Of course, Commissioner.

COMMISSIONER: Thank you. Mr Costello.

40 **MR COSTELLO:** Thank you, Commissioner. Yes, on the question you put to me, to the transcript, it is available on the website. I understand it went up sometime early this morning. It was certainly up there when I went to look for it.

COMMISSIONER: Sorry, is there something with the microphone - I'm having
45 trouble hearing you this morning.

MR COSTELLO: Is that better?

COMMISSIONER: That's a little bit better. Thank you. Can you just repeat what you said.

5 **MR COSTELLO:** It's a different microphone to yesterday, I think. The transcript is on the website, it was, I think, put up there early this morning.

COMMISSIONER: Thank you.

10 **MR COSTELLO:** Yes, early this morning.

Ms King, when we adjourned yesterday afternoon you were giving some evidence regarding the protest that was conducted at the premises, the front of the premises of the QCU on the day that the executive was to consider whether or not Mr Jared
15 Abbott's application to take leave without pay ought be supported so that he could take up a role with the administrator.

MS KING: Yes.

20 **MR COSTELLO:** And you recall we saw some footage - I have indicated that there's footage from a number of angles. You have annexed four videos to your witness statement. I don't intend to take you to all of them, but I might take you now to the second of them, which shows a different angle, because I think it brings out
25 some of the matters that you spoke to yesterday. If I could have file 3. So this - you made mention of the salubrious tiles at the front of the premises yesterday. So this is a camera angle from what is effectively the front door to the building, is it?

<VIDEO SHOWN

30 **MS KING:** Yes, it is, it fronts onto Peel Street in South Brisbane.

MR COSTELLO: It appears what is going on here is you recall in the video that I showed you yesterday, that there was a group predominantly of men that came up the street, and -

35

UNIDENTIFIED SPEAKER: I won't press the point.

MR COSTELLO: - they were predominantly dressed in green. They seem to be here waiting for others to arrive and the others arrive from the other end of the street.

40

MS KING: Yes.

MR COSTELLO: If we could move this to about 3.30 in the video, about there. Now, this is the others arriving. Did you ever ascertain how these people arrived?

45

MS KING: So my understanding was that there was a building trades group formal rally had been scheduled, I believe it was in queens Park that day for I think around

about 10.30 or 11. And that the unions had bust in a number of people, I think there was a - this is a crew that may have come in from - that had been working on the construction of the Gatton Prison. I understand that from discussions with a number of the secretaries in the Building Trades Group. So I think they were - the buses were
5 dropped up further up Peel Street and around the corner, probably about two blocks up and around the corner from where the ETU office is on the corner. I think they're 41 Peel Street and we're 16 Peel Street.

10 **MR COSTELLO:** I see. And you think they were working, did you say at Gatton?

MS KING: I believe. That's what I was told, yes.

15 **MR COSTELLO:** I see. You can see there's a number of people milling around with speaker phones. I take it you don't know who any of these people are?

MS KING: No.

20 **MR COSTELLO:** If we can perhaps skip forward to about nine minutes 20. So at this point in time there's quite a bit of chanting going on by the looks, led by those with the speaker phones. And it looks as though the people have assembled across that makes entry into the building difficult. But there are on occasion people turning up to work. This is a primary entry through, it is the only entry through.

25 **MS KING:** So the only entry into the car park is literally behind where you can see the no smoking sign. So there's like a double, there's a car park, the driveway goes down on the - that first part - it goes down into the downstairs basement, and on the other side of it it goes into the ground floor car park. So both areas were locked at that time.

30 **MR COSTELLO:** I see. And so that's somebody there that's just part of the group?

MS KING: A few people went through and came into the building, yes.

35 **MR COSTELLO:** Okay. Now, you mentioned yesterday that some people entered the building and you thought went up the fire escape.

MS KING: Yes, fire stairs.

40 **MR COSTELLO:** And they were knocking at the door because the door is only opened from the other side; is that right?

MS KING: Yes.

45 **MR COSTELLO:** And was your evidence that somebody then did let one of the people or more of the people through?

MS KING: I believe so. My evidence was you can enter, there's a - just inside the door here in the foyer there's a fire stair and you can open that door because it's the only, you know, I guess the exit out of the foyer if there is a - a fire in the foyer. So it has a sign on it and we've had advice given to us from the Health and Safety
5 Regulator that that door should remain to be able to be opened, and so they - they went in through the fire door because the lifts were locked down in the foyer, you couldn't get into the lifts because I'd asked for them to be locked down, so they got into the fire stair on the ground floor and went up the stairs - or the fire door, I should say, and went up the stairs.

10 **MR COSTELLO:** And you've got a large degree of training and experience in training others in a range of matters, including workplace health and safety -

MS KING: Yes.
15

MR COSTELLO: And duties owed to employees. One obligation that is spoken of now concerns psychosocial hazards.

MS KING: Yes.
20

MR COSTELLO: That's something you were familiar with?

MS KING: Yes, I was on the steering group to develop - the industry steering group with the regulator to develop that code of practice here in Queensland.
25

MR COSTELLO: All right. Can you just begin by explaining what it is that you understand that term to mean?

MS KING: Psychosocial hazards?
30

MR COSTELLO: Yes.

MS KING: Yes. So psychosocial hazards are, essentially, any hazard that might bring a risk of psychological harm to a person. In a broader sense, it can be about, you know, systems of work. It can be about bullying and harassment, it can be about
35 overwork, underwork, a broad range of issues.

MR COSTELLO: As an employer, does this sort of conduct give rise to concerns of psychosocial hazards for employees?
40

MS KING: Certainly, yes.

MR COSTELLO: If we could just move forward - I'm not quite sure where we're at with the time stamp, but if we could move forward to about 15 minutes - 15 and a half minutes, yes. Just go - perhaps if we just go back 30 seconds. So there's some people are entering the building there, one with the flag, they've just come back out.
45

MS KING: Mm-hmm.

MR COSTELLO: And you will see that gentlemen there is waving.

5 **MS KING:** Yes.

MR COSTELLO: Holding the door open and someone walks through, looks like he might be taking a film, did you see there - holding his camera.

10 **MS KING:** Yes, when they came into the level 5 foyer, they had a camera, I'm told.

MR COSTELLO: I see. Did you ever see any of this footage posted on Facebook or anywhere else?

15 **MS KING:** No.

MR COSTELLO: I see. And then this is -

20 **MS KING:** I think their intent was that if they had Mr Abbott there that they would have put the film potentially up on one of the social media sites. Not the union but there's a number of social media sites. Your Union Your Choice is a very common one that fields a lot of this sort of stuff but they were filming Ms Kempin who is our executive officer because she is the person who met him in the foyer and she had asked them to stop filming because she didn't agree or consent to being filmed and I believe after a period they stopped filming and that's when they handed over, you see
25 the gentleman there before had a piece of paper in his hand and that would have had whatever the resolution was they wanted to hand to Mr Abbott and they passed that on to Ms Kempin when she informed them that he wasn't in the building and that she would take it and then ask them to leave the building.

30

MR COSTELLO: They handed the piece of paper with the resolution on it, did they?

35 **MS KING:** I believe so, yes.

MR COSTELLO: I see. All right. That video can be brought down now. Thank you. The - you give some evidence that the day after that incident, you were attending an ACTU executive meeting in Melbourne -

40 **MS KING:** Yes.

MR COSTELLO: - when you were contacted by the QCU's executive officer.

45 **MS KING:** Yes.

MR COSTELLO: And that the executive officer advised you that an inspector from the Fair Work Ombudsman had attended or was in attendance at the QCU premises?

MS KING: Yes.

5 **MR COSTELLO:** And that attendance was related to the events of the day before, was it?

10 **MS KING:** Yes, so the events of that day were in the media and I believe they were responding because of the media events, and the - as I recall it, the - what Ms Kempin told me, the inspector was asking to see Mr Abbott who wasn't in the building, he was out on another meeting and also to access a copy of the CCTV which she - I instructed her to tell them that we would provide that, and apparently the inspector had said that they were investigating potentially whether adverse action had occurred towards Mr Abbott at that point.

15 **MR COSTELLO:** Did you give Ms Kempin any instructions on how to deal with the inspector?

20 **MS KING:** Yes, I essentially said to comply with what they were asking for and that they - I think the inspector said that they would send a follow-up email but I believe that she did email the CCTV.

MR COSTELLO: You subsequently received correspondence from the Fair Work Ombudsman to the effect that they were investigating the matter?

25 **MS KING:** So yes, I received a letter from the Fair Work Ombudsman a week or so later and the - the letter, basically, was not about adverse action, the letter was whether they were going to investigate whether there had been - not the correct words, but a provision which is in the administration legislation, whether there had been attempts made to undermine the administration because of the incident. And asking us to provide the CCTV as well as answer a series of questions which were along the lines of "Did you know any of the people that will were there, could I name them."

35 So we respond I didn't know any of the people, obviously I reviewed the CCTV, I didn't know any of them personally. We went the CCTV to them and a few weeks later I had a phone call with the - I think the director of their legal service who was identified in the letter, and, you know, he pressed me in - I can't remember the gentleman's name, but he pressed me in respect to activities that were happening in Queensland around other unions that may or may not be supporting the remove leadership. I think I indicated to him that I think he had more powers than what I did 40 to - to look at those matters and that I really couldn't assist him any further than what we had done in terms of the particular incident.

45 **MR COSTELLO:** Was there a degree of awkwardness for you and for the QCU in the notion of the Fair Work Ombudsman investigating another union and you being required to cooperate?

MS KING: A fair degree, yes.

MR COSTELLO: But you appreciated the Fair Work Ombudsman had a legislative role that it was required to perform?

5

MS KING: Yes, absolutely.

MR COSTELLO: And you consider that the QCU gave full and appropriate cooperation with the Ombudsman's investigation?

10

MS KING: Yes, I've always, obviously I have a law degree but even if I didn't, I would always cooperate with any authority to the best of my ability.

MR COSTELLO: Was it a surprise to you when you were advised by the legal director that they had closed the file without taking any action?

15

MS KING: A little. I think that they could have done a few more things. We did have a discussion or he mentioned to me that he believed that some of the people involved more than likely had burner phones, used WhatsApp groups and it was very difficult for them to investigate those matters unless they seized the phones, and that would be difficult because they would have to go through the police and there's an extended process, so we had probably a 30-minute conversation which went around those matters. I was pretty much asking him why, you know, he was relying solely on, you know, me as the general secretary to provide information when I have provided all the information that I could and he had, in that respect, in my view, you know, a whole series of powers that he could undertake that investigation himself, so it was in that context.

20

25

MR COSTELLO: Had you heard of the use of burner phones in connection with industrial action before this conversation?

30

MS KING: I had been informed by a number of number at that point in time that I think Mr Ingham in particular may be using burner phones to contact delegates and/or organisers.

35

MR COSTELLO: Again, because this is in the period where Mr Ingham and Mr Ravbar have been removed, but the High Court challenge remains on foot?

MS KING: That's correct.

40

MR COSTELLO: And obviously having that amount of people arrive at the premises of the QCU within 10 or so minutes of each other requires a fair amount of coordination?

45

MS KING: Mm-hmm.

MR COSTELLO: Part of the role of good trade union organisers is to organise.

MS KING: Organise, yes.

MR COSTELLO: Why would that need to be done with burner phones?

5

MS KING: I can only speculate that they weren't seen to be organising that on phones that may otherwise be required to be produced as evidence at some point.

MR COSTELLO: You're not the regulator but you're legally trained and have what is, on any view, an extensive career in the trade union movement. Do you personally consider that to be adverse action against Mr Abbott?

MS KING: If it can be proven. I think, as a trade unionist, we have a view about how difficult it can be to prove adverse action that an employer has taken for instance against a unionist in a workplace. So it's, you know, has a very high standard of proof and evidence that has to be - to be taken.

MR COSTELLO: You don't doubt, though, that the actions of that day were entirely directed towards Mr Abbott's potential appointment by the administrator?

20

MS KING: I have no doubt. We saw the - like the - whatever you want to call it, the letter, the piece of paper which was handed to Ms Kempin was clearly, you know, designed to say, you know, we don't want you to take up the appointment, and, you know, the fact that it was - the action was coordinated at a time which is not a normal time for a management committee meeting to be held, the fact that that was known was interesting in itself.

25

MR COSTELLO: How many people knew about the fact of the management committee meeting happening at 8 am that morning?

30

MS KING: Only the management committee from my perspective, but the management committee members may have spoken to other people or their staff may have seen their diary invite. So we send it out as a diary invite.

MR COSTELLO: And how many members were there at the management committee meeting?

35

MS KING: There this were 13, which includes myself and the Assistant Secretary, so 11 external.

40

MR COSTELLO: And did the management committee normally meet at 8 am?

MS KING: No.

MR COSTELLO: And did it ordinarily meet on a particular day?

45

MS KING: Yes, it does, it meets on a monthly basis, which was a preschedule. This was a special management committee meeting, though, that had been called specifically to discuss the application, I guess, for leave without pay for Mr Abbott.

5 **MR COSTELLO:** Was it intended to be a meeting that was unknown to those other than were required to be there?

MS KING: It wasn't a public meeting. It certainly was a special executive notice to the management committee meeting only.

10

MR COSTELLO: Somehow fact of the meeting leaked and leaked in sufficient time for the amount of people that arrived to be organised to arrive at or about the time of the meeting?

15 **MS KING:** Right on time, like two minutes after we started, yes.

MR COSTELLO: In any event, the management committee meeting continued that day?

20 **MS KING:** Yes.

MR COSTELLO: How long did it take?

25 **MS KING:** On memory, it maybe would have taken half an hour. There was a fair bit of discussion that happened. It was around that one item but there was a fair bit of discussion. It continued throughout all of this happening outside so we didn't stop, other than to note that, you know, when Ms Kempin would go out and check something and come back in, we would know what her updated report was but other than that, we continued the meeting.

30

MR COSTELLO: And the meeting determined to support Mr Abbott's request for a leave of absence?

MS KING: Yes.

35

MR COSTELLO: Do you still have, or does the QCU still have in its possession the piece of paper that you've spoken about a number of times with the resolution on it?

40 **MS KING:** I believe that Ms Kempin gave it to Mr Abbott so no, I don't have it and I wasn't there. The next day I was on a plane to Melbourne so I wasn't around for the rest of the week.

MR COSTELLO: Is Mr Abbott's leave have absence to work with the administrator indefinite or was there a time limit?

45

MS KING: It's a flexible arrangement of up to two years.

MR COSTELLO: I see.

MS KING: From February this year.

5 **MR COSTELLO:** Thank you. I just want to cover off on a couple of additional
items before I allow Mr O'Grady to ask you some questions, if the Commissioner
permits that to occur. I suppose these questions might generally come under the
rubric of reform, but before we get to reform, I just want to make sure that I have a
proper understanding of some of the evidence that you gave yesterday in connection
10 with right of entry.

MS KING: Mm-hmm.

15 **MR COSTELLO:** You pointed - well no. You mentioned yesterday the tie between
a federal right of entry permit and right of entry to a State site, in the - that's not quite
accurate, in the sense that there is a right of entry under the federal legislation and
that right of entry is subject to a fit and proper person test. Is that the starting
pointed?

20 **MS KING:** Yes, so you can get a right of entry under the Fair Work Act to enter all
premises pursuant to the Fair Work Act and that requires you to undertake a fit and
proper person test before you're issued your permit.

25 **MR COSTELLO:** And that permit issued under the Fair Work Act gets you as a
permit holder access into sites covered by the Fair Work Act which sometimes
described as Constitutional Corporations -

MS KING: Corporations in Commonwealth Places, yes.

30 **MR COSTELLO:** And there's then separate rights of entry in Queensland under
State legislation?

MS KING: Yes.

35 **MR COSTELLO:** Under the Industrial Relations Act?

MS KING: Yes.

40 **MR COSTELLO:** And the WHS Act?

MS KING: Yes.

45 **MR COSTELLO:** In connection with the CFMEU, a large number of permits were
cancelled by reason of court action taken over the years?

MS KING: Yes.

MR COSTELLO: And was it the case that there was, to your knowledge, then a move of people that were previously holders of federal permits to hold permits under the State system that didn't have a fit and proper person test?

5 **MS KING:** That's my understanding.

MR COSTELLO: In terms of the - coverage is a word that is used in a couple of different contexts here. I don't mean coverage in the sense of coverage of a union but I mean the Federal Act as opposed to the State Act. After the High Court's decision
10 in WorkChoices there was something of an inversion of the system in that the predominant system became a Commonwealth system as opposed to the State system - do you agree with that?

15 **MS KING:** Correct.

MR COSTELLO: And by reason of the commonality of incorporation and corporations being employers, overwhelmingly within the Australian economy, employers are constitutional corporations and employment relationships are governed by the federal Fair Work Act. Do you agree with that?

20 **MS KING:** That's correct.

MR COSTELLO: And so the utility of the permits under the State Act must be some very small portion of workplaces as compared to those workplaces that would
25 require a permit under the federal; is that right?

MS KING: That's correct, so the State system only covers local government and State public sector agencies.

30 **MR COSTELLO:** And in terms of right of entry disputes, would it also be fair to say that right of entry disputes would overwhelmingly concern what are Federally-covered worksites rather than State-covered worksites.

35 **MS KING:** That's correct, I haven't heard of any disputes at the State level, but that doesn't mean that they wouldn't occur, but they would be overwhelmingly occurring in the federal jurisdiction.

MR COSTELLO: You're not aware, as you sit there now of a right of entry disputes in connection with what is properly described as a State employer?

40 **MS KING:** Not at this point. I think there might have been under the Newman Government era from 2012 to 2015 but there hasn't been since 2015.

45 **MR COSTELLO:** And so 95 per cent of disputes regarding right of entry are disputes that concern the Fair Work Act?

MS KING: Possibly higher.

MR COSTELLO: Possibly higher?

MS KING: Yes.

5

MR COSTELLO: But was one of the points that you made yesterday that there is a difficulty for somebody on a worksite presented with a permit to understand whether it is a permit under the federal system or the State system?

10 **MS KING:** That's correct.

MR COSTELLO: And so somebody might be seeking to enter a federally-governed worksite utilising a State permit and by reason of the person inspecting the permit perhaps not having sufficient training or experience, not recognising that that is not a valid permit to enter that place?

15

MS KING: That's correct.

MR COSTELLO: And this is a problem known to you? This isn't a theoretical problem, this is a problem that is acknowledged or was acknowledged at least within the Queensland industrial relations environment?

20

MS KING: I believe so, yes.

MR COSTELLO: And the State permits that we've just been speaking about that are subject to a fit and proper person test, that's different to the rights of entry under the Workplace Health and Safety legislation you mentioned yesterday, section 68(2) and 81(3) I think were the two sections you mentioned?

25

30 **MS KING:** Yes.

MR COSTELLO: They're separate rights of entry that don't require a permit?

MS KING: They're not - well, there are full bench Federal Court cases and people with a lot more experience in those matters than me could describe what they were, but they're not a right of entry, so the Federal Court has found that they're not rights to enter but they are provisions that probably permit entry under certain circumstances.

35

40 **MR COSTELLO:** Yes, all right -

MS KING: So it's a matter of semantics.

MR COSTELLO: Yes, I don't want to get into, sort of, a heartfelt dialogue here because you'll come out better than I will -

45

MS KING: No -

MR COSTELLO: But in any event, there are particular circumstances, for example, triggered on the basis of a reasonable belief formed by the person that they need enter a premises and upon that belief being formed, they may be able to access the premises

MR COSTELLO:

MS KING: So the reasonable belief, again I don't want to have an extended conversation about it either, but the reasonable belief comes with the permits. 81(3) relates to if there is an issue resolution process in play association if there's been a dispute about a Health and Safety matter and there's a need for a person to be represented by a party which could include a union at that point in time, that you could go in and assist the party. So you're able to attend the workplace for the purposes of resolving the issue, and the 68 was the Health and Safety rep which is particular, which is Health and Safety rep might need some assistance if they're negotiating with their employer about a particular issue. So it was conditional upon there has to be a resolution for 81(3) or it's conditional upon the request of the Health and Safety rep to go in under 68.

MR COSTELLO: You -

MS KING: But I believe people like Royce Kupsch who was the former president of the union was quite animated about 68 and 81 in many conversations and certainly lots of conversations that he and I had directly were around, you know, that they had a right to do this.

MR COSTELLO: Yes.

MS KING: Yes, so I think there's more of a belief from people like Mr Kupsch that they could utilise those two sections as a legal right to go in wherever they wanted to without a permit.

MR COSTELLO: Yes. Whereas perhaps on a fair reading of the legislation, it's not only not a right, it was only operative in -

MS KING: It was conditional.

MR COSTELLO: Exactly, it was conditional and operative in particular circumstances only, and were you aware of those provisions being abused, if you like, such that entry was gained on a basis other than the basis that was provided for by the legislation?

MS KING: Look, I'm aware that, from Mr Kupsch, that they were using it. I haven't heard it from any employers in the industry that they were doing that, but certainly Mr Kupsch was very alive to that's what they were doing and, you know, was very vocal in sharing his views about it and that's the strategy that they were using.

MR COSTELLO: Inspectors had and perhaps still have, I'm not sure, a power to resolve right of entry disputes. Are you aware of that?

5 **MS KING:** So originally up until late 2020 there was a specific power of an inspector to resolve a dispute. That power was amended so that an inspector could attend for a dispute, but ultimately the Queensland Industrial Relations Commission was the body to resolve the matters as a tribunal.

10 **MR COSTELLO:** If an inspector is to have a power to resolve a right of entry dispute, do you accept that that requires, first, a properly functioning inspectorate?

MS KING: Yes, and inspectors do actually understand, without any disrespect to the inspectors, they actually understand both Workplace Health and Safety law in this
15 space as well as industrial law because of the intersecting nature of permits -

MR COSTELLO: Yes.

MS KING: And eligibility rules which is not a normal thing for a Health and Safety
20 inspector to understand.

MR COSTELLO: You would need a properly functioning inspectorate and you would need properly trained inspectors.

25 **MS KING:** Yes.

MR COSTELLO: And those inspectors would need to be trained at least on, for example, identification of permits under the State and Federal system?

30 **MS KING:** Yes.

MR COSTELLO: They would need to have reasonable understanding of the legislation insofar as it concerns right of entry or rights - or provisions lesser than a
35 right of entry?

MS KING: Yes.

MR COSTELLO: They would need to have an understanding of what is required in order to establish a reasonable belief to the extent that a reasonable belief is part of
40 the relevant test?

MS KING: Yes.

MR COSTELLO: They would need to understand the extent to which the entry is
45 limited to the particular belief, rather than being a generalised right?

MS KING: Yes.

MR COSTELLO: They would need to understand whatever statutory provisions were in play, so, for example, what section sixty -

5 **MS KING:** 68.

MR COSTELLO: 68(2) and 81(3)?

MS KING: Mm-hmm.

10

MR COSTELLO: I think at 68(2) it might be 68(2)(a) is the ability to enter and it might be 68(2)(g) indicates that? Some circumstances the person entering can bring somebody with them. Are you aware of that?

15

MS KING: I think it's 68(2) it's (f) or (g), anyway it said that, words to the effect that a health and safety - so it's about the rights of a Health and Safety rep in section 68 and that they may have someone assist them in performing their duties.

20

MR COSTELLO: That's right, and so the inspector would need to have a proper understanding of that?

MS KING: Yes.

25

MR COSTELLO: And there's also another provision, and I'm not trying to conduct a memory test of you for the legislation, so you can just take it from me, which is at section 128 which allows employers to make reasonable requests of permit holders.

MS KING: Right.

30

MR COSTELLO: And an inspector would need to understand the limits of that power and the extent to which requests are reasonable and properly related to the subject matter of the legislation and of the entry; do you accept that?

MS KING: Yes.

35

MR COSTELLO: And so training of inspectors, if they are to deal with right of entry matters, is critical to resolving these disputes if inspectors are to be involved in resolving?

40

MS KING: Sure, and there's a range of other provisions that's in the legislation that go to where a person, which would include an employer or their representative hindering or obstructing an entry permit holder from exercising their rights as well. So I would expect that if they are to have that function to assist in resolving disputes, they would be trained in the full gamut of what all the right of entry provisions are for a permit holder, including obstruction on both sides and including, you know, as

45

you say, the section 61 - sorry, section - what are we talking about now, the health

and safety rep's power and the 81(3) for the issue resolution. Those provisions now though have been changed.

MR COSTELLO: Yes.

5

MS KING: So they would have to understand that you have to be a suitable entity, and if you're not a suitable entity, you can't do certain things under that, and it's quite a convoluted process to weed out different people that may or may not access a workplace.

10

MR COSTELLO: And when we've been speaking here about having a properly functioning inspectorate, of course, the power of the inspector is a power that relates to particular places only, isn't it? It's not a general power in respect of all workplaces?

15

MS KING: So the inspectors can be called to a workplace under the Health and Safety Act, yes.

MR COSTELLO: Irrespective - yes, on the workplace health and safety grounds.

20

MS KING: Yes.

MR COSTELLO: Of course. And so the problems that you've identified with the Queensland inspectorate stand as an impediment to the inspectorate properly resolving any right of entry disputes in connection with Workplace Health and Safety matters?

25

MS KING: Look, and I think therein lies the problem, and I think this issue came up in a Federal Court case around ENCO where you had - inspectors on site are being called to resolve an issue, and I - my recollection of that particular case from where it emanated from was that the inspectors ended up leaving the site because they believed that fundamentally the dispute about the right of entry was about eligibility coverage of the union at that point in time, and they weren't in a position to be able to determine that because they're not industrial experts or experts in terms of union rules.

30

35

The Act then envisages that the body that is the expert to determine those matters is the Queensland Industrial Relations Commission, which is the tribunal appointed under the Work Health and Safety Act to determine disputes and to also determine disputes in relation to right of entry matters. So ultimately, you know, back in 2020, pre the '24 amendments, and currently under the legislation, the State tribunal, the Queensland Industrial Relations Commission, can actually determine those matters regardless. So an employer could have taken - you know, any employer could have taken the union and filed an application for a dispute, and in fact, this is what we - the QCU and others have been trying to say, and I believe that the regulator had been trying to say to employers operating in this space, don't waste your money running off to the Federal Court and paying lots of barristers money to, you know,

40

45

run Federal Court cases, and apologies to anyone sitting here, there is a matter that you can take these issues to a, you know, a layperson's tribunal that has the expertise to deal with these things simply and quickly, and not, you know, through an - an extended-type process through the court system.

5

MR COSTELLO: Do you consider reform of the inspectorate to be a pressing issue?

MS KING: I think that it definitely needs a review in terms of its culture.

10

MR COSTELLO: In terms of its training of staff?

MS KING: I think definitely the training could definitely be improved, yes.

15

MR COSTELLO: In terms of its selection of staff?

MS KING: I think I gave evidence yesterday about classification structures. I think that there should be, you know, a review to make sure that they're employing people at an appropriate level, that they're training them at an appropriate level, and currently I don't believe that that's the case.

20

MR COSTELLO: Is there a structural problem with the way that it is, in part, embedded within the department?

25

MS KING: I have a personal view that yes, I do think that that is a problem. We've seen that for, I think, a long period of time where, you know, when I go back to my time when I worked in the minister's office originally with Minister Brady, it was a very large portfolio, and it had employment, training, industrial relations, when industrial relations was significant in the private sector in Queensland, but we had health and safety. And health and safety within that type of an environment clearly has a lot of overlap with skills training and, you know, work health and safety and industrial relations.

30

Since that time, when I worked for Minister Nuttall, it was the Department of Industrial Relations, and it was simply industrial relations and health and safety, and I think from a ministerial perspective, he had enough focus over oversight, but I think since that point of time, it's become more of a super-department. So it's become part of a more super-department, and so for instance, you know, OIR, so it's called the Office of Industrial Relations includes the regulator and it was part of the Education Department, I think, from 2015 on, and then it changed and went with the Minister when the Minister changed to the State Development Department, and I understand that's where it still sits now under this government.

35

40

So I think when it's part of that, the Health and Safety Regulator is the position, the public service position is as a deputy director-general, and ultimately the deputy director-general reports to a director-general in the case of the period that we were talking about for a lot of that, the health and safety regulator was reporting directly

45

and accountable to the Director-General of the Education Department, and I don't think that's appropriate for a regulator to do in that space.

5 So I have a view, having operated out of Victoria as well, that, you know, there should be consideration given to, you know, the creation of a statutory body or authority, like WorkSafe Victoria which stands alone. It has a level of independence from ministers - not saying anything untoward has happened here, but it has that level of independence. It is run separately; it is not run via a department.

10 **MR COSTELLO:** Superintended by an independent board?

MS KING: Yes. So I think WorkSafe Victoria has an industry board on that as well, so it has representatives from employers and unions, and I know that that can be controversial for some governments. But the reality is when we're talking about work
15 health and safety, work health and safety laws are there for the benefit of protecting workers and their safety, and it is really important to have the voices of workers in that system, whether that is health and safety representatives in workplaces who are elected representatives of their co-workers, to union officials with permits who can go in and assist to, you know, the processes of consultation with unions.

20 And I think, you know, the involvement of industry, so at a - at a peak level, you know, I think, you know, by and large, employer groups and unions and peak councils generally, you know, can come to agreement about industry-wide issues and in particular on skills and training but also in the space of work health and safety,
25 and that that can be (indistinct) of the industry into the regulator, but the regulator being, you know, an independent body.

MR COSTELLO: Thank you. Commissioner, I'm just going to move to a final topic, but before I do, I'd just check whether there's anything you want to ask the
30 witness in connection to those matters.

COMMISSIONER: No, nothing. Thank you, Mr Costello.

MR COSTELLO: Thank you. I had two final topics, Ms King, but in light of the
35 time, I might just deal with one of them on the basis that questions on the second are likely to be asked by Mr O'Grady for the CFMEU if granted leave. The last question I just wanted to briefly touch on is - concerns, rather, two related matters. The first is women in blue collar professions, and the second is women in the trade union movement. This Commission heard evidence from Mr Watson of aggression and
40 violence directed towards women by members, delegates and officials of the CFMEU. You describe yourself in the course of your witness statement as not only a trade unionist but a feminist.

MS KING: Yes.
45

MR COSTELLO: It would have been, I suggest, disappointing but not surprising for you to hear that from Mr Watson that there had been that level of aggression directed towards women by members of the CFMEU?

5 **MS KING:** Yes. Well, I was aware of those myself before Mr Watson's report. Yes, it's very disappointing.

MR COSTELLO: Do you see part of the role of the trade union movement and the QCU to improve the conditions of women in blue collar industries?

10

MS KING: Absolutely.

MR COSTELLO: And would you like to explain to the Commissioner some of the steps that you have been involved in that seek to advance that aim?

15

MS KING: Okay. So we have a - a standing committee which is the women's committee that's been, you know, I think existing since the 1980s; certainly it was there when I was an industrial officer in the 1990s. That committee is comprised of delegates from each - so they're appointed by their secretaries - delegates from each
20 affiliate union. They are often leaders within unions, the chair - current chair and deputy chair of the women's committee is the secretary of the Queensland Nurses and Midwives' Union and the secretary of the Community and Public Sector Union. Prior to that, the Chair was the secretary of the Queensland Teachers' Union. There are a number of blue collar unions that have women involved in that committee as
25 well.

So there is - has been a lot of discussion over the years through that committee space, but also through when I became assistant secretary, we set up a women's leaders' forum separate to the committee. So it was literally made up of the secretaries who
30 are females about, you know, progressing reform, and in particular to, you know, conditions of work that accommodate women's, I guess, issues and ultimately will also benefit men. So for instance, we have been campaigning around - I think I mentioned yesterday - paid reproductive health leave for workers, so
35 overwhelmingly that would benefit women, but it would also benefit, you know, men, same as flexible work policies.

So, you know, we work in and around - I think the Rail, Tram, and Bus Union has done some pretty terrific work in that space as well, the Australian Manufacturing Workers' Union and the like. We are now - we have a large federal government grant
40 which we have initiated or set up a program this year which is aimed at equity initiatives for women working in male-dominated industries. So we're currently running a program which is looking at how flexible work options, particular - well, safe and dignified amenities for women, so toilets are a major issue still in 2025 for women in a lot of blue collar industries. So we talk about toilets quite a lot, until the cows come home sometimes, because the reality is that women still don't have access
45 to safe and dignified toilets and amenities on a lot of work sites.

There were changes to the health and safety construction regulations, and that occurred, so credit to the CFMEU in this space in particular, that were made last year which were about specifically designing regulations around amenities for women, given the disparate nature of construction sites, but - and that - sorry, going back to the program, it's also then looking at, you know, any particular health and safety issues that may disproportionately impact on women in male dominated industries. How we're implementing that program is, you know, we've done a literature review of what's actually occurring, we're doing surveys in workplaces, we've had employers commit to and sign up to pilot workplace programs.

So I think employers are generally alive to the fact that culture needs to change, whether that's been driven by skill shortages or out of the goodness of their hearts remains to be seen, but at the end of it all, if they're at the table and they're prepared to look at things and do things differently, we are running pilots, two pilots in the maritime sector and one pilot within Queensland Rail and one pilot within civil construction, which is really - you know, we're sort of about halfway through that program at the moment, which is really about trying to, you know, trial out those different ways of doing things.

In the new year, we are - we'll be running out a trial of training which is aimed at managers and supervisors but also allies, and bystander training, et cetera, within workplaces. So one of the things that's become quite apparent is that many workplaces still don't - in particular, blue collar workplaces still don't - I guess, they're not safe places for all women. And so the need to change culture from management down, so it's not just workers, but management and how things are done, I guess, is, you know, it's an evolving piece of work that's happening. Similar programs are being run through other trades and labour councils across the country, a number of other unions. I think the AMWU at the moment is also running some programs in manufacturing which is fairly similar to what we're doing.

So I think there is a role to, at a peak council level, to work with affiliates, to work within industry with employers and in particular with other, you know, working with peak councils of employers to - to try to generate change, and often we will do that through pilot programs and then try to, you know, establish what the learnings are and then roll out other programs. Certainly in terms of what I was going to be doing this morning in my other day job was, you know, running through positive duty training for our executive. So, you know, we do things like that on an ongoing basis where we will roll out training around particular issues, but also trying to, I guess, look at the union movement and what cultural change it needs to undertake in the women's space. But also we're having a debate at the moment around the changes that need to happen for migrant workers, because that's another big program that we're running but recognising, you know, again, cultural changes, and I guess the issues about diversity and discrimination that happen in workplaces can sometimes infect unions because we recruit people from industry, and industry recruits people from the community. So what's happening in the community, if there is division or racism or sexism, can come into the movement. The thing that the movement has always done, as in the union movement, has been to train people to educate them,

and starting with our delegates, our organisers coming in, and we, you know, do a lot of what I would describe as political education, which is not about the Labor Party or any of that. It's actually about what is the movement about, and starting at the very basics of what are our values. So, you know, our values include safety and respect
5 and what does that mean. Our values include solidarity. But with solidarity, solidarity is shown when respect is also shown, and putting those values into, I guess, life and trying to, I guess, you know, educate people, challenge people around some of those things and, you know, make it a better movement.

10 **MR COSTELLO:** And are there reliable statistics about the composition of the movement? For example, the extent to which there are - there is a gender split in terms of the membership of trade unions?

15 **MS KING:** Yes, so the Australian Bureau of Statistics, the '24 statistics show that, I think, the 54 per cent of union members are now female, and I think the - we've done the analysis, or the ACTU does a lot of the analysis on this, because it's a national statistic, the average trade union member today is a 42-year-old female who is working in the health, caring or education sectors.

20 **MR COSTELLO:** That's the - now a typical -

MS KING: Yes.

25 **MR COSTELLO:** (Crosstalk) trade union. Thank you.

MS KING: We also collect statistics through WGEA, the Workplace Gender Equality Agency, so like other organisations of, you know, employment of women across unions in leadership positions and the like, and, you know, on ACTU executive, I think, last year, we had the first - so it was done as a collective, and we
30 did that as a movement across all unions so that we could then take a look at where we were at as a movement, and we've made a decision as ACTU executive that we're going to do that on an annual basis, regardless of the reporting requirement so that we can take a look from the outside in, so to speak, about where we are at in terms of gender equality ourselves.

35 **MR COSTELLO:** Commissioner, I have no further questions for Ms King.

40 **COMMISSIONER:** Thank you, Mr Costello. Mr O'Grady, you've made a written application in accordance with practice guideline number 4 of 5 September of this year, and your application is dated 1 December of this year. Have you discussed your application to cross-examine Ms King with Ms McMillan and Mr Costello?

MR O'GRADY: I have, Commissioner, and as I understand it, there's no opposition.

45 **COMMISSIONER:** And have they suggested any limitation upon your cross-examination of Ms King?

MR O'GRADY: Other than that I get to the point and don't take up too much time, they're content for me to ask Ms King some questions.

5 **COMMISSIONER:** All right. Well, if Mr Costello and Ms McMillan are content with proceeding on that basis, then I am. Obviously there's the possibility that Ms King might have to come back. You heard Mr de Jersey foreshadow a potential application, and we're still yet to hear from Ms O'Gorman and Mr Kimmins. If Ms King does come back, then obviously you will have to make a fresh application.

10 **MR O'GRADY:** Yes, I understand, Commissioner. Thank you, Commissioner.

<EXAMINATION BY MR O'GRADY

15 **MR O'GRADY:** Ms King, I appear for Mr Irving in his capacity as administrator the Federal CFMEU Construction and General Division and in his capacity as the administrator for the Construction and General Division of the CFMEUQ. I take it from the evidence you gave the Commission yesterday you are a very strong believer in the importance of unionism?

20 **MS KING:** Yes, it's been my passion for most of my life.

MR O'GRADY: Yes, and as I understood it, you see the value of unionism in that clearly it protects the rights of workers?

25 **MS KING:** Yes.

MR O'GRADY: It provides or promotes a date of working environment.

30 **MS KING:** Yes.

MR O'GRADY: It provides an environment where people can receive necessary training to both enable them to do their jobs better, but also to ensure that they do their jobs safely?

35 **MS KING:** Yes.

MR O'GRADY: And it is - it promotes various values, including, as you mentioned just a moment ago, respect for other workers and respect for other members of the community?

40 **MS KING:** Yes.

MR O'GRADY: And as I understood your evidence yesterday, one of the core features of unionism that you value is the need for it to be democratically controlled?

45 **MS KING:** Yes.

MR O'GRADY: And also there needs to be a proper system of regulation?

MS KING: Yes.

5 **MR O'GRADY:** And that is the case, in respect of a federally registered union?

MS KING: Yes.

10 **MR O'GRADY:** And it would also be the case in respect of a union registered under the Queensland scheme.

MS KING: Yes.

15 **MR O'GRADY:** And that can be contrasted, can't it, as you described yesterday as the red union movement?

MR COSTELLO: Well, I wouldn't describe the red unions as a movement. I would describe them as a loose group of associations which is pretty much one organisation.

20 **MR O'GRADY:** Yes, but I suppose coming back to my point, you agree with me they're not democratically controlled.

25 **MS KING:** They're contrasted with - I completely agree with you; they're not democratically controlled.

MR O'GRADY: And you agree with me they're not subject to the system of regulation that applies in both the Federal scheme and under the State scheme.

30 **MS KING:** They're only regulated by the Industrial Associations Act which is very light on compared to the oversight and the governance requirements for both federally registered unions and State-registered unions.

35 **MR O'GRADY:** And the protections that flow from an organisation being democratically controlled, and subject to that, a system of regulation are absent in respect of red unions, aren't they?

MS KING: Yes.

40 **MR O'GRADY:** Now, could the witness please be shown exhibit MI1 which is Mr Irving's statement, and if the witness could be taken to paragraph 16. Now, perhaps if that could be brought up, and I take it from what you've just said, you would have - you would be in full-throated agreement with what Mr Irving has said in paragraph 16?

45

MS KING: Absolutely.

MR O'GRADY: Yes. And if we could then move down to paragraph 17, and again, given the evidence that you've just given, you wouldn't differ in any respect with what Mr Irving has said in that paragraph, would you?

5 **MS KING:** No, and I would agree with it and I've also seen the strategic plan which I think is, you know, an overall - a good plan which provides the direction for taking the union where it needs to go back to or where it needs to get to, I should say.

10 **MR O'GRADY:** Thank you, and I want to take you to some aspects of that. If we could then move down to paragraph 18, and again, given the evidence you gave a moment ago, I take it you would endorse what Mr Irving has stated in that paragraph?

15 **MS KING:** Yes, I would.

MR O'GRADY: Yes. And then if we could turn then to paragraph 19, and I know at this - I'm sounding a bit like a broken record but the point I'm seeking to make, Ms King, is it would appear from the evidence you've given this morning and yesterday and from the evidence Mr Irving gave the last time, you are - you are in
20 accord as to the core features of how a union should operate?

MS KING: Yes.

25 **MR O'GRADY:** You would accept that? And then if we turn to paragraph 21, and this is a strategic plan, and perhaps if we go over to the next page, if we look at paragraphs - sub-paragraphs (c) and (d), you would accept that those are very important features of an effective union?

30 **MS KING:** Absolutely and that's some of the things that, you know, I've kind of done in my career and the trade union movement is really focusing on capacity-building within a union so that it does have that strength to look at running campaigns for the benefit of all of its members across industry.

35 **MR O'GRADY:** Yes. And having read the strategic plan you would accept that. That's precisely what Mr Irving is attempting to do in the course of his administration?

MS KING: I believe so, yes.

40 **MR O'GRADY:** Yes. Thank you. And then if we move down to paragraphs (h) to (k) and again, based on the evidence you gave evidence and the evidence you gave this morning, you would agree that in order to achieve an effective organisation, you do need to have effective governance procedures and governance training?

45 **MS KING:** Yes. The QCU - I can confirm the QCU is actually approved to provide governance training by the Fair Work Commission and I believe one of my officers

delivered training to the Queensland branch of the union on governance training last week.

5 **MR O'GRADY:** Yes. And is that reflective of the fact that whilst the CFMEUQ is still not yet affiliated with your organisation, there is an ongoing degree of cooperation between the Queensland branch and your organisation?

10 **MS KING:** I think I gave evidence yesterday that we've agreed to work on a pathway back towards affiliation, which means that I think as a peak council given, you know, that the union is in administration, I think we have a responsibility to help assist it where it wants and ask for that assistance, and part of that is, you know, by working closely around particular issues and trying to, you know, repair and re-establish some of the relationships within the broader union movement.

15 **MR O'GRADY:** The position is, isn't it, that the CFMEU has reached out to the peak body in order to try and facilitate that reintegration, if I can use that term?

MS KING: Yes it has.

20 **MR O'GRADY:** And then if we look at sub-paragraphs (j) and (k), and again, based on your evidence yesterday, you're a believer in the importance of training? That was a point you made just a moment ago?

25 **MS KING:** Absolutely. I've done union education most of my time working in the movement.

30 **MR O'GRADY:** And it's a core feature of Mr Irving's strategic plan that there be steps taken to change the culture of the CFMEU through, among other things, improving training in ethics and integrity and recognising and eliminating corruption.

MS KING: Yes.

35 **MR O'GRADY:** And again, based on the evidence you gave this morning, there is a need in this environment to ensure that people perform their roles lawfully and comply with their duties?

MS KING: Yes.

40 **MR O'GRADY:** And again, that's a key feature of what Mr Irving is attempting to do, isn't it?

MS KING: Yes.

45 **MR O'GRADY:** And then lastly if we can go to paragraphs (l) and (m) I take it from your evidence that you would accept that decision-making structures need to be shaped in a way that enables members' voices to be generally heard?

MS KING: Yes.

5 **MR O'GRADY:** And that there needs to be a mechanism put in place to ensure delegates are truly representative for the members and that includes that they're elected fairly and they are appropriately qualified to perform their role?

MS KING: Yes.

10 **MR O'GRADY:** Thank you. That can be taken down now. Thank you. Now, from the evidence you gave evidence it would appear there are two key tipping points, if I can use that language, in respect of the CFMEU. The first was the appointment of the administrator and the second is the determination of the Ravbar High Court decision.

15 **MS KING:** Mm-hmm.

MR O'GRADY: You would accept that.

MS KING: Yes.

20 **MR O'GRADY:** And the appointment of the administrator of course meant that Mr Irving was formally appointed in respect of the running of both the federal organisation and the State organisation?

25 **MS KING:** Yes.

MR O'GRADY: But as I understood your evidence yesterday, even after that had occurred there was - there was, in effect, a shadow control being exercised by Mr Ravbar and Mr Ingham.

30

MS KING: Yes.

MR O'GRADY: Because prior to the High Court decision being handed down, there was a degree of uncertainty as to whether the administration could continue into the future?

35

MS KING: That's correct, yes.

40 **MR O'GRADY:** And the - and the - that situation impacted upon the ability of Mr Irving to reform the CFMEU because the membership and people within the organisation were in that state of uncertainty?

45 **MS KING:** Absolutely. As I understand it from both Mr Travis O'Brien and Mr Jared Abbott when they were performing the branch executive officer role that a large amount of the organisers wouldn't take direction until they had confirmed with Mr Ingham that the direction they were being given was appropriate, or given his okay to things that happen or not.

MR O'GRADY: Yes. And we go to the evidence you gave yesterday regarding Mr Pauls and Mr Kupsch. That was behaviour that as I understood your evidence was being in effect directed by either Mr Ravbar or Mr Ingham?

5

MS KING: I believe on the health and safety that that was Mr Ravbar and that would have been prior to administration occurring.

MR O'GRADY: And indeed when administration occurred Mr Kupsch was removed?

10

MS KING: Yes.

MR O'GRADY: And you gave some evidence regarding some of Mr Ingham's behaviour at various sites and in discussions with you, but again, that predated both the appointment of the administrator and the determination of a High Court proceeding, didn't it?

15

MS KING: Sorry, what type of -

20

MR O'GRADY: Well, you gave evidence about Mr Ingham's discussion with you regarding entry permits, for example.

MS KING: Yes, yes, so that was in March 2024. That was pre-administration.

25

MR O'GRADY: Yes. And indeed in respect of the incidents you described yesterday in respect of either conduct towards the AWU or conduct in respect of the Cross River Rail or conduct concerning BMD, that all predated at least the determination of the Ravbar High Court decision and some of it predated the appointment of the administrator.

30

MS KING: Most of the - predated the appointment of the administration, yes.

MR O'GRADY: I understand. Now, I take it from your evidence that you think highly of Mr Jared Abbott?

35

MS KING: Yes.

MR O'GRADY: You, in effect, poached him -

40

MS KING: I wouldn't tell him that, though.

MR O'GRADY: Well, he'll probably find out. He might be watching the livestream. But you have worked with him, and you sought to recruit him to the role that he had with QCU.

45

MS KING: As assistant secretary, yes.

MR O'GRADY: And you respect him?

MS KING: Yes, I do.

5

MR O'GRADY: And indeed, you resisted the attempts by those who were engaged in the demonstration that we saw this morning and yesterday afternoon to prevent him from taking up the overture that Mr Irving had provided to - for him to come and help run the CFMEU?

10

MS KING: Yes.

MR O'GRADY: And you did that because you thought that Mr Abbott would be a constructive asset for the CFMEU in the reform process Mr Irving has undertaken?

15

MS KING: Yes, I think that is the case, but I supported him in his application for leave because he's my assistant secretary, and I believe that he needed that support to be able to do that role effectively.

20

MR O'GRADY: Yes. And you would agree with me that it reflects well on the administrator that Mr Irving sought to recruit Mr Abbott in the role that he currently fills?

25

MS KING: Yes, I would say that. Other people may not, but yes. It's a bit of a vexed issue in the trade union movement, so hence my kind of reluctance to kind of overtly - the trade union movement has a view, I think, collectively, that we were opposed - and I share that view - we were opposed to the concept of legislation that introduced administration. Having said that, that's because we don't agree with a legislature to impose its will over a democratically - I will say that loosely - a democratically elected union.

30

Having said that, that doesn't mean that I have or other trade union leaders have supported the conduct of some of the - what we have seen from the former - under the former leadership of the union, but it is still a vexed issue about working with the administration. My view is we work with the administration to - and the union in administration to help it get out of administration.

35

MR O'GRADY: I understand. But you would agree with me that Mr Irving's decision to seek to recruit Mr Abbott to the Queensland branch of the CFMEU is consistent with him genuinely seeking to achieve the matters that I took you to a moment ago in Mr Irving's witness statement?

40

MS KING: I would agree with that, yes.

45

MR O'GRADY: If you weren't fair dinkum about the things that Mr Irving says he's trying to do, you wouldn't be recruiting someone like Mr Abbott, would you?

MS KING: No. I have a view that the last person that you would want to put into the branch would be a corporate lawyer, for example. If you don't have an understanding of how unions operate, if you don't understand the culture and the need for the change, it would be a very difficult role, I would imagine, to do.

5

MR O'GRADY: I understand. So Mr Abbott brings to the role not only an understanding of how unions operate, but he's also a person of integrity; you accept that?

10 **MS KING:** Yes.

MR O'GRADY: And he's also someone who believes in the value that I took you to five minutes ago?

15 **MS KING:** Yes. Regardless of the way other people have tried to turn him down, I would say yes.

MR O'GRADY: Thank you. And Mr Irving's desire to put somebody like Mr Abbott in control of the Queensland branch stands in stark contrast, doesn't it, to the conduct of those who sought to prevent him from taking up that role?

20

MS KING: Yes.

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

25

COMMISSIONER: Thank you, Mr O'Grady. I understand that by - I don't yet have your applications in writing to cross-examine Ms King, Ms O'Gorman or Mr Kimmins. That's no criticism, but I think they were provided late last night or early this morning, and they're just yet to make their way up here onto the bench.

30

MS O'GORMAN: Certainly. They were provided this morning.

COMMISSIONER: This morning.

35 **MS O'GORMAN:** Commissioner, yes.

COMMISSIONER: What is the best way to proceed? Do you want to have some discussions with Ms McMillan, Mr Costello, over the morning tea break, or do you want to make your application orally supported by what you've said in writing?

40

What's the best way to proceed?

MS O'GORMAN: I'm prepared if your Honour doesn't mind taking a couple of moments now to make the application orally now, and that's because I have had the benefit of being able to have some discussions with Mr Costello and Ms McMillan since we adjourned yesterday.

45

COMMISSIONER: Yes.

MS O'GORMAN: So I do make the application to -

5 **COMMISSIONER:** And you haven't been able to make - you haven't been able to reach agreement with them?

MS O'GORMAN: I understand the application to cross-examine Ms King is not opposed by either Mr Costello -

10 **COMMISSIONER:** Is not opposed. I see. So it's just a question of timing, is it?

MS O'GORMAN: It is a question of timing, yes.

15 **COMMISSIONER:** And what about the limitations in terms of subject matter? Has that been agreed?

20 **MS O'GORMAN:** That hasn't been canvassed and therefore not agreed either. I will be speaking with both of them before - if the Commission grants our application, to have Ms King brought back, before she is brought back, to determine whether there needs to be any limitations placed on us. Essentially, our written application makes clear that we seek to cross-examine Ms King about any matters in her statement, and indeed in her oral evidence yesterday and today, which pertain to my clients, Mr Ravbar and Mr Lowth. But if it be necessary that there be some agreed limitations placed around that, I will certainly have those discussions with Mr Costello and
25 Ms McMillan.

COMMISSIONER: Very well.

30 **MS O'GORMAN:** In other circumstances, it would certainly be my client's preference that I would be given leave to cross-examine Ms King today, particularly because some of the evidence that has been given by her is critical, of course, of my clients, and it would be preferable, all other things being equal, if there could be some questioning of that evidence immediately after it was given. But in
35 circumstances where her statement was provided to me on Sunday evening, we're not in a position to be able to do that effectively or efficiently today. And so I would, in those circumstances, respectfully request that Ms King be brought back at a later hearing of the Commission so that those questions can be undertaken at that time.

40 **COMMISSIONER:** And is there anything else you want to say in support of the application, Ms O'Gorman?

MR KIMMINS: I don't require to place anything further before you, Commissioner, but I adopt what Ms O'Gorman has to say, so far as Mr Ingram is concerned.

45 **COMMISSIONER:** Thank you, Mr Kimmins. What do you say about all this, Mr Costello? Do you want to be heard on this, Ms McMillan?

MS McMILLAN: Only to say that we haven't received any application, but no criticism (indistinct) come back next year. And I'm sure we can have some discussions with Ms O'Gorman and Ms King in respect of that.

5 **COMMISSIONER:** Thank you.

MR COSTELLO: I'm in the same position as my learned friend in that I have not yet seen the application for leave. I don't in principle oppose it. It's the conditionality that's essential, and the framing of the conditions in any order that you make,
10 Commissioner, that's important. That being the case, I would suggest you oughtn't rule on it now. You might indicate, if you are inclined to grant leave, that you are, without making any formal ruling, and allow me and Ms McMillan, at least, to see the application. It might be that Ms McMillan wishes to put on a short written submission. You might require something like that from me, and then you can rule
15 on it on the papers. But there's no impediment to you, Commissioner, giving an indication that a grant of leave in some form is likely and that the cross-examination will take place at a hearing block in the early part of next year.

COMMISSIONER: Almost impossible to refuse leave to cross-examine, given
20 what was said.

MR COSTELLO: Strong reason why I don't oppose it.

COMMISSIONER: Ms O'Gorman, are you content to proceed in the way that
25 Mr Costello has suggested?

MS O'GORMAN: I am. Commissioner, and I wonder whether, if there is time before the Commission hearing finishes tomorrow, or in the first hearing of next year, perhaps these matters can be ventilated so that if there is a need for limitations,
30 that can be well set out and ruled upon in advance of the witness being required to come back.

COMMISSIONER: Well, I think the way Mr Costello (indistinct) the ruling to take place is simply on the papers, that you'll put an application in, and you've seen the
35 application, I take it, that Mr O'Grady made on behalf of the administrator as set out.

MS O'GORMAN: No, I should say we're not provided with any of the applications of the other parties and so I haven't seen them.

40 **COMMISSIONER:** I see. Well, the way in which Mr O'Grady chose to do it was just identify the paragraphs of the statements that he wanted to cross-examine on, and explain why it is that there was an interest from his client in cross-examining on those paragraphs. There are a range of ways you could do it but that's one way you could do it to limit the scope of the cross-examination. But perhaps I'll just leave that
45 to you and Mr Kimmins to work out how you might propose to apply to cross-examine and leave it to Mr Costello and you to work out whether you can

agree those categories and, if you can, you will, and if you can't, I'll make a ruling on the papers well in advance of Ms King coming back to be cross-examined.

MS O'GORMAN: Thank you, Commissioner.

5

COMMISSIONER: Can I say, generally speaking, in terms of the future conduct of the Commission, if - although there will be an attempt to give the parties affected witness statements of witnesses who are due to give evidence two or three days, at least, before they come to give evidence, that won't always be the case, and sometimes it will be necessary, even if you only get the witness statement on Sunday evening, to be able to cross-examine at midday on Wednesday. That just - if we don't adopt that sort of practice, we will inevitably be bringing back witnesses all the time. So there might be exceptions to that, but generally speaking, you're not going to have as much time as you might have in, say, a commercial trial to prepare for cross-examination.

10
15

MS O'GORMAN: I certainly don't need anything like that amount of time for any of the witnesses, but for example, with respect to the last two witnesses for this hearing block, I don't yet have witness statements from them.

20

COMMISSIONER: Yes.

MS O'GORMAN: I don't know in those circumstances whether I could be prepared tomorrow to cross-examine them, but I will certainly endeavour every time to be prepared if I can be.

25

COMMISSIONER: I'm just dealing with your application in relation to Ms King, and you've had the statement since Sunday, and generally speaking, that will be at the lower limit, but that will be at the - you may not get much more notice than two and a-half days - is it two and a-half days - Monday, Tuesday, two and a-half days.

30

MS O'GORMAN: I appreciate the need for efficiency and the difficulty with providing statements well in advance to the parties. I'm not making a complaint.

35

COMMISSIONER: No, no.

MS O'GORMAN: I simply point out that with respect to Ms King's statement, it's wide ranging, and it touches on my client in material ways, and one business day to prepare for that cross-examination has just not proved feasible.

40

COMMISSIONER: And your application has been granted. So in relation to this witness, your application has been successful. I'm just making the point as to the future conduct of proceedings - really, all the parties at the bar table. You might not get as much time as you would necessarily want, but we will just have to cut our cloth too to make good.

45

MS O'GORMAN: Thank you, Commissioner.

MS McMILLAN: Could my witness be excused, please, until obviously sometime in the new year, and would you please excuse us now.

5 **COMMISSIONER:** Yes, I will, and you're excused, Ms King. Thank you very much for your evidence.

<THE WITNESS WAS RELEASED

10 **COMMISSIONER:** I think, Mr Costello, you will serve a fresh notice, summons - what do I call the document?

MR COSTELLO: If and when Ms King is required, there will be a further summons that we will seek to have you issue, Commissioner.

15

COMMISSIONER: Thank you for your evidence. We will adjourn to quarter to 12.

<THE HEARING ADJOURNED AT 11.28 AM

20 **<THE HEARING RESUMED AT 11.45 AM**

COMMISSIONER: Mr Wheelahan, you're replaced Mr Costello.

25 **MR WHEELAHAN:** Yes, if the Commission please, Wheelahan, initial P, counsel assisting.

30 **COMMISSIONER:** I forgot to mention to Mr de Jersey. Obviously you will coordinate with Mr Costello and Ms McMillan about any application you might be instructed to make on behalf of the Commissioner or Deputy Commissioner or whoever it might be.

MR de JERSEY: I will do that and I will endeavour to do it as quickly and efficiently as possible so that people aren't left in limbo.

35 **COMMISSIONER:** Thank you very much. Mr Wheelahan.

MR WHEELAHAN: Thank you, I call Stacey Schinnerl.

40 **COMMISSIONER:** Is Stacey Schinnerl in the courtroom?

<WITNESS STACEY SCHINNERL, AFFIRMED

<EXAMINATION BY MR WHEELAHAN

45 **COMMISSIONER:** Thank you, Ms Schinnerl. Please take a seat. Mr Wheelahan.

MR WHEELAHAN: Thank you. Please state your full name.

MS SCHINNERL: Stacey Lee Schinnerl.

MR WHEELAHAN: And your work address.

5

MS SCHINNERL: Level 13, 333 Adelaide Street, Brisbane, Queensland, 4000.

MR WHEELAHAN: And your current occupation.

10 **MS SCHINNERL:** I am the secretary of the Australian Workers Union of Employees Queensland and the branch secretary of the Australian Workers Union Queensland branch.

MR WHEELAHAN: And when was the AWU created?

15

MS SCHINNERL: 1886 - years ago.

MR WHEELAHAN: And is it correct that you are the first woman ever to hold that position in Queensland or indeed across Australia?

20

MS SCHINNERL: Yes, I am. Very proudly.

MR WHEELAHAN: And you are attending today under a summons - compulsory summons to give evidence; correct?

25

MS SCHINNERL: Yes, correct.

MR WHEELAHAN: And that summons required you to prepare a witness statement which is file 5. I will just have it brought onto the screen. Line 1, I will just lead you through two amendments. You say on oath is to be corrected because you just affirmed then and took - to make that change. Then at paragraph 63(a), if we can scroll to that, please, and just employ it up, this is just a simple date change from 23 February to 24 February?

30

35 **MS SCHINNERL:** Yes, that's right.

COMMISSIONER: Which paragraph, Mr Wheelahan?

MR WHEELAHAN: 63, sub-paragraph (a). Does the Commissioner have that?

40

COMMISSIONER: I do, yes.

MR WHEELAHAN: Are there any other amendments to that statement that you wish to make?

45

MS SCHINNERL: No other amendments.

MR WHEELAHAN: Is it true and correct in every particular?

MS SCHINNERL: Yes, it is.

5 **MR WHEELAHAN:** I tender that statement, Commissioner, along with its annexures.

COMMISSIONER: And there are eight annexures; is that correct?

10 **MR WHEELAHAN:** Yes.

COMMISSIONER: I've got on my version - there are some redactions to the statement that has been tendered in the form - it has been printed out to me with some redactions?

15 **MR WHEELAHAN:** Yes, it is, Commissioner. There was a non-publication order that essentially redacts private telephone numbers and emails.

COMMISSIONER: I see.

20 **MR WHEELAHAN:** Addresses.

COMMISSIONER: I think the redactions might have gone a bit too far in - because at least on my version the signature of Ms Schinnerl has been redacted. Has that been redacted on the version that's proposed to be tendered? This is at page 19.

MR WHEELAHAN: Commissioner, on my version it's not redacted.

30 **COMMISSIONER:** All right if the signature has been redacted, that should be something that can be fixed up, but for present purposes -

COMMISSIONER: That's the version I've got, the one on the screen. The signature of Ms Schinnerl has been redacted.

35 **MR WHEELAHAN:** Well, the signatures have been redacted because of the terms of the non-publication order made by the Commission.

40 **COMMISSIONER:** Right. But the non-publication order shouldn't deal with signatures, should it? So the non-publication order is too broad or someone has applied it too broadly.

MR WHEELAHAN: Not me.

45 **COMMISSIONER:** We blame Mr Costello, do we?

MR WHEELAHAN: I don't know who did, but I know it's not the man standing in front of you, but for present purpose -

COMMISSIONER: I don't think -

5 **MR WHEELAHAN:** I think we tender it because it can then be put on as a public inquiry onto the website and then there can be a variation to the non-publication order and a substitution just removing those redactions where the order went to -

10 **COMMISSIONER:** Approach the redactions, you can always remove them afterwards. Does anyone have any objection to that course being taken?

UNIDENTIFIED SPEAKER: No, Commissioner.

15 **UNIDENTIFIED SPEAKER:** I do note (indistinct) statement (indistinct) also redacted.

COMMISSIONER: All right. I just didn't look at that closely enough. So I will have to do the same thing with that as well.

20 **UNIDENTIFIED SPEAKER:** (Indistinct).

COMMISSIONER: Well, I think that the statement that is received into evidence should have the signature of the deponent on it, at least.

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

COMMISSIONER: And then what's the position with the signature of the witness. Is that covered by the non-publication order as well?

30 **MR WHEELAHAN:** Again, I understand it was, but again, I had no part in the matter, but we can - with these teething problems, I'm sure that that won't happen again at the next hearing block.

35 **COMMISSIONER:** All right. Well, we will tender, subject to removal of the redactions at paragraph 19 and 20 - sorry, are there any objections to the tender of the witness statement? We tender subject to the removal of redactions at pages 19 and 20 the statement of Stacey Schinnerl dated 28 November 2025 as amended in the witness box at paragraphs 1 and 63(a) together with eight annexures, SS1 to SS8, and that will be exhibit S1.

40 **<EXHIBIT SLS1 STATEMENT OF STACEY SCHINNERL DATED 28/11/2025 TENDERED**

45 **MR WHEELAHAN:** Thank you, Commissioner. There's an additional file that I wish to tender through this witness. This is a video file which I will ask to be brought on screen. It's number 6. Whilst that's occurring, at paragraph 63(a), just pause the video for the moment - 63(a) where the date was just amended, Commissioner -

COMMISSIONER: Yes.

5 **MR WHEELAHAN:** The reason for that amendment is that we're about to show a file and I will have the witness identify it so that it can be tendered, you can already see the time stamp of this particular video is 24 February 2023. So for present purposes, Ms Schinnerl, I just want you to watch this video. I'm going to then ask, just some identification questions so that it can be tendered. Beyond that, we will be dealing with it later in your evidence in some detail.

10 **MS SCHINNERL:** Certainly.

MR WHEELAHAN: Can you just play that, please.

<VIDEO PLAYED

15

COMMISSIONER: Is there any -

MR WHEELAHAN: There's no audio, no.

20 **<VIDEO PAUSED**

MR WHEELAHAN: Commissioner, that might be sufficient for identification, if I can now ask the witness -

25 **COMMISSIONER:** Yes.

MR WHEELAHAN: If that can just be paused, we will discuss that later. It goes for some nine minutes. Is that an extract of CCTV footage taken 24 February 2023 at the offices - your offices of the AWU?

30

MS SCHINNERL: Yes, it is.

MR WHEELAHAN: And the two persons in there, you can sufficiently identify them, and you have in your statement, as CFMEU officials; is that correct?

35

MS SCHINNERL: Yes, that's correct.

MR WHEELAHAN: And one of them is Dean Mattas.

40 **MS SCHINNERL:** Mattas, yes, that's the gentleman in red.

MR WHEELAHAN: In red. And then we might just play a little bit so we can see the other gentleman.

45 **<VIDEO PLAYED**

MR WHEELAHAN: Matt Clark, is it?

MS SCHINNERL: Yes, but -

5 **MR WHEELAHAN:** Stop there. I think you can see his face. So that's Matt Clark.

MS SCHINNERL: That's correct, that's what I know him now to be known. At the time I believe he went by the name of Matt Parfitt.

10 **COMMISSIONER:** How do I spell those names?

MS SCHINNERL: Commissioner, Parfitt was P-a-r-f-i-t-t, I could be wrong but I believe that would be how you spell it, and Clark, I believe, was Clark with the usual spelling. Perhaps not with an E. I think it was ending with K.

15 **COMMISSIONER:** And you said the gentleman in red was Dean Mattas. How do I spell that? M-a-t-t -

MS SCHINNERL: A-s. Former CFMEU delegate, yes.

20 **MR WHEELAHAN:** While it's there, for identification purposes, in your statement you refer that this video footage is, and Watson actually I think gave some evidence about this too, entering the car park at the AWU offices.

25 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And attaching those stickers?

MS SCHINNERL: Yes.

30 **MR WHEELAHAN:** Thank you. I tender that video footage, Commissioner?

COMMISSIONER: Is there any objection? What's the address of the Brisbane offices of the AWU?

35 **MS SCHINNERL:** 333 Adelaide Street.

COMMISSIONER: The extract of CCTV footage of 24 February 2023 at the offices of the AWU at 333 Adelaide Street, Brisbane, will be exhibit SS2.

40 **<EXHIBIT SLS2 EXTRACT OF CCTV FOOTAGE AT AWU OFFICES DATED 24/02/2023 TENDERED**

45 **MR WHEELAHAN:** Commissioner, of course, the annexures, not that I want to intervene with your marking, but the SS1 and SS2 through to 8 are annexures to the statement. So may I suggest that perhaps this one be SLS1 so that there's no confusion later.

COMMISSIONER: Very well. So the two exhibits that I've marked as SS1 and SS2 will be SLS1 and SLS2.

MR WHEELAHAN: Thank you.

5

Ms Schinnerl, I want you to give some evidence about your history as an employee with the AWU, which dates back to 2004; correct?

MS SCHINNERL: Yes. Correct.

10

MR WHEELAHAN: If you can take the Commissioner through your employment from 2004?

MS SCHINNERL: Certainly. On 15 November 2004 I was employed as an industrial advocate at the Australian Workers Union. When I returned from a period of maternity leave in two -

15

MR WHEELAHAN: Sorry, was that in Queensland?

MS SCHINNERL: In Queensland, I beg your pardon, Australian Workers Union of Employees Queensland which is the State-registered union and the Australian Workers Union Queensland branch, which is the Queensland branch of our Federal counterparty union.

20

MR WHEELAHAN: All right. You commenced as industrial advocate.

25

MS SCHINNERL: Correct.

MR WHEELAHAN: In 2004.

30

MS SCHINNERL: That's right.

MR WHEELAHAN: And how long were you an industrial advocate?

MS SCHINNERL: I was an industrial advocate until June of 2020, however, for clarity in 2014 when I returned from a period of maternity leave I picked up the additional duties of being the union's bargaining officer, in addition to my industrial advocate duties.

35

MR WHEELAHAN: I see. And the period of maternity leave was 2014?

40

MS SCHINNERL: I was on maternity leave in 2013 following the birth of my second set of twins.

MR WHEELAHAN: Second set of twins?

45

MS SCHINNERL: Correct.

MR WHEELAHAN: The first set of twins being how many years prior?

MS SCHINNERL: Two years and 10 months prior.

5

MR WHEELAHAN: So you have four children.

MS SCHINNERL: I had four children under the age of three for a very short period of time.

10

MR WHEELAHAN: Very commendable.

MS SCHINNERL: That's one word for it.

MR WHEELAHAN: Can I ask the sex of the children, are they twins as in boy-girls or boy-boys?

MS SCHINNERL: The eldest set are boys and the youngest set are one of each.

MR WHEELAHAN: Okay. Right. And in June 2020, you said you changed to a new position?

MS SCHINNERL: Yes, I filled a casual vacancy and I became the southern district secretary, that is the lead secretary or coordinator for the largest district in our union, which is essentially south-east Queensland.

25

MR WHEELAHAN: South East Queensland. All right. I want to ask you, there's a lot of - there will be evidence, of course, and the rules of union get tendered and we have cases that go all the way up to the High Court and back -

30

MS SCHINNERL: Sure.

MR WHEELAHAN: About what they mean, but really as part of this inquiry, I want to go through your understanding of the Australian Workers Union coverage rules.

35

MS SCHINNERL: Sure.

MR WHEELAHAN: I might bring up on screen paragraph 4, only because you've gone to some effort to set it out in your statement, and it has some detail.

40

MS SCHINNERL: Certainly.

MR WHEELAHAN: So you commenced - prior to - up there, your evidence is that Queensland Australian Workers Union has the broadest coverage of rules of any union in Australia; is that correct?

45

MS SCHINNERL: That's correct.

MR WHEELAHAN: And then if you can take the Commissioner through what that coverage includes in terms of civil construction?

5

MS SCHINNERL: Certainly, I think for theme setting it's probably important that I expand just briefly beyond civil construction because we - because we are a broad generalist union. So in addition to civil construction, we represent workers in public and private health, aged care, disability care, manufacturing, local government, obviously civil construction, the oil and gas industry, horticulture, agriculture, aviation, glass, aluminium, various building products in addition to our State-specific coverage. So that really contained within our State union. So that is encompassed in the State's health system. In addition to that, we have coverage in DTMR. Obviously that's a road tech portion and the commercial portion of the Department of Main Roads. Our members run the State's youth detention centres. We also have members who are park rangers and obviously fire and ambulance officers as well. We are large and we are varied, but obviously the focus of this is construction. So in terms of our coverage in civil construction, we're a union that is built on both industry rules and occupational calling. We have a -

10
15
20

MR WHEELAHAN: I might just pause just there. Mr Watson gave some very high school level synopsis of civil construction.

MS SCHINNERL: Sure.

25

MR WHEELAHAN: So here, you set out and can you tell the Commission what civil construction is from the AWU's perspective?

MS SCHINNERL: Certainly. So civil construction is the - and I've used this example and I've heard other people use this example as well. It's the horizontal aspect of construction, so what you would traditionally know as roads and rail construction, dams, water supply, as you see here, mechanical engineering projects, power transmission lines, and, you know, as opposed to what we will describe as building or commercial construction which is the up version or the vertical version of construction, which, you know, we would say is the - is not our coverage at all. We have got the "out" projects as opposed to the "up" projects.

30
35

MR WHEELAHAN: Okay. So ordinarily, it would be repair, maintenance and demolition of infrastructure such as roads, railways, bridges, water supply, hydrocarbon pipeline, mechanical engineering projects, power transmission lines and tunnels?

40

MS SCHINNERL: Yes, that's correct.

MR WHEELAHAN: And what your evidence before went to is that additionally to that, your eligibility rules cover workers performing work for local authorities such as construction workers and labourers in Local Councils; is that right?

45

MS SCHINNERL: Correct. We have a local authority industry rule.

5 **MR WHEELAHAN:** And what the effect of your rule is is that the AWU can enrol essentially every worker engaged in manual or mental labour in connection with industries and calling, which is what you were referring to before, which is slightly an aspect -

10 **MS SCHINNERL:** Slightly more narrow scope.

MR WHEELAHAN: Yes. And what would those industries or callings include, if that - we might bring up paragraph 5. Again, it's technical but it's important to set that foundation.

15 **MS SCHINNERL:** Are you asking -

MR WHEELAHAN: So 5A - yes.

20 **MS SCHINNERL:** In relation to construction?

MR WHEELAHAN: Yes.

25 **MS SCHINNERL:** So similarly to what was covered in 4, again that deals with the construction, repair, maintenance or demolition of civil and mechanical engineering projects, power transmission lines, power houses, chemical plants, hydrocarbons, oil treatment plants, sports and entertainment complexes, which include stadiums, car parks except for car park buildings and car parks within the alignment of a building.

30 **MR WHEELAHAN:** And then you have some specific coverage in Queensland?

MS SCHINNERL: Yes, that's true.

MR WHEELAHAN: Yes, and what's that?

35 **MS SCHINNERL:** For context, as a result of the referral of constitutional corporations to the federal jurisdiction in March of 2006, there was a period of time where our State entity, which is where the following rules I'm going to explain existed, we were recognised as a TRA or a Transitionally Registered Association, and what we were able to do over those first years of WorkChoices was make
40 application to have our State rules inserted in our federal rules, so our coverage followed us to the federal jurisdiction. So these rules which exist in our federal rules now at 6(a) only apply within the State of Queensland, and they touch on and add to the coverage that we have already dealt with in (a). So they are complementary additions that apply only in the State of Queensland.
45

MR WHEELAHAN: Right. Can I just pull up paragraph 6. You've given some evidence about this term "civil engineering", and it is important for the inquiry and

those that will later come before it to understand how you describe civil engineering, what that means within the registered rules of the AWU. Can you give that explanation, please.

5 **MS SCHINNERL:** Sure. The all-encompassing term "civil engineering" deals, I guess, with the entirety of the civil function. So it starts with that concept phase, the design, the planning phase and goes right through to the boots on ground construction phase of the various types of projects, whether they be road, rail, bridges, buildings, tunnels, airfields, water supply, sewerage systems, dams,
10 pipelines, river improvements, harbour work or irrigation systems. So it really is a one-stop shop from project inception to project completion.

MR WHEELAHAN: And we can take that down. Given the coverage that you're given evidence about, how is the AWU often referred to in Queensland and
15 throughout Australia? What type of union?

MS SCHINNERL: We're the principal union in civil construction.

MR WHEELAHAN: And in contrast to that, what coverage do you understand that
20 the CFMEU has in civil construction work?

MS SCHINNERL: The CFMEU has very limited occupational coverage in the civil construction industry.

25 **MR WHEELAHAN:** And when you say "limited occupational coverage", can you give an example what you mean by that?

MS SCHINNERL: So where the AWU has an industry rule that allows us to represent any worker on a civil construction project, there are only certain
30 classifications of workers that the civil - sorry, that the CFMEU are lawfully entitled to enrol and represent. An example of that may be a crane driver.

MR WHEELAHAN: All right. A crane driver.

35 **MS SCHINNERL:** A carpenter.

MR WHEELAHAN: A carpenter.

MS SCHINNERL: An excavator operator if that is the primary purpose of their engagement and their role.
40

MR WHEELAHAN: Okay. So for those listening, when you say the "primary purpose", that's obviously a test that you're familiar with.

45 **MS SCHINNERL:** Yes, that's right.

MR WHEELAHAN: Can you explain that?

MS SCHINNERL: The primary purpose test industrially is designed to identify and assess the dominant purpose of a worker's role. It's got to do with what the worker actually does primarily as opposed to what their job title is, and what they do for I
5 guess the bulk of their time. So it's not sufficient enough for the rules of the CFMEU, for example, if you have a general labourer who might be on a road job, for example. If they jump on an excavator for an hour or two of their week, that is not sufficient enough to enliven the coverage of the CFMEU for the purpose of their calling.

10 **COMMISSIONER:** But if that labourer was working on a building then the CFMEU would cover that labourer because the predecessor union to the CFMEU or one of the predecessor unions or the main predecessor union was the Builders Labourers Federation and because a tunnel or a bridge is not a building, a labourer, whose principal purpose is to labour on a bridge or a tunnel, he is not a builder's
15 labourer and therefore not covered by the CFMEU; is that how it works?

MS SCHINNERL: That's correct, Commissioner.

20 **MR WHEELAHAN:** So following that, probably concluding it, if you can explain then what the difference between industry coverage and occupational coverage is?

MS SCHINNERL: So consistent with the rules of the AWU, as we explained, the AWU has the ability to enrol and lawfully represent every single worker on a civil construction job. When you just have occupational coverage that only permits you to
25 enrol and represent workers within those discrete occupations only. So if we are building a road, for example, there might be 100 different classifications of workers that are required to complete that road build. The Australian workers Union can represent all 100 of those workers. There may be a small portion, depending on the scope of the works, that the CFMEU or other unions may also be able to represent.
30 That is overlapping coverage. So if that road, for example, requires, you know, five excavator operators -

MR WHEELAHAN: As a principal.

35 **MS SCHINNERL:** As a principal part of their role, the CFMEU has coverage of those five workers and those five workers alone. But last time I checked, you can't build a road with crane drivers and carpenters.

40 **MR WHEELAHAN:** Now -

COMMISSIONER: Your union would also have coverage of the excavator drivers, wouldn't it.

45 **MS SCHINNERL:** Yes, Commissioner. That's why I say it's overlapping coverage.

MR WHEELAHAN: Yes. In fact, there is dual coverage of limited occupations between the AWU and the CFMEU.

MS SCHINNERL: Very limited.

MR WHEELAHAN: In civil construction.

5

MS SCHINNERL: Correct.

MR WHEELAHAN: But it's quite limited.

10 **MS SCHINNERL:** Very limited.

MR WHEELAHAN: So if I can just bring on screen paragraph 10. With that technical background, what you've said here - we blow it up - that it's actually a reg
15 source of antagonism from organisers, delegates and members of the CFMEU
towards officials, staff, delegates and members of the AWU, and it relates to
misinformation, in your words, distributed by the CFMEU regarding their capacity to
enrol and maintain as members, all employees in the civil construction industry.

20 **MS SCHINNERL:** Very much so. I've had 21 years of dealing with these issues.

MR WHEELAHAN: All right. An example of the misinformation that you've
annexed, if we can bring up annexure SS1, is that on the screen? Not yet. Hasn't been
redacted, has it? So it's paragraph 11, page number 21. So 21, it was titled CFMEU
25 Calling. White they're finding that -

25

COMMISSIONER: I think that's come up, Mr Wheelahan.

MR WHEELAHAN: Pardon? It is on the screen. Thank you.

30 So Ms Schinnerl, you've said that you were given this document or you were in
receipt of it, and you were advised that it's a document endorsed by Mr Ravbar and
Mr Ingham regarding CFMEU calling; is that right?

35 **MS SCHINNERL:** Yes, that's correct, our former employee at the time provided me
with this document that - and granted this particular official who worked for me is an
ex-official of the CFMEU as well.

MR WHEELAHAN: Yes.

40 **MS SCHINNERL:** And he advised me that this forms part of, I guess, the organiser
toolkit and his understanding was that this document was produced by and endorsed
by Mr Ravbar and/or Mr Ingham in relation to what the coverage of the CFMEU is.

45 **MR WHEELAHAN:** And/or or both? Your statement says "both", but -

MS SCHINNERL: It's highly likely it was both, you know, they were both officials at the time that my organiser was an official of the CFMEU. I can only assume that that it was both.

5 **MR WHEELAHAN:** All right. So the point you've made about this, CFMEU callings, you prefaced this document by saying that this is part of the misinformation because it's erroneous in its assertion. So if it's part of the toolbox being used by organisers to recruit members, and get subscription fees and so forth, how is it that you say it's erroneous?

10 **MS SCHINNERL:** Well, the document is a work of fiction. The CFMEU does not have coverage of all construction in the civil sector, civil and engineering sector. It does not have coverage - it does not have industry coverage in local government, similar blue collar workers. It does not have off-site trade and non-trade industry
15 coverage. And it certainly doesn't have industry coverage in the State government insofar as it relates to blue collar workers in Main Roads and other government departments.

20 **MR WHEELAHAN:** All right. We can remove that from the screen. In your view, having insights with what you describe as misinformation, what's the likely consequences of that?

25 **MS SCHINNERL:** The likely consequences of using this as your truth base is that workers who do not fall within the coverage of the CFMEU will be recruited to the CFMEU. Now, the CFMEU selling a membership ticket to a worker outside the coverage of that union is the equivalent of selling them a very expensive concert ticket for a concert that you can never attend. You might turn up to the stadium. You might go and tap your ticket, but you get an error message, you're not allowed in. It - when workers decide that they need the assistance of the union, we have much
30 colloquial feedback that says they are often denied that service on the basis, "We made a mistake, we can't cover you", or in the instance of seeking to exercise a right to take industrial action, for example. If you have signed up a worker outside of your coverage and you seek to take industrial action, if you are not lawfully entitled to represent that worker, the action that that worker takes is not protected. So they leave
35 workers very vulnerable. And we find this particularly egregious in industries where workers are earning very low wages because when I say that you're buying a very expensive concert ticket, the fees of the CFMEU are quite a lot higher than that of other unions.

40 **MR WHEELAHAN:** You must know what they are, or do you have a guesstimate?

MS SCHINNERL: My understanding is the current ticket price of the CFMEU is \$1200 a year.

45 **MR WHEELAHAN:** Yes. And when you say that that's probably unaffordable, some persons that they're getting to buy that ticket who aren't actually eligible to be members of the union.

MS SCHINNERL: Yes.

MR WHEELAHAN: Can you give examples of such workers?

5

MS SCHINNERL: You know, if you work in Brisbane City Council in parks and gardens, for example, you know, your role might be planting flowers, pruning trees, using a leaf blower, the CFMEU has absolutely no entitlement to represent you, and you are in the whole gam university of employees at Brisbane City Council, certainly
10 at the lower wage income earning end, so again, you know, it's almost like preys on workers' vulnerability. You're selling them a dream. You're selling them something that they're never going to be able to cash in. And the other experience we have heard time and time again is when workers do realise this and this is brought to their
15 attention, they do start questioning and perhaps they try and resign their membership, it is made very difficult to resign their membership from the CFMEU and we have heard multiple cases where the CFMEU have sent debt collectors after workers when they've stopped paying their dues.

MR WHEELAHAN: Debt collectors in terms of your commercial dun and Brad
20 Street debt collectors or other type of debt collectors?

MS SCHINNERL: I couldn't tell you with any specificity.

MR WHEELAHAN: All right.

25

COMMISSIONER: Can I just go back two steps. You gave an example of a road, a form of civil construction, and you said - you identified three sources of coverage for the CFMEU and you said crane drivers, carpenters and excavator drivers, but not
30 builders labourers, not labourers because a road is not a building and therefore the BLF doesn't apply.

MS SCHINNERL: Yes.

COMMISSIONER: A predecessor union to the CFMEU or one of the predecessor
35 union which is the Federated Engine Drivers & Firemens Association, it's those rules that give the CFMEU coverage of crane drivers?

MS SCHINNERL: Yes.

COMMISSIONER: And then in terms of the carpenters the predecessor to the
40 CFMEU or one predecessors was the Building Workers Industrial Union. Mr Watson gave some evidence about having worked for that union as a young man, the predecessor to that union, the BWAU was one of the Carpenters and Joiners Union. So presumably that's the source of coverage of carpenters?

45

MS SCHINNERL: I believe so.

COMMISSIONER: And what about excavator drivers, what's the history to that rule?

5 **MS SCHINNERL:** I don't - sorry, Commissioner. I don't profess to be an expert in the origin story of other unions but I believe that may be captured under the FEDFA.

COMMISSIONER: The Federated Engine Drivers & Firemens Association. Thank you. Sorry, Mr Wheelahan.

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

Now, we have this tension of coverage. The AWU doesn't purport to have industry coverage over bidding construction.

15 **MS SCHINNERL:** We certainly -

MR WHEELAHAN: Such as high rise construction.

20 **MS SCHINNERL:** No, we do not.

MR WHEELAHAN: And nor does it try to enrol members who are not covered by its rules in the way that you've suggested or to be inferred or given evidence that you believe the CFMEU does?

25 **MS SCHINNERL:** That's right. In fact, every other week the Australian Workers Union at my office makes referrals for membership to other unions based on our inability to cover workers in certain industries and occupations, including to the CFMEU.

30 **MR WHEELAHAN:** And following on from the Commissioner's question, the callings of the AWU, when we're dealing with the callings specific to Queensland, there actually is a calling that all kinds of general labour, including builders labourers, are eligible to join the AWU. That still exists; correct?

35 **MS SCHINNERL:** It's a technical aspect of our rules. It's an area of our rules that we do not enliven and to the best of my knowledge, we have no builders labourers on our membership roll.

40 **MR WHEELAHAN:** And is that because the union accepts that that's something for the CFMEU to deal with, with the coverage within their rules?

MS SCHINNERL: Absolutely.

45 **MR WHEELAHAN:** All right. The next topic I want to firstly deal with it at a high level and then -

COMMISSIONER: Just before you move to that, I don't quite understand how that could occur because the whole point of the foundational principle of the registration of organisations under the Conciliation and Arbitration Act of 1904 was to try and limit competition between unions. So unions, as they were growing in the
5 post-federation decade, weren't spending their time and money competing with each other but were able to service their members, how could it be that you could have two unions that both, one called the Builders Labourers Federation, another union that would take the same group of workers?

10 **MS SCHINNERL:** I should state there's two aspects to that, Commissioner. This particular calling exists in our 6(a) which was part of the incorporation of the State rules of the Australian Workers Union of Employees Queensland, being incorporated into our federal rules.

15 **COMMISSIONER:** I see, so this is just -

MS SCHINNERL: Which may explain that distinction and by virtue of that industry coverage, we overlap with many unions in many industries and callings.

20 **COMMISSIONER:** I see. Thank you. Sorry, Mr Wheelahan.

MR WHEELAHAN: Thank you.

25 So Ms Schinnerl, this is going to be at a high level because we're going to deal with these tensions which I put to you between the CFMEU and the AWU about their coverage.

MS SCHINNERL: Yes.

30 **MR WHEELAHAN:** So for as long as you've been involved in the AWU, would you say that there has been a tension between the two unions over coverage on civil construction projects and local government industry?

35 **MS SCHINNERL:** Absolutely. Correct.

MR WHEELAHAN: Has it, in your statement you say that, in fact, it has. If I pull up at 16, page - paragraph 16, and just blow that up, please. Do you see that in front of you?

40 **MS SCHINNERL:** I do, yes.

MR WHEELAHAN: Has that always been an issue, but it's more pronounced since the commencement of the Cross River Rail Project. When did that commence?

45 **MS SCHINNERL:** The agreements were signed in - and approved in 2019, so soon after.

MR WHEELAHAN: And I read that as it's also more pronounced since the abolition of the ABCC which is the Australian Building Construction Commission; correct?

5 **MS SCHINNERL:** Whether that be intentional or coincidental, yes, that would be the case. We saw that escalation post that date.

MR WHEELAHAN: And you've also said that the - also the repealing of the associated building code in 2016?

10

MS SCHINNERL: Yes.

MR WHEELAHAN: The building code of 2016. And part of these tensions, you refer at 17, is because the CFMEU, in your evidence, can just continually engages in the practice of enrolling people that don't fall within their rules of coverage; correct?

15

MS SCHINNERL: Absolutely correct.

MR WHEELAHAN: And you've given the examples, such as in civil construction, the traffic controllers.

20

MS SCHINNERL: Yes.

MR WHEELAHAN: Riggers, concreters, cleaners, there's a tension, is it right and fair to say, the CFMEU is continually pushing into civil construction, which ought be covered by the rules of the AWU in their coverage?

25

MS SCHINNERL: That's an accurate statement, yes.

MR WHEELAHAN: If that can be taken down. Again, commencing at a high level with right of entry, can you - what's the purpose - firstly, perhaps go back. What is right of entry? Will you - so everybody knows what it is we're talking about.

30

MS SCHINNERL: Those provisions of the relevant industrial legislation empowers officials and employees of unions to enter workplaces, subject to certain rules, to hold discussions with workers, to investigate suspected breaches. It's essentially what gives us rights and powers under the Act to enter places -

35

MR WHEELAHAN: So they're rights based upon statutory criteria?

40

MS SCHINNERL: Yes, that's correct.

MR WHEELAHAN: And you've regularly exercised such rights?

MS SCHINNERL: I have in the past. I don't do so as regularly as I would like anymore in my role as branch secretary and secretary, but I have previously, yes.

45

MR WHEELAHAN: And were you a permit holder for a period of time?

MS SCHINNERL: I am still a permit holder. I have four permits in total, soon to be five.

5

MR WHEELAHAN: And when you used to exercise a right of entry, did you have any difficulty showing your entry permit?

MS SCHINNERL: No, I have never had difficulty showing any permit.

10

MR WHEELAHAN: Could you understand why somebody would have difficulty showing their entry permit?

MS SCHINNERL: No, I wouldn't.

15

MR WHEELAHAN: And it's not unusual, in fact, it's not only not unusual, it's usual that upon entering a construction worksite, civil construction or otherwise, that you have to sign in and attend a brief induction session.

20

MS SCHINNERL: Yes, that's right. Any workplaces are the same.

MR WHEELAHAN: Any issue with doing that?

MS SCHINNERL: No. There are important reasons for doing that.

25

MR WHEELAHAN: And what are they?

MS SCHINNERL: Mainly around safety and accountability in terms of who's on site at any one time, in the event that the site needs to be - in the event that the site needs to be resolved in a case of emergency. So you need to know who's on the site. The last thing that I would want is, you know, workers to remain on site unnecessarily trying to figure out if I'm there or not, you know, when you evacuate site in case of emergency, you want everyone to be out as quickly as possible and no big head count, all right. The other thing is too when it comes to inductions, there are always going to be site-specific controls and issues that you need to be aware of in order to not only operate yourself safely on site, but how not to create a risk or a hazard for other workers.

30

35

And.

40

MR WHEELAHAN: And again, not only should you participate, in your view, for those reasons, you can't identify any logical or arguable reason why you wouldn't participate -

45

MS SCHINNERL: No.

MR WHEELAHAN: - in an induction because it's in your best interests and in the best interests of the other workers.

MS SCHINNERL: That's right, yes.

5

MR WHEELAHAN: I'm going to switch to negotiations with CPB regarding the Cross River Rail Project. Those negotiations led to two enterprise agreements with CPB contractors. I might bring it up on screen so that we can record the names correctly. It's paragraph 20(a) and (b). Just paragraph 20 if we start with that. Do you have that in front of you?

10

MS SCHINNERL: I do, yes.

MR WHEELAHAN: So you've had limited involvement but these were two greenfields agreements. If you just read out the titles so that -

15

MS SCHINNERL: Sure. CPB contractors Pty Ltd, civil and surface works greenfields agreement 2019 to 2023 and the CPB contractors Pty Ltd Cross River Rail tunnel and shaft greenfields agreement 2019 to 2023.

20

MR WHEELAHAN: All right. Now, both being greenfields agreements, can you explain that in your own words.

MS SCHINNERL: A greenfields agreement is made between an employer and a union or unions. If it's with a singular union, that union must have the ability to represent the majority of workers proposed to be covered by the agreement. If it's multiple unions, the unions when taken as a group have to be able to represent the majority of workers covered by the agreement. Greenfield agreements are made before work commences and before there are workers on site. So as opposed to a brownfield agreement in an existing job, no workers vote on a greenfields agreement because there are no workers yet.

25

30

MR WHEELAHAN: All right. Now, you mentioned brownfields agreements.

35

MS SCHINNERL: Yes.

MR WHEELAHAN: And we heard that in evidence yesterday. Can you give your explanation what a brownfield agreement is?

40

MS SCHINNERL: A brownfield agreement is made between an employer, or employers, and employees. Unions can, subject to certain requirements of the Act, seek to become covered by brownfield agreements, but again, brownfield agreements are made in existing operations. So they are subject to negotiations with bargaining parties. In the case of a - you know, a site where the AWU has members, for example, we are a default bargaining representative. We represent those workers on that site and they are subject to a ballot of workers for approval or otherwise of that agreement.

45

MR WHEELAHAN: All right. So with respect to the Cross River Rail, the two enterprise agreement, greenfield ones that you've just referred to -

5 **MS SCHINNERL:** Yes.

MR WHEELAHAN: - so the negotiations for those two agreements, you had (a) a limited role. Who were the other persons at the AWU who were actually involved in negotiating terms?

10

MS SCHINNERL: So yes, I did have a limited role. I do have some knowledge about what went on, but the negotiating parties on behalf of our union were then-Branch Secretary Steve Baker so my predecessor, as well as our Queensland Branch and National President Marina Chambers and then Central District Secretary and Vice President Anthony Beers or Tony Beers.

15

MR WHEELAHAN: And at that time, when you were negotiating for the greenfields, were there other unions participating or attempting to also have an enterprise agreement -

20

MS SCHINNERL: Yes, there were -

MR WHEELAHAN: - at Cross River Rail?

25 **MS SCHINNERL:** - a number of other unions at the table during the negotiations and I should say there was a tension about whether there would be a single greenfield agreement made or two. So the other unions that were present at the table were the Australian Manufacturing Workers' Union, the CEPU which would have represented the ETU and a plumbers union as a combined entity and the CFMMEU as they were known at the time.

30

MR WHEELAHAN: So the two agreements that were ultimately made, the greenfields agreement -

35 **MS SCHINNERL:** Yes.

MR WHEELAHAN: - in sort of layman's terms for civil construction, one for tunnels and shafts and the other for civil and surface work?

40 **MS SCHINNERL:** Yes.

MR WHEELAHAN: Is that the easiest way to describe it?

45 **MS SCHINNERL:** Pretty much. What happens underground versus what happens aboveground.

MR WHEELAHAN: Now, those two agreements though were then subject to various legal challenges; is that right?

5 **MS SCHINNERL:** Yes. Each agreement was opposed by those unions, I believe, and both the civil and surface works agreement and the tunnel and shaft agreement. Both agreements were challenged at approval, and both of those challenges failed. So ultimately both agreements were approved.

10 **MR WHEELAHAN:** By the Fair Work Commission?

MS SCHINNERL: By the Fair Work Commission, yes.

15 **MR WHEELAHAN:** Following not only the dispute or the challenges to the approval of those agreements, so after they were approved on 16 October 2019, did you hear any reports back with respect to the CFMEU's position given that you'd just landed two pretty significant civil construction enterprise agreements?

20 **MS SCHINNERL:** You'd have to be pretty deaf not to hear the screams from Bowen Hills.

MR WHEELAHAN: I'm sorry?

MS SCHINNERL: You'd have to be deaf not to hear the screams from Bowen Hills.

25 **MR WHEELAHAN:** All right.

COMMISSIONER: From the offices of the CFMEU?

30 **MS SCHINNERL:** That's correct, Commissioner. I apologise for being flippant.

MR WHEELAHAN: In your statement, you describe it that the CFMEU was angry it had not been a party?

35 **MS SCHINNERL:** Yes.

MR WHEELAHAN: All right. So they weren't screams of joy.

MS SCHINNERL: No.

40 **MR WHEELAHAN:** They were screams of agony and anger in all likelihood?

MS SCHINNERL: Correct.

45 **MR WHEELAHAN:** You say that then as the project got underway, the Cross River Rail Project, you started to see a slow escalation of unsavoury behaviours.

MS SCHINNERL: Yes, that's right.

MR WHEELAHAN: And that was from the CFMEU officials, delegates, organisers; is that right?

5 **MS SCHINNERL:** Yes, that's correct.

MR WHEELAHAN: And at the same time, the AWU continued to make greenfield enterprise agreements.

10 **MS SCHINNERL:** Yes.

MR WHEELAHAN: On civil construction sites.

MS SCHINNERL: As we have done for decades and decades.

15

MR WHEELAHAN: Because it's - you have the coverage?

MS SCHINNERL: Correct.

20 **MR WHEELAHAN:** And the CFMEU doesn't have the coverage so they couldn't get greenfield agreement at that time, for example, on Cross River Rail?

MS SCHINNERL: Correct. The CFMEU with a standard project agreement with the standard project scope has an incapability of achieving the majority coverage test in greenfield agreement making. Only the AWU can achieve that.

25

COMMISSIONER: Can you just explain that. I think I understand, but just explain that to me.

30 **MS SCHINNERL:** So in greenfields agreement making the union, all unions when taken as a group must be capable of representing the majority of workers covered by the proposed agreement. So if you have a standard agreement to build a project such as the Cross River Rail tunnel, the CFMEU cannot represent the majority of workers in that agreement. Therefore, they would have been incapable on their own of making a greenfield agreement. The AWU has no problem meeting that test as we have an industry rule.

35

COMMISSIONER: So why the screams from Bowen Hills?

40 **MS SCHINNERL:** They were particularly perturbed because they were pushing for a single agreement which ultimately potentially had the ability to give them access to tunnels, which is an area that they do not have coverage in, and they've been desperate over many years to get access to tunnelling.

45 **COMMISSIONER:** Just explain that a bit more simply for me. I don't quite understand that.

MS SCHINNERL: So the AWU is the tunnelling union. The CFMEU has no coverage in tunnels. They have expressed a desire over many years in many States -

5 **COMMISSIONER:** Unless there's a crane driver working in the tunnel or a carpenter or excavator driver or someone, they've got coverage.

10 **MS SCHINNERL:** There's some technicalities around tunnelling that makes that challenging but obviously when we're talking about large cranes you're not going to find them in a tunnel either.

COMMISSIONER: Right. So in effect there's no carpenters in a tunnel, there's no excavator drivers, there's no cranes.

15 **MS SCHINNERL:** Right.

COMMISSIONER: So there's no coverage.

MS SCHINNERL: Correct.

20 **MR WHEELAHAN:** So following the Commissioner's questions, really it's unremarkable and standard practice, is what you're saying, for the AWU to have greenfields agreements.

25 **MS SCHINNERL:** It's entirely unremarkable for the AWU to do solo agreements in civil construction. We have done so for many, many decades.

MR WHEELAHAN: Yes. Commissioner, my learned junior has passed me a note of a 12.45 recess. I thought it was at 1 o'clock.

30 **COMMISSIONER:** We will sit till 1 if that's convenient for everyone. We had a late (crosstalk).

MR WHEELAHAN: Convenient, certainly. Might continue.

35 State secretary and ALP conference, this is a new topic. And what you say is that - so we have these issues where you've got the greenfield agreement that you've signed up to, and you say that in 2020 the conduct of the CFMEU towards the AWU worsened and you use this phrase:

40 "This was in line with CPB -"

And it's CBP contractors:

45 "...engaging more CFMEU aligned contractors on the C -"

Cross River Rail Project. So what do you mean by CFMEU aligned contractors?

MS SCHINNERL: So there would be a number of companies that have agreements with the CFMEU in a number of areas, demolition, for example, that would be performing demolition work on those early stages of the Cross River Rail. They'd be signatories to a CFMEU -

5

MR WHEELAHAN: I will just stop you there.

MS SCHINNERL: Sure.

10 **MR WHEELAHAN:** Obviously a demolition contractor might be a demolition for a building construction.

MS SCHINNERL: Correct.

15 **MR WHEELAHAN:** Or a bridge?

MS SCHINNERL: Correct.

MR WHEELAHAN: Or a wharf?

20

MS SCHINNERL: Correct.

MR WHEELAHAN: All right. So continue.

25 **MS SCHINNERL:** So, you know, when CBP were awarding contractors work and they were CFMEU contractors with CFMEU agreements, whether they were from the civil space or from the building space, we saw an influx of workers and delegates onto the site that I guess were - I guess heightened in their behaviour, shall we say?

30 **MR WHEELAHAN:** What does that mean? Come on, we don't need to (indistinct) in riddles.

MS SCHINNERL: Have the ability to be very aggressive in their interaction on site. The majority of the work obviously started in gusto in 2020, so there was lots of
35 demolition work required. So those sorts of contractors were on site. So there were large volumes of workers who were CFMEU members working in those early stages. So we talk about the ongoing volatility in the industry proper, that was just what we were experiencing in those early days.

40 **MR WHEELAHAN:** All right. And if I can pull up on screen paragraph 28.

COMMISSIONER: This might be too technical a question, but if you demolish a building to build a building presumably you're covered by the CFMEU, or if you demolish a building to build a tunnel, are you covered by the CFMEU rules?

45

MS SCHINNERL: I couldn't answer with any certainty, Commissioner, but I would say that makes some sense to me.

MR WHEELAHAN: Just having paragraph 28 brought on screen, because you've said the problem sort of escalated 2020 but then you describe them as really escalating in late 2022.

5

MS SCHINNERL: Yes.

MR WHEELAHAN: And you say that that's coincided with two events. What's the first event that you believe that coincided with?

10

MS SCHINNERL: I had the privilege of being put in the role as Queensland branch secretary of the national union and secretary of the State union in August of 2022.

MR WHEELAHAN: And so by coincidence, conduct escalated at that time. Why would it escalate because of your appointment, in your view?

15

MS SCHINNERL: In my view, my elevation to that role was seen as an opportunity by the CFMEU perhaps to finally take the industries they wanted from the AWU.

MR WHEELAHAN: Well, why would that be? What was it about you that would -

20

MS SCHINNERL: Perhaps a female leader would be easy to roll. With enough pressure applied, I might just give up and give it to them.

MR WHEELAHAN: And you referred a pressure throughout your evidence, and we will talk later, probably after lunch, about what pressure encompasses.

25

MS SCHINNERL: Sure.

MR WHEELAHAN: Obviously, it's a range of conduct that you're referring to; is that fair enough?

30

MS SCHINNERL: That's fair.

MR WHEELAHAN: Secondly, you say the second event occurred at the Australian Labor Party Queensland State conference in November of 2022. What occurred at that State conference?

35

MS SCHINNERL: It was the second day of the conference, the last day of the conference. The SDA, which is the Shop, Distributive and Allied Employees Association, the retail union, put a motion to the floor of conference that dealt with occupational violence, and the importance of obviously eradicating that from Australian workplaces. I seconded that motion and, you know, during the course of my -

40

45

MR WHEELAHAN: Can I stop you there. When you second the motion, did you take the stage to second the motion?

MS SCHINNERL: Yes, I took to the podium, and in seconding the motion I delivered a speech in support of the motion on the screen. I followed the then secretary of the SDA who had moved the motion.

5

MR WHEELAHAN: And for how long did you speak?

MS SCHINNERL: It would have only been a couple of minutes, and essentially I opened by, you know, demonstrating to the crowd the types of industries in which the AWU had members that were subject to ongoing occupational violence and I used examples such as our security officers in Queensland Health, our local laws officers in councils, traffic controllers, our retail workers in North Queensland as the AWU is a retail union as well.

10
MR WHEELAHAN: Can I just stop you there. How are they examples of violence in the workplace?

MS SCHINNERL: Those workers are subject to occupational violence each and every day in their workplaces. So by using their example I was emphasising the importance to deal with the issue of occupational violence.

20

MR WHEELAHAN: Yes.

MS SCHINNERL: I then incorporated a joke or a quip that referenced what I considered another workplace where workers had been subject to occupational violence, and that was Transport and Main Roads headquarters in Mary Street. That was a very obvious reference to a storming of that building in the month prior by CFMEU officials, delegates and members where a security officer was injured and public servants were frightened. If I regret anything from that, it's making light of that. It's nothing to be made light of. Those public servants, from all accounts, were terrified and that worker was injured. So it wasn't actually anything to joke about. So if I have one regret it is probably the fact that I joked about it.

25

30

MR WHEELAHAN: At what period of time prior to this motion did that event occur at TMR?

35

MS SCHINNERL: A couple of months prior.

MR WHEELAHAN: Only a couple of months prior?

40

MS SCHINNERL: Yes.

MR WHEELAHAN: And the storming of the offices, do you know about how many CFMEU officials? You said that they stormed the offices?

45

MS SCHINNERL: They were there in large numbers but I really only know what I saw in the media.

MR WHEELAHAN: All right. And what did that show you?

5 **MS SCHINNERL:** That they gained access to the building, were yelling, were being very disruptive and, as I said, the reports were that public servants, particularly administrative officers, which would have been largely female, were terrified. And my understanding is a security officer was injured during those altercations.

10 **MR WHEELAHAN:** So what you regret is raising it and then describing it later as a joke, because you actually raised that in support of the motion -

MS SCHINNERL: Correct.

15 **MR WHEELAHAN:** - against occupational violence.

MS SCHINNERL: My intention was to highlight the hypocrisy, perhaps, of the actions of the CFMEU who are well-known to advocate for the importance of safe workplaces, free of occupational violence.

20 **MR WHEELAHAN:** Now, we heard evidence yesterday from Ms King who was at the conference, but I think the Commissioner paused that so that we can hear from you. Immediately after you made that reference -

25 **COMMISSIONER:** It wasn't so much I paused it; it was just a question about the utility of it. I wasn't going to rule that Mr Costello could -

30 **MR WHEELAHAN:** No, you didn't rule, Commissioner. I will withdraw the "pause" word. You moved Mr Costello along because of his - he was a bit too slow. We've got a couple of minutes to go before the luncheon. So after you made that reference, what were you told that Mr Ravbar did?

35 **MS SCHINNERL:** I was told that he rose to his feet, he yelled something at me, and then promptly took the CFMEU delegation from the conference. I could not see any of this happening, I was too far away. They were sitting at the back of the room.

MR WHEELAHAN: All right. But you were told that's what he did?

MS SCHINNERL: I was told by (crosstalk).

40 **MR WHEELAHAN:** He stands up, yelling at you.

MS SCHINNERL: Yes.

45 **MR WHEELAHAN:** And the obvious inference for someone to draw is, after you say that, all the CFMEU delegates are out.

MS SCHINNERL: Yes.

MR WHEELAHAN: All right.

5 **MS SCHINNERL:** I myself have walked out of State Labor conference only recently.

MR WHEELAHAN: As is your right.

10 **MS SCHINNERL:** As is my right.

MR WHEELAHAN: Paragraph 33, I'll just have brought on the screen and blown up. We're still on the topic of your comment about the violence - occupational violence - and your reference to what you read in the papers about the CFMEU entering the offices. What have you subsequently been told that Mr Ravbar has said?
15

MS SCHINNERL: I've been told by many sources that Mr Ravbar has identified that particular moment as myself starting a war with the CFMEU, with the comment that I made. I'm also told that the following week he called all staff in to Brisbane whereby he discussed plans to, I quote, take down the AWU.
20

MR WHEELAHAN: How do you - how do you react to language like that from a leader of a union that says you've started a war?

25 **MS SCHINNERL:** I think it's very childish and I think it's very convenient. I think the CFMEU probably always had those plans but I provided an opening and an excuse.

MR WHEELAHAN: All right. Is that a convenient time, Commissioner?

30 **COMMISSIONER:** Yes. Very well. Thank you, Mr Wheelahan. We will adjourn till 2 pm.

<THE HEARING ADJOURNED AT 12.58 PM

35 **<THE HEARING RESUMED AT 1.59 PM**

COMMISSIONER: Yes, Mr Wheelahan.

40 **MR WHEELAHAN:** Thank you.

Ms Schinnerl, earlier you gave some evidence about the conduct worsening toward the AWU in 2020, and you said that was in line with CPB engaging CFMEU align contractors on the Cross River Rail Project.

45 **MS SCHINNERL:** Yes.

MR WHEELAHAN: At paragraph 34, this is a new topic, you talk about just the general onsite behaviour since 2020, and you describe it as:

5 "An increasing amount of low-level harassment of AWU members, delegates and officials, civil construction and sometimes local government by CFMEU members, delegates and officials."

10 Now, what you describe as "low-level harassment", if we have a look at paragraph 35, and have that brought on the screen, please. And enlarge sub-paragraph (a), can you go through what your description obviously of your statement, what you describe as low-level harassment?

15 **MS SCHINNERL:** It's pretty outrageous that we describe something like this as low level, but I guess in the whole scheme of things in our experience it is low level. The example I give here is -

MR WHEELAHAN: Sorry, can you just slow down for me.

20 **MS SCHINNERL:** Sorry.

MR WHEELAHAN: I didn't hear it.

25 **MS SCHINNERL:** The example I give here is that, particularly on Cross River Rail, when we were attending site and conducting meetings with our members during their designated meal breaks we'd be holding discussions in their meal rooms, and those discussions were quite often interrupted by who we believe were CFMEU delegates who entered uninvited, and they were quite often verbally abusive and obviously attempting to be very intimidating.

30 **MR WHEELAHAN:** Were you present at any of those occasions or was that reported back to you?

35 **MS SCHINNERL:** Largely reported back to me but I have been present at one of those meetings, yes.

MR WHEELAHAN: And this low-level harassment was also verbally abusive and threatening?

40 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And you go on to say "general derogatory comments and snide remarks." Well, that's your description or conclusion.

45 **MS SCHINNERL:** Yes.

MR WHEELAHAN: Can you give some examples of what you heard when you were present?

MS SCHINNERL: Sure. Calling our officials "grubs" or "scabs", saying that "The AWU are a fucking disgrace," "You've got no business here," those sorts of things.

5 **MR WHEELAHAN:** Okay. All right. So that was the low-level harassment, and then you say from 2023 -

COMMISSIONER: Was the one example that you witnessed directly an example of a meeting involving workers at the Cross River Rail?

10 **MS SCHINNERL:** Yes. Our members were having their - it was their designated meal break.

COMMISSIONER: And why were you there?

15 **MS SCHINNERL:** To hold discussions with our members. It's not uncommon for myself to attend those sites on occasion.

COMMISSIONER: And the things you've just described to Mr Wheelahan you observed yourself (indistinct).

MS SCHINNERL: Yes, I have witnessed those things myself. At the time of the example I was using I was the southern district secretary so that was my area of responsibility, being the south-east Queensland lead.

25 **MR WHEELAHAN:** So from 2023, your description that the low-level behaviours progressed to more concerning behaviours?

MS SCHINNERL: Very much so.

30 **MR WHEELAHAN:** And if - pull up paragraph 37 to see your view and your description of what a more concerning behaviour is, and if you could just deal with each one and tell the Commissioner about those behaviours, and before you do so you're referring to behaviours by CFMEU - if I use the broader term like Mr Watson - officials. Is that -

MS SCHINNERL: Officials, delegates, perhaps members as well. It's very hard to identify someone's rank.

40 **MR WHEELAHAN:** Yes.

MS SCHINNERL: You can identify someone's shirt and someone's hard hat but not knowing their status in the organisation, it's very challenging to brand them as officials because that means something in union land.

45 **MR WHEELAHAN:** Unless you knew them personally as an official?

MS SCHINNERL: That's right. Correct. And I should say that when I talk about these examples, this is an attempt to succinctly summarise the types of things that we were experiencing as officials or members of our union. The examples really are so voluminous that I can't go through all of them.

5

MR WHEELAHAN: Voluminous?

MS SCHINNERL: Yes.

10 **MR WHEELAHAN:** So these would be -

MS SCHINNERL: A general reflection.

MR WHEELAHAN: A reflection.

15

MS SCHINNERL: Yes, and I think Mr Watson in his report identifies that there were many many more examples that he didn't report on.

20 **MR WHEELAHAN:** Yes, too many, I think he said, for him to report on. And your summary, I just make it clear for the Commission, although you've dot pointed it into categories -

MS SCHINNERL: Yes.

25 **MR WHEELAHAN:** - there are voluminous matters.

MS SCHINNERL: Correct.

MR WHEELAHAN: Let's deal with them. What was the first one?

30

MS SCHINNERL: There were several instances where my officials - by officials, I mean organisers - had been followed from site. So they would have been on site to attend under their right of entry to hold discussions with workers, and upon their exit, they were followed through the streets of the city, and harassed.

35

MR WHEELAHAN: I will just stop you there. So the basis of your knowledge is that those officials have then reported that to you?

40 **MS SCHINNERL:** Yes, they would return to the office and that was reported back to me.

MR WHEELAHAN: And they're being followed?

MS SCHINNERL: Yes.

45

MR WHEELAHAN: And do I take it, or I'm asking you, when you say harass, is this - again, are you adopting a definition earlier of low-level harassment being verbally abusive, threatening?

5 **MS SCHINNERL:** Yes.

MR WHEELAHAN: Snide remarks?

10 **MS SCHINNERL:** Yes, and they were also filmed on occasion as well. The CFMEU members or delegates or officials were quite often seen filming my organisers as they were undertaking these activities.

15 **MR WHEELAHAN:** Okay. The second matter that you address here, in a global sense.

MS SCHINNERL: Yes. I've had it reported back to me that members have reported being threatened with their jobs if they didn't resign from the AWU and join the CFMEU. Quite often they were given - when this was reported to me, they had been given an arbitrary time frame to resign from the AWU and join the CFMEU. I particularly recall an example of this from a Cross River Rail gather site.

MR WHEELAHAN: So just to be clear, this is AWU members who are employed by a contractor.

25 **MS SCHINNERL:** CPB in this instance.

MR WHEELAHAN: And CFMEU personnel, for want of a better word, have said, "If you don't join our union, you're going to lose your job."

30 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And that's reported back to you?

35 **MS SCHINNERL:** Yes, via their organiser.

MR WHEELAHAN: Does that suggest, does it not, the only inference from that is that the organiser had the power to ensure that your members could lose their employment if they didn't join the CFMEU?

40 **MS SCHINNERL:** I believe that was the intention of the threat.

MR WHEELAHAN: Okay. So you viewed that as a threat and so did those that reported it to you?

45 **MS SCHINNERL:** Absolutely.

MR WHEELAHAN: Next -

COMMISSIONER: How can anyone tell whether you had, in fact, resigned from the AWU even if you joined the CFMEU?

5 **MS SCHINNERL:** I couldn't tell you that, Commissioner. I don't know. And it's not uncommon in this industry to have dual ticketed members in any event.

COMMISSIONER: By dual ticketed, you mean people who are members of more than one union?

10

MS SCHINNERL: Yes.

MR WHEELAHAN: Thirdly, you deal with matters being reported back to you, about being followed back to vehicles?

15

MS SCHINNERL: Yes. I particularly draw my recollection in relation to (c) and (d). This is definitely in relation to 2024 activities, particularly around the time where the CFMEU was engaging in industrial action on Cross River Rail. We had a number of members report to us that they had been followed to their vehicles or people were waiting for them at their vehicles upon the completion of their shift. Additionally some of our members reported receiving threatening phone calls and text messages. Our organisers attempted to talk to our members and encourage them to come forward with their concerns and make official complaints. However, they were too scared to do so.

20

25

MR WHEELAHAN: All right. Two things that arise from that. You used the word "people" waiting for them at the vehicles.

MS SCHINNERL: Yes.

30

MR WHEELAHAN: Are you identifying the people as before as CFMEU insignia on their hats or -

MS SCHINNERL: That's my understanding. However, I didn't see the direct report.

35

MR WHEELAHAN: All right. And the threatening phone calls and text messages, any more information about that or -

MS SCHINNERL: No, but I suspect it may have come about as a result of some court proceedings around that time, where employee contact details were inadvertently released by the courts to the CFMEU. So that may explain how they obtained the details of our members.

40

MR WHEELAHAN: Yes. So in those proceedings, unlike here, the appropriate redactions weren't made to phone numbers?

45

MS SCHINNERL: Correct.

MR WHEELAHAN: Now, with members receiving the threatening phone calls and text messages, do you know any of the substance that you can recollect you were told?

5

MS SCHINNERL: Not at this time, no.

MR WHEELAHAN: All right.

10 **COMMISSIONER:** How does the CFMEU organise industrial action on the Cross River Rail Project when you had already entered into greenfields agreements for the whole site which would prevent any industrial action?

15 **MS SCHINNERL:** This was in 2024, Commissioner, so the greenfield agreements had reached their conclusion and that was being renegotiated.

COMMISSIONER: I see. How long had they run for, the greenfields agreement?

20 **MS SCHINNERL:** So it was past expiry. So they were due to conclude in '23, I believe, so the expiration had passed.

COMMISSIONER: Mr O'Brien acts for the Cross River Rail Delivery Authority. Do you know what the relationship between that entity and the entity you describe as CPB contractors is or was?

25

MS SCHINNERL: Well, the Cross River Rail Authority was the oversight entity of the project proper, and CPB was the principal contractor engaged to perform the work.

30 **COMMISSIONER:** I see. So the government set up a, what do you call it? Public service entity that was charged with the responsibility of building the project and it contracted to what you might call a builder to do it?

35 **MS SCHINNERL:** I suspect that's the case. I don't have direct knowledge of how it was put together.

COMMISSIONER: I'm sure it will get corrected later.

40 **MR WHEELAHAN:** Now, as a consequence of what we dealt with at a higher level, and you will give more detailed evidence later about specific incidents, you say that AW officials have asked that their visits no longer be broadcast at toolbox meetings?

45 **MS SCHINNERL:** This is also dependent on a particular worksite and the level of volatility at the time. This is not necessarily currently the practice, but at the time when things were, I guess, at their most heightened and particularly as a result of events at the Brisbane Metro and I understand that there was video evidence of that

in the first week of proceedings we certainly changed the manner in which we communicated to our members that we would be on site.

5 **MR WHEELAHAN:** Now, again, using very gentle words, "low-level harassment" means something else. "Volatility at a site", can you give direct evidence of what that actually means?

10 **MS SCHINNERL:** So, you know, we saw the video in the first week. Our organisers were being very severely verbally assaulted and challenged. You know, in an effort to protect the health and safety of my organisers from those sorts of verbal attacks, and I guess from having waiting mobs, you know, upon their arrival, we certainly had to get a bit creative about how we visited sites because we had an obligation - I have an obligation at law to keep my workers safe at work. That is their
15 workplace and they have a right, just like every worker to a safe workplace, and communicating in advance at toolbox meetings, which was the prior standard practice, communicating in advance was, essentially, sending a flare-up to those who sought to cause damage and inflict violent acts on the AWU representatives.

20 **MR WHEELAHAN:** And who was that?

MS SCHINNERL: CFMEU.

MR WHEELAHAN: CFMEU, all right. So when you talk about volatility -

25 **MS SCHINNERL:** Yes.

MR WHEELAHAN: - and changing your practices and not broadcasting that you're actually going on site, essentially you're referring to videos that we've seen through Mr Watson of cars being surrounded, people being followed. You've referred to -
30

MS SCHINNERL: Those are good examples, and they're the ones that are evidenced, yes.

35 **MR WHEELAHAN:** Okay. And you say that's just some of it because you can't -

MS SCHINNERL: You cannot capture it all.

40 **COMMISSIONER:** What do you mean by you can't capture it all? There could be some records taken by reports of organisers as they report to you each day. Are those records not available or kept?

45 **MS SCHINNERL:** No, I - so of the records that we have in accordance with the notice to produce the documents, I have provided a spreadsheet of some of those instances. But the frequency of those experiences were so recurring and so often, after a while our organisers took it as par for the course and did not report every incident that occurred.

MR WHEELAHAN: I'm going to change topic to specifically what's called -

5 **COMMISSIONER:** Just before you do, one of those videos that we saw last week there was someone apparently from the CFMEU abusing someone from the AWU along the lines of, "You worked on Anzac Day" what does that mean? Does that mean you worked, you should have been on site or does it mean you didn't take one of the traditional CFMEU pattern agreements RDOs, or you just don't nose?

10 **MS SCHINNERL:** I know a bit about this one, Commissioner. This is a story that was peddled out of the CFMEU that AWU members were on Anzac Day. The truth of the matter is that was not an AWU contractor. They were not AWU members. It was a tensioning company, obviously involved in formwork. In fact, my understanding is it was a CFMEU company, but the twist on the story turned it into
15 ANZACs disrespect by performing work when it had nothing to do with the AWU or our members. But might I add, Commissioner, it is not uncommon for AWU members generally to perform work on Anzac Day in a multitude of industries as we represent thousands of frontline workers in hospitals, in councils, and in youth detention centres. It's very commonplace but in this instance this was not us.
20

COMMISSIONER: Presumably your members are compensated for that disability by -

25 **MS SCHINNERL:** Of course.

COMMISSIONER: Very large penalty rates?

30 **MS SCHINNERL:** Absolutely. And my understanding that tensioning work had to be completed that day, but again, not my contractor, not my members.

MR WHEELAHAN: Now, the Cross River Rail safety reset.

MS SCHINNERL: Yes.

35 **MR WHEELAHAN:** There was a serious safety incident on 25 July 2023?

MS SCHINNERL: Yes.

40 **MR WHEELAHAN:** And involved scaffolding.

MS SCHINNERL: Yes, a worker fell from height.

45 **MR WHEELAHAN:** All right. And CPB and its contractors were going to have a safety reset conducted; correct?

MS SCHINNERL: Yes, that's correct.

MR WHEELAHAN: And your union was to be involved in that safety reset?

MS SCHINNERL: Yes, that's right, as well as others.

5 **MR WHEELAHAN:** As well as others. And your union had the majority coverage at that project?

MS SCHINNERL: At that time, yes.

10 **MR WHEELAHAN:** And there was an expectation therefore that you would take part in the safety reset?

MS SCHINNERL: Absolutely.

15 **MR WHEELAHAN:** And to that end what arrangements did you make?

MS SCHINNERL: In advance of the safety reset and keep in mind the accident occurred early in the week. The safety reset was due to commence the following week, so the site was shut down for a number of days. I made arrangements with
20 some organisers and officials from other States, New South Wales and Victoria, with construction experience to come up to Queensland to assist in that safety reset, given the sheer volume of sites to attend for the purpose of that reset. I needed experienced organisers in large numbers to participate so we had as many people on the ground as possible.

25 **MR WHEELAHAN:** So initially what did you expect to happen with the safety committee?

MS SCHINNERL: I had assumed that the existing safety committees would largely
30 drive the reset activity.

MR WHEELAHAN: But that didn't happen, did it?

MS SCHINNERL: No, I believe there was a deviation from that, and ad hoc
35 committees were created at the commencement of the reset that were not necessarily reflective of the existing committee.

MR WHEELAHAN: So the structured existing committees, it's fair to say that that
40 was abandoned?

MS SCHINNERL: Abandoned, spilled, yes.

MR WHEELAHAN: Were you privy as to the reasons why that was so?

45 **MS SCHINNERL:** I was not, no.

MR WHEELAHAN: Is that something that perhaps, given your coverage and involvement on the site, you would have expected to have been involved in a decision to abandon that structure?

5 **MS SCHINNERL:** Each site had their own committee established. So there was not I guess a centralised decision-making body to do that. Each site made its own decision and established its own structures.

10 **MR WHEELAHAN:** The Cross River Rail Roma site -

MS SCHINNERL: Yes.

MR WHEELAHAN: - a motion was passed about which was reported to you.

15 **MS SCHINNERL:** Yes.

MR WHEELAHAN: Do you recollect that?

20 **MS SCHINNERL:** I do recollect that.

MR WHEELAHAN: And what was that?

25 **MS SCHINNERL:** A motion was passed to exclude the Australian Workers Union and that reset for the health and safety committee - for the purpose of reset activities.

MR WHEELAHAN: Passed by whom?

MS SCHINNERL: The workers on site.

30 **MR WHEELAHAN:** And who arranged for that?

MS SCHINNERL: I believe it was the delegates for the CFMEU and officials.

35 **MR WHEELAHAN:** And then after that, you're also told by an AWU delegate, Jase Emmerton.

MS SCHINNERL: Yes.

40 **MR WHEELAHAN:** E-m-m-e-r-t-o-n. What did he tell you?

MS SCHINNERL: So Mr Emmerton advised me prior to the commencement of the reset. I had arrived early on that Monday morning to participate in the reset myself and Mr Emmerton advised me that in his view it was not safe for me to take the reset.

45 **MR WHEELAHAN:** What union does Mr Emmerton work for now?

MS SCHINNERL: My understanding he was a member of the CFMEU now. Perhaps he was a dual ticket holder all the way along, I couldn't tell you for certainty.

5 **MR WHEELAHAN:** And how did you take that when you were told that? How did - did you consider that to be serious or not?

10 **MS SCHINNERL:** Very serious. Later in my evidence I will recount why that's serious, keep in mind the safety reset didn't commence until the second week. So the week following this incident.

MR WHEELAHAN: I see. So as part of this reset there was then - I might have it brought on the screen, paragraph 45 so that we don't miss any of the names. You attended a meeting which you thought was to be about the upcoming safety reset?

15 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And this meeting was at about 2 pm?

20 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And can you identify and go through the attendees that you recollect being at this meeting?

25 **MS SCHINNERL:** So Mark Raguse the assistant secretary and I attended this meeting at CPB headquarters in Fortitude Valley, I recall Jason Spears was there, the managing director of CPB, Mr Don Johnson.

MR WHEELAHAN: Can you just slow down -

30 **MS SCHINNERL:** Sorry.

MR WHEELAHAN: Because it's quite important. These are part of the senior leadership of CPB contractors.

35 **MS SCHINNERL:** Yes, so Jason Spears, managing director of CPB, Mr Don Johnson.

MR WHEELAHAN: Yes. His position?

40 **MS SCHINNERL:** Chief Operating Officer, Executive General Manager, New South Wales and ACT, major projects and tunnelling.

MR WHEELAHAN: Yes.

45 **MS SCHINNERL:** Graeme Silvester, general manager, safety, health, environment, quality sustainability and rail safety.

MR WHEELAHAN: Yes.

MS SCHINNERL: Aaron Thompson, I don't recall Mr Thompson's job title at the time, and the project manager, Mr Andrew Large.

5

MR WHEELAHAN: Yes, and members of various unions were present as well.

MS SCHINNERL: Correct, Mr Ravbar and Mr Ingham were both in attendance for the CFMEU. Mr Peter Ong and Mr Chris Lynch from the ETU, Mr Ong was the secretary, Mr Lynch is the assistant secretary, still is. Robbie Gould from the Plumbers Union, he is an organiser and Mr Daniel Lacey from the Metalworkers Union, he is also an organiser.

10

MR WHEELAHAN: Now, I will just stop you there, because something important happened prior to this meeting, a day or two before which involved a public rally.

15

MS SCHINNERL: Yes, that's correct.

MR WHEELAHAN: Do you recollect that?

20

MS SCHINNERL: I do.

MR WHEELAHAN: And at that public rally there was a set of resolutions developed; is that correct?

25

MS SCHINNERL: That's my understanding based on the media reporting.

MR WHEELAHAN: And based on the media reporting, who was at the forefront? Which union was at the forefront of developing those resolutions?

30

MS SCHINNERL: The CFMEU.

MR WHEELAHAN: All right. And those resolutions, you have then listed and I will put them to you, amongst their demand was, (1), for walking, non-working, HSR and delegates onsite.

35

MS SCHINNERL: Yes.

MR WHEELAHAN: Now, I will say that a bit slower because it sounded like I misread it, but I didn't. You can explain what a walking non-working delegate is?

40

MS SCHINNERL: A walking non-working HSR and delegate essentially says or means that their entire duties is that of an HSR and a delegate, a union delegate. So they would not perform the normal duties for which they are engaged.

45

MR WHEELAHAN: So they are not on the tools?

MS SCHINNERL: They are not on the tools.

MR WHEELAHAN: Correct. The second demand was to remove all turnstiles at the points of entry to the sites.

5

MS SCHINNERL: Yes.

MR WHEELAHAN: The third demand was removing the ID verification system.

10 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And is it the case that at the Cross River Rail Project up until that time there was an ID verification system for entry?

15 **MS SCHINNERL:** Yes. I've used it myself.

MR WHEELAHAN: And you had no trouble using it?

20 **MS SCHINNERL:** No, I didn't.

MR WHEELAHAN: And again you've given evidence about the important safety reasons for knowing who's on site.

25 **MS SCHINNERL:** Yes, this particular item was spoken to very passionately by Mr Lynch from the ETU. His concerns were levelled on the basis of privacy.

MR WHEELAHAN: Right. The next demand was that particular CFMEU linked persons be employed at the site, list to be provided, you've said.

30 **MS SCHINNERL:** Yes.

MR WHEELAHAN: So can you explain that.

35 **MS SCHINNERL:** This links really to point (a) which is around the walking HSRs and delegate. So my understanding is that a list of names was going to be provided to CPB and they were to employ those people to undertake the role of walking HSRs and delegates.

40 **MR WHEELAHAN:** And what you've stated here is it was to be particular CFMEU named linked persons?

MS SCHINNERL: That's my understanding of the conversation in that meeting, yes.

45 **MR WHEELAHAN:** And finally, open right of entry for permitted and unpermitted union organisers.

MS SCHINNERL: Yes.

MR WHEELAHAN: So is that a free for all?

5 **MS SCHINNERL:** That's a free for all.

MR WHEELAHAN: Free ticket, you're talking about buying a ticket, you don't need to buy any ticket. You just have to be a union organiser. All right. Now, at the - reading those demands, did you form an assessment of whether they related to resolving the safety issues around this scaffolding incident?

10

MS SCHINNERL: I was certainly confused as how that directly related to the incident that had occurred earlier that week, yes.

15 **MR WHEELAHAN:** And have you given it any consideration on how any of those demands could possibly be related to the safety reset arising from a serious incident involving scaffolding?

MS SCHINNERL: No, it just - it seems like an unusual set of items to discuss in a context of a very serious workplace injury that had occurred earlier that week.

20

MR WHEELAHAN: All right. So those - returning to the meeting with those persons that we've specifically named, including senior management and leadership of CPB, were those demands discussed?

25

MS SCHINNERL: Yes, they were.

MR WHEELAHAN: Were they acceded to or not by the CPB contractor?

30 **MS SCHINNERL:** My recollection is that they were all agreed to with only the turnstile demand being outstanding.

MR WHEELAHAN: All right. Well, if that's the case, were you privy to, at that meeting at least, what the relevant list of roving CFMEU delegates were to be engaged or not?

35

MS SCHINNERL: No, I wasn't.

MR WHEELAHAN: Okay.

40

COMMISSIONER: Were you told how many?

MS SCHINNERL: No, I don't recall that, Commissioner.

45 **COMMISSIONER:** Were there, prior to this time, any such non-working, ie, walking, health and safety representatives and delegates associated with the CFMEU employed by CPB or any of the subcontractors on the project?

5 **MS SCHINNERL:** I couldn't tell you with certainty, Commissioner, but I wouldn't be surprised if some of the subcontractors had non-working delegates. I have awareness of one in particular who was a particular pest who - one of the people that has interrupted meetings that the AWU had before, Mr Atutolu - I apologise if I misspelled that - I believe at the time that he was - he had been an employer of Heinrich Construction. So poor was his behaviour onsite that he had actually been moved on, was my understanding. My further understanding is that he did make a return after the reset as an employee of CPB.

10 **COMMISSIONER:** Of who, sorry?

15 **MS SCHINNERL:** CPB, the principal contractor directly. So he may very well be one of the names on the list but as I said, I don't know what the list looks like.

COMMISSIONER: Is he the person that Mr Watson referred to a couple of times and I think recommended should be removed as a delegate?

20 **MS SCHINNERL:** Yes, I believe he is referenced in the Watson report, Commissioner.

25 **COMMISSIONER:** Was any explanation given to you at that meeting as to why, apart from point (c) which is a privacy concern raised by Mr Ong, why the appointment of walking, ie, non-working, health and safety representatives and delegates associated with the CFMEU or removal of all turnstiles at the points of entry to the sites or the particular CFMEU persons being brought to site and that right of entry be open, that is, the persons who did not satisfy the fit and proper person test would be allowed - right of entry would ameliorate any safety concerns?

30 **MS SCHINNERL:** No, there was not a lot of discussion about the justification for each of these items. You know, it was just here are the items that we want. I do believe when we were -

35 **COMMISSIONER:** Who's "we" there?

40 **MS SCHINNERL:** Sorry, when the participants in the meeting were discussing the turnstiles element, obviously there was some reference to the fact that by and large the turnstiles were inaccessible at that time in any event because access to the turnstiles had already been breached and my understanding is the CFMEU had replaced or applied chains and locks, their own chains and locks to the turnstiles in any event.

45 **COMMISSIONER:** Are we talking about work here that's underground? That is on the tunnel?

MS SCHINNERL: No, surface.

COMMISSIONER: This is surface work.

MS SCHINNERL: Yes.

5 **COMMISSIONER:** Civil construction?

MS SCHINNERL: Yes.

10 **MR WHEELAHAN:** And did you say that the turn styles have been chained up by - it was known that they were chained up by the CFMEU officials?

MS SCHINNERL: Yes, I did. It was a particularly volatile couple of days post the incident. There are a number of run-ins that my officials had during the course of the days between the incident itself and this meeting that occurred later in the week?

15 **MR WHEELAHAN:** And the Commissioner should accept again, when you use the word "volatile", the various matters that you described before?

MS SCHINNERL: Correct.

20 **MR WHEELAHAN:** All right. I will proceed, Commissioner, or do you have further inquiry?

COMMISSIONER: Yes.

25 **MR WHEELAHAN:** Still on that meeting, you then had a discussion with Mr Don Johnson, just to remind again, he's the chief operating officer and executive general manager, New South Wales, ACT, major projects and tunnelling. So quite high in the leadership of CPB; correct?

30 **MS SCHINNERL:** Yes.

MR WHEELAHAN: Do you recollect your exchange with him in that meeting?

35 **MS SCHINNERL:** I do.

MR WHEELAHAN: Can you tell the Commissioner, to the best of your memory, that exchange.

40 **MS SCHINNERL:** Certainly, and -

MR WHEELAHAN: And the background.

45 **MS SCHINNERL:** Yes. The background to my exchange with Mr Johnson was very much in light of multiple events that either I was involved in or had been reported to me in the preceding days of officials having difficulty accessing the site to talk to our members, or our members having issues on site.

MR WHEELAHAN: Is that the volatile issue?

5 **MS SCHINNERL:** The volatile issues, being physically prevented from access - accessing site and the like. So given that this safety reset was due to commence the following Monday, I asked Mr Johnson what he was going to do to ensure the safe passage of AWU officials, delegates and members to participate in the safety reset.

10 **MR WHEELAHAN:** So safe passage to site?

MS SCHINNERL: Safe passage to the site.

15 **MR WHEELAHAN:** Sounds like a request out of a Mad Max 2 movie or something.

MS SCHINNERL: Perhaps.

20 **MR WHEELAHAN:** Okay. So what did Mr Johnson think of that request?

MS SCHINNERL: Mr Johnson replied to me, quite outrageously, "What happens outside the gate is not my problem, I'm not getting involved", so which I replied to Mr Johnson, "Well, it is your problem, you're the PCBU".

25 **MR WHEELAHAN:** And you will explain that for the people listening.

30 **MS SCHINNERL:** PCBU is from the Work Health and Safety Act. It references the person conducting a business or undertaking and that is the person who has the primary duty to ensure the health and safety of workers and site generally.

MR WHEELAHAN: So directly told him that it wasn't his duty. Sorry, he couldn't just brush it off. It was his duty.

35 **MS SCHINNERL:** Absolutely. And his response to me was, "No, I'm not getting involved with this".

COMMISSIONER: Did you report this to the work Health and Safety Regulator?

40 **MS SCHINNERL:** I didn't, Commissioner, no.

MR WHEELAHAN: But in your statement, after he gave that response, because this is in a meeting, you specifically refer to a reaction when you looked at both Mr Ravbar and Mr Ingham after Mr Johnson said that?

45 **MS SCHINNERL:** Yes. They were smirking.

MR WHEELAHAN: Sorry.

MS SCHINNERL: They both smirked at me.

MR WHEELAHAN: Smirking, I thought you said smoking. Smirking.

5

MS SCHINNERL: Sorry.

MR WHEELAHAN: Now, put that exchange in context again around this time, I want to talk about the northern tunnel portal.

10

MS SCHINNERL: Sure.

COMMISSIONER: Just before you go to that, do I take it that this meeting - Mr Johnson is the second-most senior person from CPB at this meeting that Mr Jason Spears, the managing director, was the most senior and is the chief operating officer and executive general manager of major projects and tunnelling. He was the second-most senior officer of CPB present at the meeting?

15

MS SCHINNERL: Commissioner, I'm not sure of the exact hierarchy of that organisation, how it works and where people fit.

20

COMMISSIONER: In any event, Mr Spears didn't do anything to countermand anything that Mr Johnson said in that meeting?

25

MS SCHINNERL: No, he did not.

COMMISSIONER: And what was - do you remember what Mr Spears as the director did or said?

30

MS SCHINNERL: I don't think he believed - I don't believe he said anything.

COMMISSIONER: But the resolution of this meeting was that neither Mr Spears nor Mr Johnson did anything to ensure safe passage for the AWU officials to participate in the reset?

35

MS SCHINNERL: There was nothing proactive put in place to ensure that. Guess we just had to turn up Monday and hope for the best.

COMMISSIONER: And I take it that all those AWU officials had right of entry penalties under the federal Act?

40

MS SCHINNERL: Yes, to the exception of one who was a relatively new employee and his permit hadn't been granted yet.

45

COMMISSIONER: Leaving that person aside, they did nothing to ensure people who had permits and were fit and proper persons could participate in the reset. I'm not saying they were, but they had been judged to be fit and proper persons or at least

they hadn't had their permits revoked, yet they put in place a system whereby persons who didn't have permits, either because they hadn't applied for one or because it had been found that they weren't fit and proper persons had open right of entry access?

5 **MS SCHINNERL:** Commissioner, my belief is in relation to the demands, that was more about ongoing site operations, and not necessarily restricted to the activities of the safety reset itself. So this was designed to I guess contemplate how the site would work from that day forward. So even beyond the safety reset.

10 **MR WHEELAHAN:** You do say in your statement which we addressed earlier, the meeting that we're now talking about on 28 July, you thought it was going to be about the upcoming safety reset?

MS SCHINNERL: And there was some broad discussion about the safety reset, yes.

15

MR WHEELAHAN: But then these other topics have come up.

MS SCHINNERL: Yes.

20 **MR WHEELAHAN:** Such as the demand that was just walked about.

MS SCHINNERL: Yes.

25 **MR WHEELAHAN:** And then your request or maybe demand that you have some guarantee of safe passage to the worksite, and all the senior personnel and CPB contractors offered you nothing?

MS SCHINNERL: I simply asked for them to comply with their obligations at law.

30 **MR WHEELAHAN:** All right. And then again in context, so the day before this meeting, the day before, I'm going to take you through another issue.

MS SCHINNERL: Sure.

35 **MR WHEELAHAN:** So the northern tunnel portal -

40 **COMMISSIONER:** I just want your evidence on this, sorry, Mr Wheelahan, I think it's clear but I just want to - I don't want to be unfair to Mr Spears or Mr Johnson, there's another person at that meeting, Mr Graeme Silvester, who was the general manager, safety health, environment, quality, sustainability and rail safety who seems to have some responsibility for safety. Did he say anything to Mr Johnson after Mr Johnson said, "What happens outside the gate is not my problem"?

45 **MS SCHINNERL:** No, he did not.

COMMISSIONER: And Andrew Large was the project manager, did he say anything?

MS SCHINNERL: Not that I can recall, Commissioner.

COMMISSIONER: And you don't know Mr Aaron Thompson's role?

5

MS SCHINNERL: I don't recall at the time, no -

COMMISSIONER: Did he say anything?

10 **MS SCHINNERL:** Yes.

COMMISSIONER: Thank you.

MR WHEELAHAN: Thank you.

15

So to refresh your memory, the day before this meeting -

MS SCHINNERL: Yes.

20 **MR WHEELAHAN:** Explain for those watching, the northern tunnel portal, what's that?

MS SCHINNERL: That was a particular site of the Cross River Rail. It was located near Centenary Pool which is kind of a Spring Hill in Brisbane and that was the northernmost entry point where works were being conducted.

25

MR WHEELAHAN: And again, so we're dealing still with CPB contractors?

MS SCHINNERL: Yes, that's right. There would have been some subcontractors on site.

30

MR WHEELAHAN: Of course. Relevant to the meeting that you just attended that the Commissioner has asked you some questions about.

35 **MS SCHINNERL:** Yes.

MR WHEELAHAN: Now, had you arranged to meet some AWU members at the northern portal at about 4.30, 5 am. Is that right?

40 **MS SCHINNERL:** Yes, that's correct.

MR WHEELAHAN: And whilst en route to that early morning meeting you received a telephone call from AWU organiser James Downey. Do you recollect that?

45

MS SCHINNERL: I do recall that, yes.

MR WHEELAHAN: And are you able to say what he told you words to the effect on that call and go through your exchange with him?

5 **MS SCHINNERL:** He reported to plea that fellow organiser Jamie McQueen had arrived at site before the rest of us, and his car was currently surrounded by CFMEU members. He also reported that Mr McQueen had been shown a weapon. His tyres had been let down and he had been told not to exit the vehicle. I believe that Mr Downey had received a phone call from Mr McQueen to that effect.

10 **MR WHEELAHAN:** I just go through that. There's several things. So who's driving the vehicle? Mr -

MS SCHINNERL: We went in multiple vehicles that time.

15 **MR WHEELAHAN:** No, sorry, the phone call is from James Downey.

MS SCHINNERL: Yes, correct.

20 **MR WHEELAHAN:** And he says fellow organiser Jamie McQueen's car is surrounded by CFMEU members?

MS SCHINNERL: Yes.

25 **MR WHEELAHAN:** And that they've been shown a weapon, he's been shown a weapon?

MS SCHINNERL: Yes.

30 **MR WHEELAHAN:** And his tyres let down.

MS SCHINNERL: Yes.

MR WHEELAHAN: And told not to exit the vehicle.

35 **MS SCHINNERL:** Yes.

MR WHEELAHAN: It was more of the volatility that was occurring.

40 **MS SCHINNERL:** Extreme volatility, perhaps.

MR WHEELAHAN: All right. No longer low level harassment.

MS SCHINNERL: No longer low level harassment.

45 **MR WHEELAHAN:** More pronounced.

MS SCHINNERL: Very much so.

COMMISSIONER: Well, having heard all that, did you still continue to the site.

MS SCHINNERL: Absolutely I did.

5

MR WHEELAHAN: Why?

MS SCHINNERL: Because I'm human and I have a responsibility to make sure that my staff are safe.

10

MR WHEELAHAN: And were you alone driving to the site?

MS SCHINNERL: I was not, I had a colleague in the car with me.

15

MR WHEELAHAN: Who was that?

MS SCHINNERL: Joseph Kaiser.

MR WHEELAHAN: And you presumably arrived at site?

20

MS SCHINNERL: Yes, we did.

MR WHEELAHAN: And what did you observe?

25

MS SCHINNERL: Well, we parked at the top on the road to get to the northern foreshore and where Mr McQueen was, you had to descend some grass, and a driveway of sorts. We - when we got out of the vehicle Mr McQueen was already out of his vehicle and he was clearly no longer surrounded by workers or CFMEU members, but we could see them some distance away in a group.

30

MR WHEELAHAN: And who did you see in that group?

MS SCHINNERL: The person I recognised was Mr Ingham.

35

MR WHEELAHAN: Did you proceed with the site meeting after this incident?

MS SCHINNERL: No, we didn't. It was clearly unsafe to do so.

MR WHEELAHAN: Did you then go and speak to Mr McQueen?

40

MS SCHINNERL: Yes, I did.

MR WHEELAHAN: Do you recollect that exchange?

45

MS SCHINNERL: I do. I asked if he was okay. He said he was okay and once we ascertained that he was safe, we made the collective decision to leave the site.

MR WHEELAHAN: And to leave the site, I'm asking this, his car had had a flat tyre. Was that by a knife or -

MS SCHINNERL: I couldn't tell you. I don't know.

5

MR WHEELAHAN: Can't tell? And so whose vehicle did you all leave in?

MS SCHINNERL: We all had our own vehicles. There would have been at least five or six vehicles in total.

10

MR WHEELAHAN: How did you get to those vehicles?

MS SCHINNERL: We went on foot. So we retraced our steps, our way into the portal was the way that we exited the portal.

15

MR WHEELAHAN: Yes.

MS SCHINNERL: I do recall that a couple of members from the group that we had seen, the CFMEU members, did follow us to our vehicles, not closely but they were on foot behind us. We all got in our vehicles and we drove away.

20

MR WHEELAHAN: All right. When you say on foot behind you, CFMEU members, your words is that you were followed.

25

MS SCHINNERL: Yes.

MR WHEELAHAN: So your perception is that they were following you?

MS SCHINNERL: Yes.

30

MR WHEELAHAN: And that's based on what?

MS SCHINNERL: They were behind us. They followed - they were close enough that it was very obvious to me that they were following us when we were in our vehicles, they were right near us within metres.

35

MR WHEELAHAN: All right. The following day -

COMMISSIONER: Before you go to that, Mr Wheelahan.

40

MR WHEELAHAN: Sorry.

COMMISSIONER: So I just understand what you mean by site visit. This northern portal is some entrance to some tunnel that is part of the overall Cross River Rail Project?

45

MS SCHINNERL: Yes.

COMMISSIONER: And the portal is a site that's controlled by CPB?

5 **MS SCHINNERL:** Yes, that's correct, and I do believe perhaps UGL had some involvement at that particular site as well.

COMMISSIONER: And this site is above ground?

10 **MS SCHINNERL:** Above ground at that stage, yes. It was - I'm just trying to think of the progress of the job at the time. I actually hadn't been to the portal before. That was the first time I had been there, so - and I haven't been there since, so I'm no expert on what that particular site looked like.

15 **COMMISSIONER:** In terms of the area that you visited on that day, did you have to go through some sort of gate?

MS SCHINNERL: No.

20 **COMMISSIONER:** On the site?

MS SCHINNERL: This is in a car park area, Commissioner.

COMMISSIONER: So next to the -

25 **MS SCHINNERL:** It's well before the gate to the project.

COMMISSIONER: And that's where Mr Downey was?

30 **MS SCHINNERL:** Mr Downey and Mr McQueen, yes.

COMMISSIONER: At a car park next to the site?

35 **MS SCHINNERL:** Mr McQueen's vehicle was in the car park. The rest of our vehicles were on the main street up the top.

COMMISSIONER: And how far was the car park from the fence that formed the boundary to the site controlled by CPB or by UGL?

40 **MS SCHINNERL:** I couldn't tell you, Commissioner, I'm sorry. I don't know.

COMMISSIONER: Roughly?

45 **MS SCHINNERL:** I couldn't see the gate from where we were. I didn't look for it if I'm honest.

MR WHEELAHAN: The car was parked there though for the purposes of exiting and entering the site?

MS SCHINNERL: Yes.

5 **MR WHEELAHAN:** And your evidence before that it was instructed, don't exit the vehicle?

MS SCHINNERL: Yes.

10 **MR WHEELAHAN:** Which the only inference to draw, is it not, you're not coming into the site?

MS SCHINNERL: I believe that was the inference.

15 **MR WHEELAHAN:** His tyres let down, he's shown a weapon, and you get a call to come and - come and help?

MS SCHINNERL: Pretty outrageous.

20 **COMMISSIONER:** It's just that the next day you gave some evidence that on 28 July at this meeting Mr Johnson said what happens outside the gate is not my problem." Is there any link in your view between the incident that occurred the previous day outside the gate and what Mr Johnson was talking about? You just don't know?

25 **MS SCHINNERL:** It was one of the - so when I was talking about the context around what motivated me to ask that question, obviously this is one of the incidences that I recollected. There perhaps could have been a view in Mr Johnson's mind that his responsibility only starts at the physical gate to the project. Whether that is the case or not, I don't know. I would probably argue that, you know, as the
30 PCBU, again, the technicality of where the gate is, I guess, is up for debate. I would say that's on a piece of land that's part of the project so I would say he has an obligation, but I doubt very much that he was dealing specifically in relation to that incident. He was probably generally a comment about gates because that's what we talk about in construction.

35

COMMISSIONER: You say "recollected". What do you mean by that?

MS SCHINNERL: When I recollected?

40 **COMMISSIONER:** Yes, what do you mean by that?

MS SCHINNERL: When we had that meeting, this was one of the examples of the problems we had had on site, so when I was - to justify asking the question to Mr Johnson, this had only happened 24 hours prior, so when I was recalling the
45 incidents, this was one of them.

COMMISSIONER: When you say you're recalling, you're explaining to the group?

MS SCHINNERL: I didn't go into minute detail on this particular incident. It was just what formulated my view to ask the question. I didn't go through the incidences when I made that request to Mr Johnson.

5

COMMISSIONER: When you say recalling, you mean recalling in your own mind?

MS SCHINNERL: Yes, in my own mind, sorry, Commissioner.

10 **COMMISSIONER:** And you said that the car park was part of the property, did you say that?

MS SCHINNERL: I believe that that would have been part of the land that is part of the project, yes.

15

COMMISSIONER: It wasn't an obvious public car park that it was designated for other (crosstalk).

20 **MS SCHINNERL:** I don't believe - no, absolutely not. It was certainly part of I guess the resumed land that formed part of the project.

COMMISSIONER: And are you aware of any way in which representatives of CPB would become aware of an incident like that, assuming that land was part of the project, the car park?

25

MS SCHINNERL: My understanding is my organisers engaged in a conversation after the events of that morning with site IR to report what had happened that morning.

30 **MR WHEELAHAN:** And following that, I will take you to the next day. Who is Mr Emmerton?

MS SCHINNERL: Mr Emmerton is who we referred to earlier. At the time he was the AWU delegate at the northern portal.

35

MR WHEELAHAN: And he reported an altercation.

40 **MS SCHINNERL:** Yes, he reported to Mr Downey that I guess later that day at the northern portal tunnel, that he had had an altercation with members of the CFMEU at the gate. My understanding is that Mr Emmerton, after we left, attempted to gain access to site to ensure that none of our members were inside the site waiting for us, because obviously we had departed and called off the meeting.

45 **MR WHEELAHAN:** Of course.

MS SCHINNERL: So Mr Emmerton had gone in to make sure that the site was clear. My understanding is that the CFMEU members passed on a message to Mr Downey.

5 **MR WHEELAHAN:** Just before you get to that, addressing the issues raised by the Commissioner, so here we have the area just outside the gate but your evidence is it's Mr Emmerton, because of these issues, you had to cancel the meeting on site.

MS SCHINNERL: Yes.

10

MR WHEELAHAN: And he, in fact, tried to enter the site?

MS SCHINNERL: Yes.

15 **MR WHEELAHAN:** And make sure that there weren't any AWU members waiting for the scheduled meet something.

MS SCHINNERL: Yes, correct.

20 **MR WHEELAHAN:** And what you've said is he's had an altercation, and these are your words, with masked, m-a-s-k-e-d, CFMEU members preventing him from entering the site?

MS SCHINNERL: Yes.

25

MR WHEELAHAN: And do you know whether CPDB contractors were aware of this incident?

30 **MS SCHINNERL:** I believe that Mr Emmerton did report this to CPB and might I say that masked men on the gates that week was not just unique to the northern portal tunnel.

MR WHEELAHAN: Right. Now, the obvious question someone will ask you is, if you're wearing a mask, how do you know they're CFMEU? Is that because they've got the hard hats with the stickers? Have they got logos? They've got the T-shirts. How do you identify them as from that union?

MS SCHINNERL: All of the above but keep in mind this is Mr Emmerton's workplace. He would know who is a CFMEU member and who wasn't.

40

MR WHEELAHAN: Okay. Now, sorry, I cut you off when you were about to talk about a message that Mr Emmerton was instructed to pass on to you?

45 **MS SCHINNERL:** My understanding is the message that Mr Emmerton was to pass on, based on my conversation with Mr Downey, was to me personally. Words to the effect of if I stick my head up, it will get knocked off.

MR WHEELAHAN: Given how the CFMEU and the evidence you've given about their methods, how did you take that?

MS SCHINNERL: I took that to be a threat on my life.

5

MR WHEELAHAN: Did it give you concerns for your family as well as yourself?

MS SCHINNERL: Very much so.

10 **MR WHEELAHAN:** Yes.

MS SCHINNERL: Absolutely.

15 **MR WHEELAHAN:** I might change topics for you, as aside, superannuation and redundancy on Cross River Rail -

COMMISSIONER: Just before you do, and if you do, tell me you need a break, Ms Schinnerl, we can take a break for five minutes or 10 minutes.

20 **MS SCHINNERL:** I'm fine, Commissioner. Thank you.

COMMISSIONER: These seem to be very serious allegations and very serious allegations or allegations of serious breach. Are you aware of any communications by Mr Emmerton or Mr Downey or by anyone else of threats that you have just given
25 evidence about being relayed to representatives of CPB?

MS SCHINNERL: I know that Mr Emmerton did have a discussion about an incident, whether it was this one I do not know, but I do know that he did report something that he had experienced. Whether it was this event, I do not know. I
30 believe that he made a report to Cross River Rail or CPB industrial relations. Whether it was this thing or another, I can't quite recall at the moment, Commissioner.

COMMISSIONER: Are you aware of anyone from CPB doing anything to you, to the police, to any other authority about the fact that there were masked CFMEU
35 members preventing employees from entering site?

MS SCHINNERL: I have no knowledge of that, no, Commissioner.

40 **MR WHEELAHAN:** Well, you said the entire week that was occurring. To follow up the Commissioner's question -

MS SCHINNERL: I seem to recall -

45 **MR WHEELAHAN:** - you're unaware, for example, whether the contractors called the police and asked them to step aside to allow access.

MS SCHINNERL: I don't know.

MR WHEELAHAN: You don't know?

5 **MS SCHINNERL:** I seem to recall that this seemed to have continued into the safety reset fortnight as well. My understanding is at the conclusion of each day, based on some recounts that I have been told that each gate was guarded, for want of a better word, by various persons, some of which, who were wearing CFMEU shirts. Every (indistinct).

10

COMMISSIONER: This seems extraordinary to me and you might not be the right witness to raise this with, but a company of this size would allow, either for its internal or external security or its health and safety representatives, or its general supervisory staff and the behaviours that you've just identified.

15

MS SCHINNERL: It was an extraordinary time, Commissioner.

MR WHEELAHAN: Well, sorry about this, but the Centenary Bridge project I want to raise with you. Similarly at this project, or firstly, can you explain what that project did to those listening?

20

MS SCHINNERL: That was a duplication project of the Centenary Bridge. That project is now completed only in the last week or so out at Jubilee.

25 **MR WHEELAHAN:** And again, on 17 May 2024 - sorry, whose project is that? Who's the principal contractor of that project?

MS SCHINNERL: BMD it was a joint venture between BMD and Giorgio.

30 **MR WHEELAHAN:** You planned a visit to speak on 17 May 2024 with who, the management?

MS SCHINNERL: Yes, Mr Pickard specifically.

35 **MR WHEELAHAN:** Okay. And he is the general manager, Queensland, BMD many Group; correct?

MS SCHINNERL: Yes. That's right.

40 **MR WHEELAHAN:** And although you scheduled that meeting, prior to the time that you were due to attend, you received a text and then a phone call from Mr Robert Pickard; is that correct?

MS SCHINNERL: Yes, that's right.

45

MR WHEELAHAN: And can you recollect and tell the Commissioner the best of your recollection what you recall him saying to you?

MS SCHINNERL: There was some elements of that. In terms of the project of works for that day, Mr Pickard indicated that there was going to be a critical pour of a pile that day, and given that there had been, in his words, next level aggression
5 being experienced by members of the CFMEU who were picketing the site, shall we say, that in his view, it probably wasn't safe for me to attend on the basis that in his belief word had got out that I was going to be on site. Further to that, he indicated that if the pour was cancelled or disrupted, that that would likely cause between four and six million dollars' worth of excess cost to that project and a potential six month
10 delay.

MR WHEELAHAN: How are you meant to do your job in your position when you're getting calls from the various principal contractors telling you, "Don't come to our site, we can't guarantee your safety".
15

MS SCHINNERL: It's pretty challenging and can I say when I report this, I'm not being critical of Mr Pickard at all.

MR WHEELAHAN: No.
20

MS SCHINNERL: I actually appreciated his concern in that regard and I certainly would not want to be the reason that that project was delayed or penalised, but it's pretty outrageous that the senior-most union official of the principal union in civil construction cannot attend a civil construction site out of fear of that level of
25 response or safety concerns.

COMMISSIONER: Just remind me who Mr Pickard was again?

MR WHEELAHAN: The General Manager, Queensland, BMD Group.
30

COMMISSIONER: So he's the most senior operational representative at BMD in relation to -

MS SCHINNERL: Operational, yes, there's a couple of others that are above him,
35 but in terms of the operational roles, yes.

MR WHEELAHAN: Should I proceed, Commissioner?

COMMISSIONER: Yes.
40

MR WHEELAHAN: Sorry, I thought you had another question.

Again, at the same project, Centenary Bridge project, we will call it a vote incident involving Patrick O'Doherty. Now, he's an AWU organiser?
45

MS SCHINNERL: Yes, he is.

MR WHEELAHAN: And what happened to him as he tried to leave the site?

MS SCHINNERL: We had two organisers on site in two separate vehicles.

Mr O'Doherty was in the front vehicle. Mr Newman was in the back vehicle.

5 Mr O'Doherty's vehicle was surrounded by men wearing CFMEU shirts. His vehicle was, I believe the video shows them shaking his vehicle, they put stickers on his vehicle. They yelled at him through the window. I think he was called a "scab" and, you know, that he didn't belong there. Those sorts of things.

10 **MR WHEELAHAN:** All right. A bit of volatility again. Are there ever any women as part of the group when they surround these vehicles? I don't mean the women in the car, I mean the - I keep saying that there's men coming up and -

MS SCHINNERL: Not in the instances that I've witnessed on video, no.

15

MR WHEELAHAN: No.

MS SCHINNERL: No.

20 **MR WHEELAHAN:** Okay. Have you ever seen this conduct occurring from women wearing CFMEU paraphernalia?

MS SCHINNERL: Not that I can recall, no.

25 **MR WHEELAHAN:** All right. I'm changing topic. Commissioner, I'm aware of the time.

COMMISSIONER: No, keep going.

30 **MR WHEELAHAN:** All right. Now, between '23 and 4, the CFMEU ran a campaign which you described as Australia's Weakest Union campaign, and essentially this is an appeal that used stickers, scratchies, signs, all attacking the CFMEU.

35 **MS SCHINNERL:** The AWU.

MR WHEELAHAN: Common workers, weakest, you know, all described as very childish at one level. And you say those signs and stickers, various locations around Brisbane, including worksites, including windows of dongas, you know, on
40 construction sites facing the entry to the AWU, but you do say what you describe again, probably understatedly, as more serious incident. I will ask for file 6 to be shown. Is that from the start?

COMMISSIONER: Is this the video of the that has been received into evidence -

45

MR WHEELAHAN: Correct.

COMMISSIONER: As SLS2.

MR WHEELAHAN: SLS2, if we stop at the bottom. If we just watch the two men, Mr Mattas, is it Mr Clark or is it now Mr Parfitt?

5

MS SCHINNERL: Clark is his - what he currently goes by (crosstalk).

MR WHEELAHAN: He currently goes by Clark; is that right?

10 **MS SCHINNERL:** Yes.

MR WHEELAHAN: And Clark's in the yellow.

MS SCHINNERL: That's right.

15

<VIDEO PLAYED

MR WHEELAHAN: Whilst it's playing, it's obvious but that's an AWU vehicle of the union that you recognise.

20

MS SCHINNERL: Yes.

MR WHEELAHAN: Is that in the headquarters car park. Which car park of the AWU is it in?

25

MS SCHINNERL: That's the buildings - that is our branch office building. This is the upper car park.

MR WHEELAHAN: What address?

30

MS SCHINNERL: 333 Adelaide Street.

MR WHEELAHAN: And the gate that we can see through, that goes to a laneway, does it?

35

MS SCHINNERL: Yes, a laneway slash driveway, correct, if you continue down that laneway you come to a second roller door that looks exactly the same and that's where my -

40 **MR WHEELAHAN:** I might just pause it there. Just so this is clear, that's a secured roller door there?

MS SCHINNERL: Yes, that's right.

45 **MR WHEELAHAN:** There's a pass key to get through it.

MS SCHINNERL: Pass key or remote control.

MR WHEELAHAN: Who are they issued to.

5 **MS SCHINNERL:** For those who rent the car spaces. As you can see, there are eight car spaces in the upper car park of the in the lower car park there is six car spaces and two spots allocated for trades money?

10 **MR WHEELAHAN:** Right. And we saw those two men come up on the stairs on the right. So presumably they've come from the lower car park?

MS SCHINNERL: I'm not sure what they did at this point. I don't believe they gained entry from the lower car park but there is another point of view that would resolve that that's been provided to the Commission as well.

15 **MR WHEELAHAN:** All right. Let's put it more simply. In your position, you didn't give these two men permission to be in the car park?

20 **MS SCHINNERL:** I did not. I - we are - you know, we are tenants of the building, we do not own the building anymore, we did once upon a time but we don't anymore. But no, I did not -

MR WHEELAHAN: And on 23 February 2023 they had no business being on the premises of the AWU branch?

25 **MS SCHINNERL:** On 24 February 2023.

MR WHEELAHAN: Sorry, 24.

30 **MS SCHINNERL:** Correct.

MR WHEELAHAN: And to state the blinding obvious, neither of those men were authorised to decorate the vehicle with stickers plastered all over the car?

35 **MS SCHINNERL:** No, they were not. I think it's fairytale that those vehicles were sufficiently decorated quite well.

MR WHEELAHAN: Yes. And some might say vandalised.

40 **MS SCHINNERL:** Absolutely, they were vandalised.

MR WHEELAHAN: And for someone to come out, a proud union official to their car to do their job, what kind of impact do you think that that would have?

45 **MS SCHINNERL:** It's demoralising. You know, it's demeaning, it's designed to deride, but I think there's actually a more sinister twist to that, and to my mind, it is a very loud message that the CFMEU is delivering to the AWU in that, you know, we know where you live, we can get to you. And it's that element of it, beyond the

juvenile 10-year-old games of playing with stickers, I think that's the core message for me, it's we know where you are. We're coming for you.

5 **MR WHEELAHAN:** Is that part of the reason why earlier this afternoon the death threat, you said you took it as a death threat because of other conduct at the CFMEU?

10 **MS SCHINNERL:** Absolutely, and can I say too in terms of the timing of that incident, that incident, the death threat incident follows another incident that occurred only a short time prior at a Labour Day which I will cover elsewhere in my statement.

15 **COMMISSIONER:** I'm sorry, just a bit confused what you said then. You're being a bit coded in what you're saying.

MS SCHINNERL: Sorry.

20 **MR WHEELAHAN:** So there's another incident which the witness will go to, Commissioner, which is Labour Day, involving some quite threatening and aggressive conduct that -

COMMISSIONER: Is the death threat incident the incident you talked about on 28 July 2023?

25 **MS SCHINNERL:** Yes. Yes. On the 27th - the 27th. Yes, 27 July I believe that was that message was delivered, Commissioner, but I was informed on 28 July, yes.

30 **COMMISSIONER:** And then there's another incident you're going to come to as well.

MS SCHINNERL: That occurred in May of 2023, yes.

35 **MR WHEELAHAN:** Commissioner, there are several other incidents which is why the witness has said the - I will ask you. It's the accumulation of all these events.

MS SCHINNERL: Of course.

40 **MR WHEELAHAN:** That when someone said put your head up it's going to get knocked off.

MS SCHINNERL: Yes.

MR WHEELAHAN: You believe them.

45 **MS SCHINNERL:** There were multiple instances that would cause me to believe that I was in great danger.

MR WHEELAHAN: So it's fair to say that the accumulation of all these events had left you in a heightened state of anxiety; is that right?

5 **MS SCHINNERL:** I live in a perpetual heightened state of anxiety.

MR WHEELAHAN: And fear.

MS SCHINNERL: Yes.

10 **MR WHEELAHAN:** Not just for yourself -

MS SCHINNERL: Correct.

15 **MR WHEELAHAN:** But your children because some of these incidents have involved directly your children.

MS SCHINNERL: Yes, they have.

20 **MR WHEELAHAN:** And you've, in fact, told your children not to wear AWU branded clothing; correct?

MS SCHINNERL: That's correct.

25 **MR WHEELAHAN:** Even though they should be proud. You are the number - you are the first female ever to lead your union.

MS SCHINNERL: That's right. And they are proud of their mum.

30 **MR WHEELAHAN:** That you have to tell them to hide the clothes and don't put it on because you're worried about their safety as well as your own?

MS SCHINNERL: That's right.

35 **COMMISSIONER:** Did you report this incident to the police? Ms Schinnerl?

40 **MS SCHINNERL:** I believe our legal officer made a police report on this. I can't say with absolute certainty if that followed through with the report number or if we simply attempted to advise them that this had occurred. Just so they could make a record of it. This was very early on in the piece, Commissioner. You know, we didn't really have an idea of what was to come. This is February of 2023.

45 **COMMISSIONER:** You've identified the two individuals as Mr Mattas who you describe in your statement as an official of the CFMEU but in your evidence-in-chief you said was a - just have to get my note - you said a former delegate.

MS SCHINNERL: Yes, both Mr Mattas and Mr Clark were organisers of the CFMEU but prior to becoming an organiser Mr Mattas had been at some stage a delegate of the year of the CFMEU.

5 **COMMISSIONER:** And at this point what was he, an organiser or -

MS SCHINNERL: An organiser is my understanding, Commissioner.

COMMISSIONER: And Mr Clark was an organiser as well?

10

MS SCHINNERL: Yes. My understanding is that neither of those men work for the CFMEU anymore.

COMMISSIONER: Beg your pardon, remain -

15

MS SCHINNERL: My understanding is neither of those men work for the CFMEU anymore.

COMMISSIONER: And have you provided this video footage and the identification of that is people to the police?

20

MS SCHINNERL: I beg your pardon?

COMMISSIONER: Have you provided or anyone from the AWU provided this video footage that's just been tendered in evidence and your identification of these two individuals, Mr Mattas and Mr Clark, to the police?

25

MS SCHINNERL: I don't believe so, Commissioner.

30 **MR WHEELAHAN:** Sorry. Do you say Mr Mattas was delegate of the year?

MS SCHINNERL: Yes. Some years prior to this he had been delegate of the year. I found that out via Facebook when I Googled his name.

35 **MR WHEELAHAN:** All right. So you're unable to recollect why this wasn't provided to the police or you're just not sure?

MS SCHINNERL: I don't believe this video has been provided to the police.

40 **MR WHEELAHAN:** Why not?

MS SCHINNERL: No. As I said, this occurred in earlier 2023. Rightly or wrongly, there's a code amongst unions that I guess you don't grass on your mates. Now, I understand how ludicrous referencing mates is in this particular scenario. But, you know, at this particular stage, we're just dealing with some stickers, right, which by and large are irritating, childish and the like. And it was probably only on reflection now that I look at the sinister nature of that. But at the time, you know, if this all the

45

campaign ever ended up being, I could live with that. But it wasn't. It evolved and it got much more serious. So, you know, in the whole scheme of things and on reflection, should I have made a complaint perhaps? But that would probably be in breach of the code, and I - I didn't have a desire to bring another organisation into disrepute by virtue of a childish activity of applying stickers.

COMMISSIONER: One thing you might want to consider having heard that evidence, Mr Wheelahan, is what power this Commission has to send this material now it's been received into evidence together with the identification of these two individuals by Ms Schinnerl to the police, but you don't have to deal with it straightaway. Just take that on notice.

MR WHEELAHAN: Yes, Commissioner.

Now, again, first part of 2023, I take you to another incident, and you describe this as simply going to a sandwich shop in the city.

MS SCHINNERL: I'm sorry to interrupt you, but.

MR WHEELAHAN: No, you can speak.

MS SCHINNERL: Before we move on from that incident I think it's really important that I tell you what I was doing while this was happening.

MR WHEELAHAN: Yes, what were you doing while they were putting all the stickers on the car?

MS SCHINNERL: And this is important for a really - really, really good reason, because while we're got a couple of goons in the AWU car park applying stickers to AWU cars, I was upstairs on the telephone. Now, this occurred on 24 February 2023. In the week prior to, there was a double fatality on a North Queensland mine site. It was the Dugald River zinc mine and two young gentlemen by the name of Dylan Langridge and Trevor Davis lost their lives and it was very, very tragic and it was an entirely preventable accident. At the exact time that this was occurring, I was in my office on the telephone to the former partner of 13 years of Mr Langridge and the mother of his children. I was supporting her, I was listening to her, I was crying with her. And I was offering her advice about how she would go about dealing with I guess the technical and legal aspects of employment, posthumously, of her ex-partner. I think that is a real contrast and juxtaposition about the real work of a union and its officials, versus the playground activities of what was happening in my basement.

MR WHEELAHAN: And those activities apparently, at least one of the officials was a delegate of the year?

45

MS SCHINNERL: Indeed.

MR WHEELAHAN: Returning to another incident, and there are several, but for this afternoon, you recall going just to buy lunch at a local shop.

MS SCHINNERL: Yes.

5

MR WHEELAHAN: Again, it might seem insignificant -

MS SCHINNERL: Yes.

10 **MR WHEELAHAN:** But it's the accumulation that we're going to go through with all the awful things that have happened to you. Can you tell the Commissioner what you recollect about this event?

15 **MS SCHINNERL:** Sure. This event occurred at a sandwich shop that I think is probably well-known on that end of Adelaide Street called PJ's Roast Inn. I was in the shop, I had just ordered my sandwich and then two construction workers entered the store. I knew them to be construction workers on the basis they were wearing steel capped boots, hi-vis shirts and hard hats. I don't recall if there was any identifying union logo on the hard hats or the shirt. But soon after they entered - I
20 don't believe I was looking at them at first, but I heard a very loud guttural chant come from one of the men, initially. And then it turned into both of them and they were really chanting, "Weak, weak, weak."

25 And it took me a while to register what was going on because you're standing there waiting for a sandwich to be made, it's not what you expect and I looked at them and I'm like, "I think they're saying that to me", and I'm like, "I need to get out of here", my sandwich was made at that point, I grabbed it and I left the store, and then when I got outside on the street, I realised that my outfit that day - I wasn't wearing anything that would identify me as being from the Australian Workers Union. I wasn't
30 wearing an AWU polo, I wasn't wearing a pin. I was just wearing normal attire with no insignias. And that was very concerning to me because that meant they knew who I was, without any identifying characteristics at all and that was very, very worrisome.

35 **COMMISSIONER:** Just take you to the car, the car you were driving had prominent AWU branding on it?

MS SCHINNERL: Yes. Yes.

40 **COMMISSIONER:** So maybe they had seen you get out of a car?

MS SCHINNERL: No, it was lunchtime. I hadn't got out of the vehicle that day for many hours prior to. Sorry, this is point (b) at 63.

45 **COMMISSIONER:** Sorry, I'm at the wrong spot. I beg your pardon.

MR WHEELAHAN: Now, again, progressing through the time period, on 1 March 2023, you paid a visit to the government offices at 1 William Street.

MS SCHINNERL: Yes.

5

MR WHEELAHAN: To go for a meeting with a minister?

MS SCHINNERL: That's right.

10 **MR WHEELAHAN:** And on that occasion you, of course, were signing in. Can you tell the Commissioner what you recollect occurred on that -

MS SCHINNERL: Sure. This was a slightly unusual signing. Ordinarily in 1 William Street the reception area is on the ground floor, but on this particular day
15 there was a single anti-fracking protestor protesting outside 1 William Street, so the sign-in area had been moved to the underground area which is accessible via a step of stairs and there's a temporary table set up for the purpose of sign-in and security, ID checks and the like. I did notice that, and I was there with Mr Raguse, the assistant secretary of the union. I did notice that when we went over to where the
20 stairs were to sign in and as we descended the stairs there was a group of construction workers who I presumed had been from the adjacent Queens Wharf Project, they were at the top of the stairs. I didn't think anything of it. We walked down, descended the stairs, went to the sign in desk, Mr Raguse and I are standing shoulder-to-shoulder, ready to sign in and hand over our identification so we could
25 obtain authorisation to be let into the building. And at that point, both Mr Ragout and I were separated. A gentleman barged his way through between the two of us and placed a sticker in front of us. I believe it was one of the Australia's worst union stickers and he said, "What do you think about that?".

30 **MR WHEELAHAN:** Obviously you won't know the answer to this, but it begs the question, is it part of the uniform to carry these stickers around? That seems to often happen to you that as soon as they see you, here's the sticker.

MS SCHINNERL: It felt like for a period of time it must have been part of a show
35 bag or something, because it felt like everyone had access to them. In fact, one of our members who works in a hospital, her partner came home from a CFMEU meeting once with a supply of stickers and she took a photograph and sent that to her organiser, you know, these stickers are many and varied, and I - I have some of them with me today.

40

MR WHEELAHAN: Is that a convenient time, Commissioner?

COMMISSIONER: We can - I think we're a bit behind in terms of getting through
the witnesses this week.

45

MR WHEELAHAN: I'm happy to proceed.

COMMISSIONER: Just another 10 minutes or so.

MR WHEELAHAN: No problem.

5 **MS SCHINNERL:** I have some of them with me, yes. Not all of the variations.
There were several variations.

MR WHEELAHAN: Let's look what you have in terms of the ones, and you tell us.
Obviously the commissioner has seen the one that is were put on cards.

10

MS SCHINNERL: This was the one that was applied to.

MR WHEELAHAN: Can you hold that up, please.

15 **MS SCHINNERL:** This was the one that was applied to the vehicle under our
building, "Bosses love AWU" being A Weak Union.

MR WHEELAHAN: Can you show the Commissioner that?

20 **MS SCHINNERL:** This is actually of the stickers that they didn't get to stick.

COMMISSIONER: You tender that.

MR WHEELAHAN: Yes, I will, I tender that sticker.

25

COMMISSIONER: Any objection.

MR WHEELAHAN: If you can hand that to the associate, please, and have that
marked.

30

COMMISSIONER: So this is example of sticker.

MR WHEELAHAN: Sorry, it's not an example, Commissioner, it's one of the
stickers.

35

COMMISSIONER: Sorry, I beg your pardon.

MR WHEELAHAN: Attached to the vehicle.

40 **COMMISSIONER:** One of the stickers attached to vehicles shown in - that's the
vehicles on 24 February 2023 in the car park at the offices of the AWU at 333
Adelaide Street, Brisbane as shown in exhibit SLS2, and this will be exhibit SLS3.

45 **<EXHIBIT SLS3 STICKER ATTACHED TO VEHICLE DATED 24/02/2023,
TENDERED**

MS SCHINNERL: This next one's a particular favourite, Always Was Useless.

MR WHEELAHAN: And where did that one, where did you obtain that sticker from?

5 **MS SCHINNERL:** This was actually a remanent of Labour Day 2024. We actually found it on a light post in on Labour Day 2025, and it just happened to be thrown in the boot of my car and I found it on the weekend when I was taking my groceries out.

10 **MR WHEELAHAN:** I tender that sticker as well.

COMMISSIONER: Labour Day is 1 May.

MS SCHINNERL: Beg your pardon?

15

COMMISSIONER: Labour Day is 1 May.

MS SCHINNERL: First of May.

20 **MR WHEELAHAN:** Can we pass that to the associate.

COMMISSIONER: Sticker - AWU sticker attached to light pole on or about Labour Day 2024 found Labour Day 2025. Yes?

25 **MS SCHINNERL:** Yes.

COMMISSIONER: And that's exhibit SLS4.

30 **<EXHIBIT SLS4 AWU STICKER ATTACHED TO LIGHT POLE ON OR ABOUT 01/05/2024, FOUND 01/05/2025, TENDERED**

MS SCHINNERL: This one is actually one I don't - I couldn't tell you where we found this one. It says, "Are you part of a strong union or do you work at an AWU site?"

35

MR WHEELAHAN: Can you hold that up, please. Sorry, are you holding it upside down or -

40 **MS SCHINNERL:** No, that's the right way. It's just very small text. I should say, there's a play on words on each of these. Our - I guess that's got our logo, it says "Australia's Weakest Union." This is our old logo, I should say and we used to use the cry of Stronger Together. Of course, on all of these stickers it says Submissive Together.

45 **MR WHEELAHAN:** I tender that, Commissioner.

COMMISSIONER: No objection, I take it? How might I describe this sticker.
Sticker in the possession of -

5 **MR WHEELAHAN:** When did you obtain that?

MS SCHINNERL: I couldn't tell you. It just formed part of a collection that -

MR WHEELAHAN: Part of a campaign. A sticker campaign derogatory to AWU.

10 **COMMISSIONER:** I think we will describe it as sticker in the possession of
Ms Schinnerl, otherwise unidentified apart from its contents, SLS5.

>EXHIBIT SLS5 STICKER IN POSSESSION OF MS SCHINNERL

15 **MR WHEELAHAN:** You might have to stand for the next one.

MS SCHINNERL: I do have a last one for you. Can I just say I realise how
ludicrous this is, and understand I feel very silly doing this, showing these things.
This is the large version.

20

MR WHEELAHAN: Sorry, you're going to hit the speakers so you will actually
have to move back or perhaps stand and show it and then you can sit back down and
describe it, and it's just -

25 **MS SCHINNERL:** This is the A2 version that we have seen used in various
construction sites and at Labour Day. This is Australia's Weakest Union and I
believe this might have also been present in the - I apologise on the back is a whole
heap of other stickers that are just stuck to it. Very good adhesive. Whenever they
got these printed, I have to say it's very impressive.

30

MR WHEELAHAN: In your statement you've given evidence about these being
plastered along -

COMMISSIONER: You tender this?

35

MR WHEELAHAN: Yes, I'm just assisting with some further evidence before the
tender.

COMMISSIONER: Sorry.

40

MR WHEELAHAN: These were plastered along the march route for Labour Day.

MS SCHINNERL: Yes, there were large versions plastered along the march route
for the 2024 Labour Day and I think this one may have been the one that appeared
45 not the actual one, but one like it, in the window of the donga of an adjacent high rise
construction site to our building. So I got to see that every day as I parked my
vehicle.

MR WHEELAHAN: All right. I stand corrected, Commissioner. Apparently there's even larger ones than this?

5 **MS SCHINNERL:** No, that is the largest that I recall seeing, yes.

COMMISSIONER: How do you want me to describe this. Is this a bundle of AWU stickers, including A2 version apparently found opposite AWU offices at 33 Adelaide Street.

10

MS SCHINNERL: No, my understanding is that large one comes from a construction site that was near the residence of my assistant secretary, Mr Mark Raguse, he pulled that off a construction site. The collection of stickers that are stuck to the back of it are from Mr Mattas and Mr Clark.

15

COMMISSIONER: From who, sorry?

MS SCHINNERL: Mr Mattas and Mr Clark when they were in our basement and from what they plastered when they were on the outside of our building. It's just the adhesive is very good and I can't separate them.

20

COMMISSIONER: Well, these ones might have to be sent to the police. These are the ones at the bottom -

25 **MS SCHINNERL:** Yes.

COMMISSIONER: - are the ones that you say were recovered from the vehicle?

MS SCHINNERL: Yes, including the one that you have already admitted as well. The Bosses Love the AWU.

30

COMMISSIONER: And there's no way of separating out these two exhibits at the moment?

35 **MS SCHINNERL:** I have tried, Commissioner. The adhesive is exceptionally strong, like cornflakes and milk in a cereal bowl.

COMMISSIONER: Is exhibit SLS6 will be A2 version of AWU poster found at unidentified construction site, together with a bundle of stickers recovered from the vehicle that was covered with stickers shown in the video SLS2; is that right?

40

MS SCHINNERL: And the building, Commissioner.

COMMISSIONER: And the building, and that is exhibit SLS6.

45

<EXHIBIT SLS6 A2 VERSION OF AWU POSTER FOUND AT CONSTRUCTION SITE TENDERED

COMMISSIONER: If anyone at the bar table wants to see those exhibits, they can have access to them. No?

5 **MR WHEELAHAN:** Ms Schinnerl, I will have put on the screen page 23. In your statement you refer to this being part of a - the Labour Day march through. Is that big enough for you. Can you see it?

MS SCHINNERL: Yes, it is.

10

COMMISSIONER:

MR WHEELAHAN: And the operator could just enlarge it and move a bit to the right where the man's head is. The man walking past. In any event, the large sticker you've just shown -

15

MS SCHINNERL: It's the same size, yes.

MR WHEELAHAN: The same size, many variants. We might just scroll through this.

20

MS SCHINNERL: I can identify this particular one is from 2024, Labour Day.

MR WHEELAHAN: 2024.

25

MS SCHINNERL: In the Brisbane march.

MR WHEELAHAN: The Brisbane march?

30 **MS SCHINNERL:** Yes.

MR WHEELAHAN: On the march route.

MS SCHINNERL: Yes, near the conclusion of the march this was near the RNA showgrounds.

35

MR WHEELAHAN: And when you're walking past these with the route of the march, are you with your kids?

40 **MS SCHINNERL:** Absolutely.

MR WHEELAHAN: Other kids.

MS SCHINNERL: Yes, thousands of them.

45

MR WHEELAHAN: Other members.

MS SCHINNERL: Yes.

MR WHEELAHAN: Delegates?

5 **MS SCHINNERL:** Yes.

MR WHEELAHAN: How does that make you feel as the first woman on the march route with your family and children, and you have to walk past all these stickers plastered along?

10

MS SCHINNERL: Pretty outraged and disgusted. Fortunately, I exist in a pretty strong union movement that banded together and to the best of their ability pulled most of these down prior to the march actually taking place, and to say that I'm grateful to my staff and those fellow union efforts who were involved in that activity in some - I'm very, very thankful to them, because that saved our members from being exposed to what is just an outrageous, outrageous exercise in - in shame and humiliation, I guess.

15

MR WHEELAHAN: And it wasn't only - it was both 2023 and 2024?

20

MS SCHINNERL: Yes, that's right.

MR WHEELAHAN: And if you get the operator, because you've got photos from both years. So we can just - we're just identifying -

25

MS SCHINNERL: That's 2024 as well.

MR WHEELAHAN: Yes. And the next one?

30 **MS SCHINNERL:** So this is Ipswich Labour Day in 2023. We don't have any photographs of the stickers in Brisbane 2023. But this is from the Ipswich Labour Day march in 2023 that occurred on the Saturday as opposed to the Brisbane march on the Monday.

35 **MR WHEELAHAN:** So fair to say this campaign, it's not just limited to Brisbane?

MS SCHINNERL: No, these stickers made their way to the Gold Coast. I even had a report that they made their way to Rockhampton.

40 **MR WHEELAHAN:** I think Mr Watson gave some evidence about the expenditure that might have had to have been taken place from CFMEU members who pay their funds. So these stickers are in the Rockhampton march, the Ipswich march.

45 **MS SCHINNERL:** I don't believe it was in the Rockhampton march. I'm just saying these stickers did make their way to Rockhampton.

MR WHEELAHAN: Okay. Now, the next incident I'm going to take you to, we can take that off the screen. So around 11 March 2023, you recount a story, or I shouldn't say story, you recount attending the Westfield shopping centre.

5 **MS SCHINNERL:** Yes, in Helensvale.

MR WHEELAHAN: And Helensvale and you attended that shopping centre with one of your children.

10 **MS SCHINNERL:** Yes, with one of my eldest set of twins, one of my boys, he was 13 at the time.

MR WHEELAHAN: Okay. Can you take the commissioner through what happened on that visit to the shopping centre.

15

MS SCHINNERL: Sure. I was in my vehicle which, at the time, was prominently branded. Not dissimilar to the car you saw in the car park it was a different vehicle but similar branding. We drove to the shops in the late afternoon. When we arrived, it was - it was reasonably - reasonably busy when we arrived so the car park was quite full. I drove into a car space. We did what we had to do, I think I might have been, you know, preparing for school, getting something from the shops for school, it was on a weekend. By the time we left, there were multiple free car spaces around the car park, because it was very much close to closing time for the shops. As we approached the car, my son actually said to me, oh, what's that car doing mum, because, you know, it was just sitting, idling, so it was - it had come to a stop behind parked vehicles near our car and it was idling, almost as if -

20
25

MR WHEELAHAN: Sorry, it was next to your car almost?

30 **MS SCHINNERL:** Yes, so - so say you've got a car park with two, you know, rows of cars.

MR WHEELAHAN: Yes.

35 **MS SCHINNERL:** My car was parked here. It was parked lengthways across multiple vehicles and idling.

MR WHEELAHAN: Yes.

40 **MS SCHINNERL:** Almost as if it was waiting for my car space but, of course, the car park was half empty. So there was no need for it to wait for my car space. And, you know, as I said, my son did remark about it, he thought it was a bit strange. I guess I didn't think too much of it at the time, but when I reversed out of the car space I noticed that the car pulled away as we pulled away, and I did think that that was quite unusual and I figured that the best way of dealing with that as I proceeded further was to make multiple turns in illogical directions, shall we say, so I could ascertain whether or not I was actually being followed because that was my

45

suspicion. And I made those illogical turns still in the car park. And the car followed me for each of those illogical turns.

5 At that point, I was very concerned and my child even noticed and picked up on that and he said, "That car's still following us" and I said, "Yes, baby, it is" and we exited the car park at that point and I noticed, or I knew, the service station was there, but I saw the service station and I saw that the service station was relatively busy, so I thought, you know, rather than, I guess, drive further down the street, I'd go into the service station and see if the car followed me there as well. So I drove into the
10 service station at speed. The car followed me into the service station, the bowsters were, I think, relatively full up. But I was able to come to a stop and I remember turning around and looking at the driver, and at that point he left the service station. And soon after I left as well.

15 The hard thing about that experience is I knew that I couldn't identify the driver. I didn't know the licence plate of the vehicle. I believed I didn't have enough evidence to contact the police and make a complaint, you know, it was I guess this - again, this collection of experiences that led me to believe that potentially this was part of a campaign against the AWU on the basis that I had had previous instances on the road
20 as had other officials in the union with marked vehicles. In this instance, I don't recall seeing any identifying stickers on that vehicle that would identify it as being associated with the CFMEU. But myself and other colleagues had had incidences on the road with vehicles that had CFMEU stickers on them. Whether they be official
25 vehicles or just members with supporting stickers.

MR WHEELAHAN: So what a lawyer would say to you, cross-examining you, you can't give any evidence that it actually was a CFMEU vehicle.

MS SCHINNERL: I cannot.

30 **MR WHEELAHAN:** And you've made the appropriate concession. Can I suggest this to you. Of. Is it fair to say that this is actually another example where because of the cumulation - accumulation of experiences we've dealt with in your evidence today, this heightened state of fear and anxiety for your own safety and that of your
35 children, so you've not only reacted thinking it's going to be the CFMEU following you, your child has as well?

MS SCHINNERL: Yes. And this is relatively early on in the piece, but within a very short period of time, several of us within the AWU with marked vehicles had
40 had experiences on the road. So that was the conclusion I drew. When I told people of this experience, I always prefaced it by saying, I cannot with absolute certainty say that this was definitely an act of the CFMEU. I always prefaced when I recounted this story in that way. And I still cannot say to this day that it was. It was my experience nonetheless.

45 **MR WHEELAHAN:** No, but it certainly not normal to have a car follow you in illogical directions.

MS SCHINNERL: No.

MR WHEELAHAN: In the way that you've just described or those events.

5

MS SCHINNERL: Yes.

COMMISSIONER: Is that a convenient time?

10 **MR WHEELAHAN:** Yes, Commissioner.

COMMISSIONER: We've got an application from you in writing, Mr O'Grady, to cross-examine this witness. Are you able to have some discussions with Mr Spence and Mr Wheelahan about -

15

MR O'GRADY: (Indistinct).

COMMISSIONER: And I saw the correspondence this morning during the morning tea break. I didn't see any application in relation to this witness but it might be I've just looked the correspondence and I didn't look at it closely enough, Ms O'Gorman.

20

MS O'GORMAN: I will have to check with my instructor but I understood it related to both witnesses.

25 **COMMISSIONER:** It could be me.

MS O'GORMAN: Sorry, I'm told that it did relate to both witnesses.

COMMISSIONER: Yes. All right. Very well. Well, will you be able to have some discussions with Mr Wheelahan and Mr Spence as well?

30

MS O'GORMAN: I will.

COMMISSIONER: And Mr Kimmins, you have put your position, same position?

35

MR WHEELAHAN: Can I just ask, Commissioner, are you minded that by sitting a bit longer this afternoon, that the cross-examination occur if leave is appropriately granted tomorrow afternoon?

COMMISSIONER: I will just have to hear from Ms O'Gorman and Mr Kimmins about their position to proceed with the cross-examination. I anticipate that Mr O'Grady will be ready but that's only because he was reading the last two times.

40

MS O'GORMAN: I hope to be, but I might need to make an application in the morning.

45

COMMISSIONER: Let's see where we are. How much longer will you be with this witness, Mr Wheelahan?

MR WHEELAHAN: Till lunch at least.

5

COMMISSIONER: All right. We'll see where we are after lunch. Are there any other applications? No? We will adjourn till 10 am tomorrow.

10 **<THE HEARING ADJOURNED AT 3.58 PM TO THURSDAY, 4
DECEMBER 2025 AT 10.00 AM**