

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

### WITNESS STATEMENT OF BENJAMIN PAUL MILLARD

I, Benjamin Paul Millard, Senior Supervisor, CPB Contractors Pty Ltd, 10/12 Creek Street, Brisbane City in the state of Queensland say on oath:

#### Background

1. I make this statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. Attached to this statement is a bundle of documents (**Bundle**). I refer to relevant documents by reference to the annexure number of that Bundle.
3. I am currently employed as a Senior Supervisor by CPB Contractors Pty Ltd (**CPB**).
4. I have worked on the Cross River Rail project (**Project**) for approximately 3.5 years. I am currently a Senior Supervisor at Salisbury station on the Project, where I have been working for approximately 12 months. Prior to working at the Salisbury station site, I was the Senior Supervisor on the Rocklea station site. Rocklea was the first Project site on which I worked.
5. As the Senior Supervisor on the Rocklea station site, I was, in practical terms, in charge of the day-to-day workforce and work being undertaken on the site. The work on that site involved the complete demolition and rebuild of the existing Rocklea train station, which I understood had been built in about the 1970s. The Rocklea station works were completed in approximately September 2024.

#### Relationship with CFMEU

6. In my role as a Senior Supervisor, I have had numerous interactions with the CFMEU. I have dealt with CFMEU organisers, delegates and Health and Safety Representatives (**HSRs**) over a number of years.
7. There were occasions where I worked constructively with the CFMEU. For example, when a genuine safety concern was raised, I would address it immediately or raise it with the appropriate person. In my experience, the CPB team on the Project was proactive in addressing genuine safety concerns. The Project sites were also regularly inspected by Work Health and Safety Queensland (**WHSQ**), and issues identified through those processes were acted upon.
8. However, my overwhelming experience with the CFMEU is that they use bullying and persistent pressure to obtain what they want. I have also seen safety issues used as a means to gain access to work areas, interrupt work or apply pressure in circumstances where I considered the issue to be minor or not a genuine reason to stop the work.
9. During my time at the Rocklea station site, I was regularly dealing with CFMEU organisers coming onto the site and raising safety issues that I did not believe were genuine. When doing so, they would attempt to stop all work in the area or send the workers home. This was highly disruptive to work on the site. On a number of

occasions, the organisers would refuse to sign in on site, present entry permits or even identify themselves by name. The clearest example I can presently recall is the incident on 23 May 2023, described below.

10. Across my time on the Project, I noticed the conduct of some CFMEU organisers becoming more aggressive and directed towards influencing how the Project operated and who could work on it.
11. I also noticed, in this period, that the CFMEU had become increasingly insistent in their attempts to have workers sign up as members of the union. During my time at Rocklea, it became apparent that the CFMEU was particularly interested in recruiting traffic controllers and gatekeepers as union members.
12. I recall a period when CFMEU-aligned HSRs (Tim Maguire and Liam Crow) repeatedly approached traffic controllers or gatekeepers at the Rocklea site and encouraged them to join the CFMEU. On a daily basis, they would approach these workers and spruik to them the benefits they claimed to be able to obtain for members and ask them to join up. I personally observed the repeated approaches. The workers would say they were not interested, but the CFMEU representatives would return and make the same approach again, and became increasingly aggressive in their approach.

#### **Incident in May 2023**

13. At approximately 8:15am on 23 May 2023, I was working onsite at Rocklea when I noticed two men who I did not recognise walking onto the site. I had never seen either of these men before. They just walked straight through the gate, and did not report to the site office or sign in before entering.
14. Both men were wearing CFMEU-branded hardhats.
15. It was relatively early on in the life of the Rocklea station job. I did not believe there were any CFMEU members working on the site at that time.
16. I went up to the two men and asked them who they were and what they were doing on site. I asked them for identification or entry permits. They refused to show me any identification documents or permits. They did not even tell me their names. They refused to tell me who sent them or what their role was with the CFMEU.
17. Shortly after I approached them, the men separated and began moving around different parts of the site. I followed one of the men and recorded him on my phone. Because I was the only Senior Supervisor present, I asked an engineer to keep an eye on the second man so that we knew where both men were and what they were doing.
18. The man I was following kept asking about access to the site and claiming it was insufficient in the event of an emergency. I believe he was referring to the fact that there was only one main site gate and that the other exit required crossing over the train tracks.
19. However, there was no requirement for any other access point on site. We had a protocol in place where an emergency Queensland Rail number could be called if required. Queensland Rail would then lock down the train tracks such that they could be safely crossed in the event of an emergency. As the train track was a live track, we could not build an overpass over the track for emergency use, as this would have brought people using the overpass in close proximity to overhead electrical wires.

20. The second man also raised concerns about face masks and silica. In the area, no silica-producing work was being undertaken. Elsewhere, workers who were drilling holes were using vacuum extraction. I did not consider there to be an identified silica breach requiring the site to stop work.
21. As I followed, I made repeated requests for the men to leave the site. My requests were ignored. A copy of the footage I took is **Annexure BPM-01 and BPM-2**.
22. After a while, I stopped recording.
23. I continued to ask the men to leave. At one point, the man that I had been following said to me, "*You must want to be on Facebook mate*". The man was very verbally aggressive towards us during the interaction.
24. I took this comment to be a threat that the CFMEU would post videos of me to Facebook.
25. I am aware that the CFMEU had a practice of videoing interactions with managers and supervisors who they were disagreeing with and posting edited videos of the interactions to the CFMEU Facebook page. The videos are edited to remove any portion where the CFMEU members are being aggressive or inappropriate, to try to paint management in a poor light. I had seen a number of these videos, including one relating to James Maher (the Albert Street Project site superintendent), which had previously been posted to Facebook by the CFMEU.
26. The man I was following also threatened that I would not work on any other large constructions projects in Queensland if I did not cooperate with him.
27. At the time the men entered the site, the workers onsite were undertaking concreting work.
28. Once it became clear that the men from the CFMEU were not going to easily leave the site, I told all the workers to go take a smoko break. I did this because I did not want them to be needlessly harassed or to get into any sort of altercation or argument with the CFMEU. In any event, it would have been unsafe to continue any work whilst the two men were onsite, as they were not following directions and had not completed a safety induction.
29. Essentially, I had two unknown men wandering around site. I could not let work continue around them, for their own safety, and the safety of others.
30. Work on the Rocklea station site was therefore stopped for about a half a day in total as a result of this disruption.
31. When the men eventually left the site, they said they would be back.
32. A few days later, they returned, this time accompanied by a man who introduced himself as Dean Rielly, a CFMEU organiser. Mr Rielly did not tell me who the other two men were.

#### **Incident on 30 April 2024**

33. On 30 April 2024, the CFMEU picketed the Rocklea station site and were not allowing any workers to have access to the site.

34. I reported this to the "Unity Notifications" WhatsApp chat. This chat was used for senior Project personnel to report union activity across the sites. At 5:48am, I notified the WhatsApp chat that CFMEU had placed locks and chains on all the gates and that three CFMEU members, including Liam Crow, were at the Brooke Street entrance. Mr Crow was the CFMEU-aligned HSR whose work area included Rocklea.
35. I took photos of the CFMEU picketers and the chains. A photo of the picketers is **Annexure BPM-3, page 2** and a photo of the chain on the gates is **Annexure BPM-4, page 3**.
36. The CCTV footage of the CFMEU locking the gates at 4:00am is **Annexure BPM-5**.
37. The Queensland Police Service (QPS) were called at 6:13am to remove vehicles blocking the gates. A photograph of a picketer standing in front of the vehicle blocking the gate access is **Annexure BPM-6, page 4**.
38. No locks were cut; however, Unity personnel took down temporary fence panels to allow workers access to the site. The pre-start meeting commenced at 6.36am.
39. At 7:17am, another vehicle arrived at Rocklea to block access to the working gate. A photo of the second vehicle is **Annexure BPM-7, page 5**.
40. At 7:35am, I spoke to the QPS about the CFMEU preventing access to the site. QPS told me that they have no powers to remove or ask them to move and that I should ring the Brisbane City Council (BCC). I reported this to the WhatsApp group.
41. At 7:44am, I contacted the BCC about vehicles blocking the access gates to site. About 20 minutes later, the BCC arrived and told the CFMEU picketers to move the vehicles. The CFMEU members moved the vehicles, and then moved to sitting on chairs in front of the gate at the Brooke Street entrance. A photograph of this is **Annexure BPM-8, page 6**.
42. The picket line eventually left the site at 3pm.

#### **Incident on 1 May 2024**

43. On the morning of 1 May 2024, I attended the Rocklea station site and saw a number of people associated with the CFMEU at the front gate. Workers who had arrived for work were gathered at a cafe across the road because access to the site had been obstructed.
44. A vehicle had been positioned across the driveway and the gate had been secured with a chain and padlock that did not belong to the Project. At 5:43am, I reported to the WhatsApp group that one Ute and two CFMEU members were on Station Street blocking access, and one Ute and five CFMEU members were on Brooke Street. Three of the five members on Brooke Street were wearing masks. The group also included Mr Crow.
45. I recorded part of the incident at Brooke Street on my phone. In the footage, people associated with the picket are at the gate where the additional chain and padlock had been placed.
46. In the video, the person with the beard who is doing much of the talking is Mr Crow. The people were all wearing CFMEU-branded clothing of some sort and most had masks covering their faces.

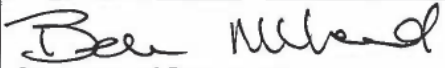
47. The chain and padlock prevented ordinary access through the gate and workers initially remained outside the site. The workers on the Rocklea site were delayed getting onto site and commenced work around 9:30am to 10am. Work generally proceeded as normal that day after that.
48. The gate at Brooke Street was originally open, and at 6:05am the CFMEU tried to close the gate. Footage of this is **Annexure BPM-9**.
49. By 6:58am, the picket line at Brooke Street intimidated a Queensland Rail worker not to enter the site.
50. At 9:12am, the CFMEU moved a marquee into the gate to prevent access. A photo of the marquee is **Annexure BPM-10, page 7**.
51. My recollection is that Mr Crow's time on the Project ended on or around 1 May 2024. I understood that he was removed from the Project after an incident in which he entered a rail corridor without complying with the required rail-access process.
52. On or about the same day, there were also picketers at a Queensland Rail access gate in the Salisbury area. The picketers had placed their own chain and lock on that gate even though Queensland Rail required access in case of an emergency. I attended wearing a body-worn camera, although I did not activate it because there was no confrontation. I cut off the additional lock and chain and returned to my work.
53. I did not recognise the people at that Salisbury gate. They were not masked and, on that occasion, did not try to prevent me removing the lock.

#### **Other Picketing Incidents**

54. In addition to the above incidents, it was a relatively regular occurrence for CFMEU members to come onto site, without permits (or refusing to show permits) and try to stop work due to apparent safety issues.
55. Further, prior to the incident on 1 May 2024, there had been the odd intermittent picketing of the Rocklea station site by CFMEU members. On these occasions, they would put up signs near the gate, and shout out at workers, but they did not block the gates or lock them. The signs included photos of various members of CPB management and contained derogatory comments about them.
56. Signs I saw included those calling people "scabs" and other derogatory remarks. I recall some which targeted James Donaghey (Project general superintendent) and Adrian Ockford (CPB Health and Safety Manager). These signs were corflute-type signs that had a picture of the person's face along with some sort of derogatory remark.
57. "Scab" and "grub" were common remarks made by picketing CFMEU workers, to other workers onsite, if they chose to work on picketing days or if they did not join the CFMEU.
58. One of the signs I saw suggested that Mr Donaghey or Mr Ockford were responsible for a death on site. This sign was put up after the incident that occurred around Christmas 2024, where a Project worker passed away. The CFMEU had been alleging the death was due to heat-related stress issues.
59. I thought the signs were intended to intimidate those people who were featured on the posters and to turn the workers against them.

60. After seeing the signs put up by the CFMEU on site, it did occur to me that, if I put the CFMEU off too much, I would end up on one of these signs. It was a lot easier to appease them when you could.

I swear the contents of this statement are true.

  
Signature of Deponent

  
Place Date 15/07/26

  
Before me (signature of witness)

JESSICA JEAN OGDEN  
Full name of witness (please print)

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

# Commission of Inquiry into the CFMEU

## and Misconduct in the Construction Industry

Bundle of Documents to  
Statement of Benjamin Millard



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