

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

WITNESS STATEMENT OF JAMES TOIMOTHY DOWNIE

I, James Toimothy Downie 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. I have been a member of the Australian Workers Union (**AWU**) for approximately ten years.
3. I was an AWU Delegate for about five years. I then became an AWU organiser in 2022. I am still in this role.
4. Before I became an organiser, I worked as a machine operator in the aluminium sector at G James Glass & Aluminium Pty Ltd.

First Brisbane Metro Incident

5. On 23 March 2023, Jade Campbell (**Ms Campbell**) and Kurt Neumann (**Mr Neumann**) and I were planning a visit to the Brisbane Metro project to have a meeting with some of our members. We were in our car and had turned up to go on site and enter from Grey Street as we normally would. Our car had AWU branding on it. It was normal for the traffic controllers to open the door, and we would drive in to a designated visitor's parking spot. When we arrived, we noticed that the gate was shut, which was unusual, and there were a bunch of people milling near the gate.
6. We pulled in, and the group suddenly surrounded the car and began plastering it with stickers. Amongst this crowd I identified Richie Atutolu (**Mr Atutolu**), Dean Mattas (**Mr Mattas**), Brodie Wood (**Mr Wood**) and Dean Rielly (**Mr Rielly**) there. Mr Atutolu was asking me to step out of the car. I just said to myself: 'I wasn't doing that' and 'it wasn't worth it'.
7. We then got a call from someone within Acciona who said that they weren't going to open the gate because they couldn't risk having people physically run onto the site and that we would have to find alternative parking.
8. We then drove around the corner and into a parking complex off Grey Street. When we went to pay for parking, I noticed that the group had put stickers and flyers all over the back of the car's windscreen wiper.
9. In hindsight, we probably should have left when that happened. We got out of the car and I said to Ms Campbell: "*Are you ready for this?*" I wanted to make sure she was ok before we decided to go onto site. But she said she had "*seen all this shit from the CFMEU before in Victoria*" and so she was ready.
10. I had never been onsite at the Brisbane Metro project before. I led the walk up to the site, and Mr Neumann and Ms Campbell were walking side by side. We unintentionally walked past the entrance on the side, and as we walked past the gate, the previous

group that we had encountered saw us and ran towards us. They were following us and cheering and carrying on as we walked back down towards where the gate was.

11. They then ran to try and get in front of us. Both Ms Campbell and I were able to get to the door at the same time, and Mr Neumann was a few steps behind us. The whole time they were surrounding us and yelling at us and trying to put stickers in our pockets.
12. A copy of a video taken by Ms Campbell, recording our interaction with the CFMEU members and our attempts to enter the site, is **Annexure JTD-01**.
13. Ms Campbell was able to get inside the gate, and I then felt a heap of bodies behind me, and I turned around and saw that they were shouldering and bashing into Mr Neumann to keep him away from the gate. I told Ms Campbell to head into the site, and I turned around to help Mr Neumann. I had to pull some people out of my way to stand next to Mr Neumann so that they'd stop pushing him.
14. When I was next to Mr Neumann, the group were making a lot of noise and yelling and chanting. They were trying to put stickers on my shirt. I remember they were also putting stickers on Mr Neumann.
15. They were becoming more and more aggressive. There was one guy telling us how he was a boxing champion and how we would not get past them because he would knock us out. They were carrying on and just posturing and saying things like "why don't your members come out and help you, do they not support you?" I said to them that "we [the AWU] don't do this shit, we don't organise like this, we don't have our members come out and meet yours – it isn't what we do".
16. I have already mentioned that I was able to identify Mr Atutolu, Mr Rielly, Mr Wood and Mr Mattas. I don't recall or know the others, although I noticed some wearing branded clothing from companies that I knew were working on the Queens' Wharf job. I also noticed quite a few green CFMEU Labor Day T-shirts.
17. Whilst Ms Campbell was on site, the group stood in front of the gate achieving nothing but preventing us from entering. We asked them what rights they had to stop us from entering the site and why weren't allowing us to visit our members. They called us "management's pets" and things like that, saying that all we do is management's job for them.
18. While all this was happening, a bus pulled up right behind where the entrance is and members of the public were getting off the bus. They appeared frightened by what the group were doing. There were kids getting off the bus who started crying, and there were a couple of women crying as well. There was still pushing and shoving of Mr Neumann and me as the members of the public were walking past – this continued for about 20 minutes because we continued to try and get on site. By the time the bus arrived, I believe Mr Rielly and Mr Mattas had left the scene.
19. I heard Ms Campbell from around the corner yell out "*are you boys alright, I am leaving the site now*". She then came around the corner filming everything. Once Ms Campbell came back out from the site, we were able to group up and walk back to our car.
20. On the way back, we passed Mr Rielly and Mr Mattas. Mr Rielly yelled out "*are you having fun, this has only just started*" We got into our car and then went back to the AWU office.

21. A copy of a video taken by Ms Campbell, recording our interaction as we left the site, is **Annexure JTD-02**.

Second Brisbane Metro Incident

22. On 23 March 2023 the same day as the first incident, Mr Neumann, Ms Campbell and I attempted to make another site visit at Brisbane Metro.
23. On this occasion we were visiting the CBD side of the site, on the north side of the river, at Wharf Street. We had planned to attend at 1:30pm with Acciona's management. They had invited us to come back down and told us that nobody knew of our visit that afternoon. Instead of driving down, we walked down from the office at Adelaide Street down to Wharf and Turbot Street.
24. As we were walking down Adelaide Street, I looked over and there was a large number of people milling around the main entrance to site. I advised Mr Neumann who was with me at the time to call site and tell them we will have to enter through the rear entrance which we proceeded to attempt to do.
25. At this time, we crossed the road from Adelaide Street to North Quay to head to the rear entrance. I was about 10 to 15 metres in front of Mr Neumann and Ms Campbell and got passed by a few CFMEU members / delegates before they recognised that I was with Mr Neumann and Ms Campbell again.
26. I heard grunting and turned around to see a large man – I only know him as "Bluey" – "chesting" Mr Neumann and not letting him get past. I decided to go back and help Mr Neumann and by the time I got back to him there was no standing room on the sidewalk. A group of people who I could identify belonged to the CFMEU due to their branded clothing were jumping over the fence being led by Mr Wood onto the active worksite. They were lining up across the fences and were chanting.
27. There was also a BUSQ representative present who is a short bald angry man – I do not know his name, but I remember that he said that he was a BUSQ representative and that he hated the AWU because we were with CBUS.
28. The group were forming a wall around us, and security came out from the nearby apartment complex and said that we need to move on. I said to them that both the front and back entrances were blocked, how do you expect us to get out of here? They said that it was our problem, not theirs and they can't have the rabble and carry on out the front.
29. Both Mr Neumann and I then pushed past the group of people and started walking back to our office. The group continued to follow us all the way around the corner until we crossed back onto Adelaide Street, and we were walking up towards the office. I would guess that they followed us for about 150 metres just to make sure that we were properly offsite and not trying to come in the front gate.
30. Video footage of the second incident is **Annexure JTD-3** and **JTD-4**.

Gabba Station Incident (Cross River Rail)

31. On 20 June 2023, Jamie McQueen (**Mr McQueen**) from the AWU and I were attending site to hold a meeting with our members. This type of meeting was a regular catch up because there was a new app that had come out for CBUS and we wanted to show the members how to download it and for them to check their superannuation.

32. There was a full room of people who attended that meeting and were asking questions. Michael O'Brien (**Mr O'Brien**), an industrial relations advisor for CPB, was also in the meeting.
33. Mr Atutolu was present at the meeting and was going back and forth opening the door to let people out. I didn't know why he was letting people leave out the back and this struck me as strange behaviour. From where we were in the meeting, I could see lots of boots walking along the pavement on the outside of the project.
34. Once the meeting had ended, we left the room and had to go down about 6 flights of stairs from the smoko hut. As we were walking out, I went past one of the rooms which is normally full of scaffolders from RB Scaffolding and noticed that the room was completely empty. Something didn't feel right. I mentioned this to Mr McQueen and said he should stay with Mr O'Brien.
35. I then went to the breathalyser near the front gate and stuck my head around the corner. I saw about two dozen people, including men wearing RB Scaffolding gear and others wearing CFMEU delegate shirts. I recognised some of these people from our earlier meeting, who Mr Atutolu had let out the back door.
36. I then walked back over to Mr McQueen and said that we have a problem and couldn't get out the front gate. I told Mr O'Brien that we needed to safely exit the site. There was a single gate with a walkway directly to the Coles supermarket next to the site, which would have allowed us to avoid the crew waiting for us. However, Mr O'Brien would not take us there and told us that we had to walk through the middle of the construction site and exit off Main Street.
37. As we headed towards Main Street, the group saw us and started screaming and yelling at us from the gates. They were saying things like "*where are you going pussies*" and "*you're not brave enough to face us*" – things like that.
38. We then walked down Main Street to exit the site. There were about 45 to 60 people that I saw, there was just a stream of people coming around the corner from Vulture Street.
39. I said to Mr McQueen it is fucking on and we need to get out of here. He was about 20 metres in front and I was following behind and I thought to myself that I'll hang around the back because if anyone comes Mr McQueen, I could stop them and give them time to get away.
40. The group caught up to us fairly quickly and surrounded Mr McQueen and myself. They came up to me straight away and grabbed my backpack, I stumbled and they started to go through my backpack, which was still on my back. They were throwing my stuff out and carrying on. I remember saying to them just leave me alone, I'm not on site anymore what is this all about. They weren't saying anything intelligible, they were just chanting, screaming and yelling all the way to the lights.
41. We continued walking up to the lights and when the lights turned green, we went to cross. Two people got to the right-hand side of me and shoulder barged me into the oncoming traffic on Main Street. I remember that there was a lot of traffic, including trucks. Luckily, I was able to dance out of the way of a truck, but I felt the wind on my backpack.

42. After that happened, I started to run to catch up with Mr McQueen, because he had just powered on through them and had moved towards the shopping centre with the Coles in it.
43. When I caught up to him, they got into a big group in front of us before we could go up the stairs. I remember there was a guy saying to me *"come on, fucking do something, you fucking started this, come on I'm fucking ready, I'm fucking ready to go."*
44. I said to him that I don't do that, that's not what I do. I have my permits, and I hold them dear. I have a job, and I don't want to lose it or my permit because of him, that he's not worth my time, I've got other better things to do. One of the group members then said to me *"is that what you're teaching your kids"*.
45. In response to the comments about my kids, I tried to tell them I do not have kids.
46. The same man responded, *"we know you have got two sons"*. He then (accurately) told me the names of my sons and where they went to school and day care. I don't know who those people are who threatened me. I have no idea how they knew this information.
47. I know that the group were mostly wearing RB Scaffolding gear, but I also noticed some CFMEU delegate shirts as well. The guy who threatened me by talking about my sons was wearing a CFMEU delegate t-shirt with a yellow hi-vis shirt. I had never seen him before, and I haven't seen him since then. I don't know who he is.
48. I then moved closer to Mr McQueen for a bit of back up. I saw Steve Aimes (**Mr Aimes**) in the crowd, who I recognised as a CFMEU delegate. He was going off on the person who threatened me, he obviously heard what was said. I remember Mr Aimes saying something like *"we have got our point across"* and *"they can leave now"*.
49. I have watched the video of this incident happening, and you can then see in the video when this happens.
50. A copy of the videos that I have been shown of the above incident is **Annexure JTD-5**.
51. Mr McQueen and I then made it back to our separate cars and left to go back to the AWU office.
52. Prior to this incident, whenever we went to the Gabba Station Project we were never allowed to walk around unescorted. The reason Mr O'Brien gave us for why we couldn't leave by the Coles gate that day was because we couldn't have the passcode or a swipe card. Mr O'Brien also did not offer us a place to stay on site until the group had dispersed or settled.
53. I believe there were a lot of things that CPB could have done to assist us, like voluntarily allowed us to park on site so we didn't have to walk down. Chris Butler and Mr Terry Prior both said that they would not give us parking on site, because if they gave it to us, they'll have to give it to the CFMEU. We had to hold most of our meetings in a little bunker in the middle of the site so that we were shielded and hid away from the CFMEU. We also asked them to do risk assessments for us, but they refused.

Albert Street Incident (Cross River Rail)

54. On 22 June 2023, Mr Neumann and I went on to the Cross River Rail site on Albert Street. There were two men wearing matching CFMEU t-shirts out the front, who I had never seen before. We did our meeting and had no issues.
55. As we were leaving the site through the big metal doors, the two CFMEU guys, who were wearing their matching green labour day shirts, said "welcome", which was confusing because we were leaving. When I opened the door, I saw about 15 to 20 people out the front. They slammed the door shut as soon as Mr Neumann got through. They then surrounded us and were shoving stickers at us. They weren't shouting but were making the usual derogatory statements such as "Bosses Union" and stating we we had only met with management and not members. They were shoving as much stuff as they could into my pockets. They then tried to take my black compendium from me. I managed to keep a hold of my compendium.
56. I remember saying to Mr Neumann that we'd walk back to the office. The group followed us and suddenly started to chant and trying to get in front of us as we got to the right-hand side of Charlotte Street.
57. There was a little old lady in front of me when they started chanting, and she got startled and started to cry – I asked if she was alright, and she asked what was going on. They then continued to follow us up towards the mall until we got to King George Square. They stopped there because it was clear that we weren't heading back to the site. We then kept walking back to the office.
58. The whole time that this was happening, I felt like I was just going to get punched in the back of the head as we were walking. There was a constant threat of violence.
59. I remember that Mr wood was there, I don't know the names of the other people. They were wearing normal clothes with orange CFMEU hi-vis vests or other CFMEU gear.

First Northern Portal Incident

60. There were multiple occasions when my AWU car has been stickered by the CFMEU. It happened once at the South Bank Metro site.
61. However, every time I went to the Northern Portal, which was quite often, people would come out and put anti-AWU stickers all over my vehicle. One day, in the course of about 20 minutes, someone had stickered every inch of my car's windows. As I was peeling the stickers off, there were people wearing CFMEU clothing videoing me and laughing.

Second Northern Portal Incident

62. On 27 July 2023, I attended the Northern Portal site to brief AWU members in relation to a serious incident that had occurred on the Cross River Rail project, where a scaffolding worker had suffered severe injuries.
63. When I arrived, the entrances to the site had been chained up by CFMEU members. I called Jayce Emmerton (an AWU delegate) (**Mr Emmerton**), who I had planned to meet at the site, and he told me that he had managed to find a way past the locked gates and was onsite.
64. I could see that Mr McQueen was in his car at the roundabout to the left of the Northern Portal. I saw a large group of men (many wearing CFMEU clothing and paraphernalia) surround Mr McQueen's car. I saw that they let the tyres down on Mr McQueen's car

and I heard someone say they had knives. I recognised Matthew Vonhoff (**Mr Vonhoff**) and Dylan Howard (**Mr Howard**) in the group.

65. Whilst I was watching this unfold, Mr Emmerton called me and told me that he had spoken to Mr Vonhoff, who confirmed to him that members of the group were armed with knives and to leave Northern Portal.

I ☒ swear the contents of this statement are true.

Signature of Deponent

Place Brisbane City Date 29/09/2026

Before me (signature)

Ernesto Gutierrez

Full name of witness (please print)

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