



**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**

**THURSDAY, 4 DECEMBER 2025  
AT 10.00 AM**

**DAY 6**

**APPEARANCES**

**Mr S Wood AM KC, Commissioner  
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 Schinnerl 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  
Ms S Connolly, 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 with Mr I. Bloomingdale, Counsel for Cross River Rail Delivery Authority**

**<THE HEARING COMMENCED AT 10.00 AM**

**COMMISSIONER:** I will take appearances. Mr Wheelahan, you appear with Mr Smith?

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**MR WHEELAHAN:** Yes, Commissioner.

**COMMISSIONER:** Mr Spence, you appear for Ms Schinnerl and the AWU?

10 **MR SPENCE:** Yes, Commissioner.

**COMMISSIONER:** Mr O'Grady, you still appear for the CFMEU administration?

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

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**COMMISSIONER:** Ms O'Gorman, you still appear for Mr Ravbar and Mr Lowth.

**MS O'GORMAN:** I do. Thank you.

20 **COMMISSIONER:** Mr Kimmins, you still appear for Mr Ingham?

**MR KIMMINS:** That's correct, your Honour.

25 **COMMISSIONER:** Mr de Jersey, you still appear with Mr Wilson for the State of Queensland and Sarina Wise.

**MR de JERSEY:** Yes, Commissioner.

30 **COMMISSIONER:** I don't know, because Ms McMillan is not here today, whether you want to take a seat at the bar table, Mr de Jersey, or - if you want to.

**MR de JERSEY:** Thank you very much.

**COMMISSIONER:** Ms Cooper, you still appear for the BMD Group?

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**MS COOPER:** Yes, I do.

**COMMISSIONER:** Mr O'Brien, you still appear for the Cross River Rail Delivery Authority?

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**MR O'BRIEN:** Yes, I do.

**COMMISSIONER:** Ms Connolly, you are new. You are now appearing for - for whom?

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**MS CONNOLLY:** For CDPU, the ETU Queensland and the PVCU Queensland.

**COMMISSIONER:** You are replacing Mr Clift, are you?

**MS CONNOLLY:** Yes.

5 **COMMISSIONER:** Thank you. Are those the only appearances? Yes.  
Mr Wheelahan.

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

10 <**STACEY SCHINNERL, ON PREVIOUS AFFIRMATION**

**MR WHEELAHAN:** Ms Schinnerl, the next topic I want to take you to is Labor Day 2023. Labor Day - can you tell the Commission how much of an important day that is for the union movement.

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**MS SCHINNERL:** It's the most important day of the year for the union movement. We usually reference it as Union Christmas. It's the day that we celebrate all the collective wins of the movement and, you know, we make it a real family fun day and thousands of unionists and their families attend the march and celebrate together.

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**MR WHEELAHAN:** And presumably in 2023 you attended with your family?

**MS SCHINNERL:** I did, yes. All of my children. I've attended most Labor Days in my 21 years at the AWU excepting ones where I had either just given birth or were heavily pregnant.

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**MR WHEELAHAN:** Yes. The Labor Day march, obviously there's a march through a route and that can be in Brisbane and yesterday you said in Ipswich and various other locations.

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**MS SCHINNERL:** Yes, all major regional centres, yes, correct.

**MR WHEELAHAN:** And in 2023 were you participating in the march in Brisbane?

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

**MR WHEELAHAN:** And in terms of the festivities, where does the march end in Brisbane?

40 **MS SCHINNERL:** The march ends at the RNA Showgrounds.

**MR WHEELAHAN:** Yes.

45 **MS SCHINNERL:** It commences technically on Turbot Street in the city, although the assembly of unions goes up Wharf Street and down St Pauls Terrace in Spring Hill.

**MR WHEELAHAN:** So before the march commences, do you have a designated area that you've communicated to your members as to where the AWU -

5 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - members will meet?

10 **MS SCHINNERL:** Yes, that's right. So the QCU Labour Day organising committee does, you know, a march order. In 2023 the Australian Workers Union was not an affiliate of the Queensland Council of Unions and as is the case we and other non-affiliates are relegated to the end of the march order.

15 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** So we would have been there at the time, with the CFMEU and the SDA as well, towards the rear of the assembly.

20 **MR WHEELAHAN:** Is that on St Pauls Terrace?

**MS SCHINNERL:** Correct.

25 **MR WHEELAHAN:** All right. And in 2023 the CFMEU, they weren't affiliates either, were they?

**MS SCHINNERL:** They were not.

30 **MR WHEELAHAN:** So what was the proximity, then, in the set-up of your union and the CFMEU?

**MS SCHINNERL:** We were relatively close when we first started to assemble, simply because some of the other unions had not yet arrived. So the CFMEU, which is always a very large contingent, had already started to assemble their trailer, some of their members had arrived.

35 **MR WHEELAHAN:** I will just ask you about that, so can you describe to the Commissioner their set-up. You said there's a trailer. What else, how would you describe it, is it a very large contingent?

40 **MS SCHINNERL:** So, you know, large volumes of members, obviously, but they did have a large trailer which they use frequently on sites as well. It has a large audiovisual set-up, speakers as well, and that formed part of, I guess, their delegation.

45 **MR WHEELAHAN:** So when you say a large trailer -

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** It's very subjective.

**MS SCHINNERL:** Sorry.

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**MR WHEELAHAN:** The fact that you've said there are speakers and sound systems and audiovisual.

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** Are you describing a trailer that a number of people can stand upon?

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**MS SCHINNERL:** I believe so. It's been a while since I've seen it to be honest but it's designed to project in large volumes, of course, people that are either hooked up via a microphone or such like.

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**MR WHEELAHAN:** And do you recollect on that morning whether they were utilising at the set-up, when were you in reasonable proximity, the speaker system on their trailer?

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**MS SCHINNERL:** Yes, I arrived a little bit later for set-up. I was in the office for a little while before I brought my family up because obviously it's a long time for kids to be standing there. At the time I had two 13 year olds and two 10 year olds so I don't necessarily want them standing there for hours on end waiting to start marching so we were in the office for a while, before I went up to St Pauls Terrace. On my up to St Pauls Terrace, I received a phone call from some of my staff who were on site at the assembly point who reported that the CFMEU had set up this trailer and were starting to say things on the microphone.

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**MR WHEELAHAN:** What was reported - and when we say "microphone" -

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** It ultimately did arrive -

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** We have seen, obviously, the news. Is it the megaphone or is it something more advanced as a set-up.

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**MS SCHINNERL:** I think they had a microphone - a large microphone that was somehow perhaps bluetoothed to the system or it could have been wired. I couldn't tell you -

**MR WHEELAHAN:** Louder or quieter than the usual megaphone that we've seen videos -

**MS SCHINNERL:** I say on par.

**MR WHEELAHAN:** All right.

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**MS SCHINNERL:** On par.

**MR WHEELAHAN:** What were you told that they were saying?

10 **MS SCHINNERL:** It was just a general anti-AWU sentiment. I can't tell you with specificity what was saying - what was said at that particular stage but know that throughout the march it has been reported that they continued as we were marching, a very strong anti-AWU sentiment. AWU being Australia's Weakest Union and those sorts of things.

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**MR WHEELAHAN:** All right. So not only do you have the utilisation of a speaker system on a CFMEU trailer, I think yesterday once the march commences you're also confronted with various stickers along the route?

20 **MS SCHINNERL:** Yes. So we had a couple of things to tackle at that particular time. I had a number of our staff depart to try and desticker the march route. Obviously, with the help of other unionists from other unions as well. So it was a bit of a chaotic time and I remember making several phone calls that morning. I remember speaking to Reneé Kempin from the QCU is the Labor Day manager for  
25 that event. I believe I rang and spoke to Jacqueline King as well. I think I may have even had a conversation with Michelle O'Neill, who is the president of the ACTU who was also in attendance at that Labor Day march.

**MR WHEELAHAN:** All right. Arising from those conversations, were you given  
30 some sort of assurance -

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - that a team of people would do as much as they could to  
35 remove the stickers?

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

**MR WHEELAHAN:** But we saw the photos yesterday that, of course, they weren't  
40 all able to be moved.

**MS SCHINNERL:** Just to be fair, we don't have any photographs of the 2023 Labor Day stickers in Brisbane.

45 **MR WHEELAHAN:** I see. So that's the 2024 one.

**MS SCHINNERL:** Yes and the 2023 Ipswich one. Correct.

**MR WHEELAHAN:** Ipswich one. Well, if you don't have the photos, can you give direct evidence to the Commissioner.

5 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Do you recollect there being stickers on the march?

10 **MS SCHINNERL:** Very much so. They were all - they were all over light posts. They were they were high up on buildings, in fact, so high that many of them couldn't be removed because they were so high.

**MR WHEELAHAN:** And in terms of stickers, you gave evidence yesterday about different sizes.

15 **MS SCHINNERL:** Yes.

20 **MR WHEELAHAN:** Are we talking the ones you had to stand up and produce or the smaller ones or the whole lot?

**MS SCHINNERL:** The ones I saw that were unable to be pulled down, they were the smaller version but that's not to say that there weren't bigger ones they just didn't see myself.

25 **MR WHEELAHAN:** All right. So you said the march ends at the RNA Showgrounds.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** And that's what's meant to happen, you said, is a family fun day?

35 **MS SCHINNERL:** Yes. In fact, the RNA is - or that event is split up into two sections. We march through the main gates where all the marquees are set up, every union has its own marquee with its own food station, drink station, tables, chairs and the like. And there's also a separate portion of the RNA area that is, you know, a carnival of sorts. So the kids can ride rides as many times as they like and have all manner of fun.

40 **MR WHEELAHAN:** And the marquee set up for your union had AWU branding.

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** So no one could be in any doubt.

**MS SCHINNERL:** No and we had our flag up as well. Every union brands their marquee so it's clearly visible and well-known.

**MR WHEELAHAN:** At about what time does the event start to close down at the showgrounds?

5 **MS SCHINNERL:** It's mid-afternoon. I believe the official ceasing time of the event is around 4 o'clock. I could be wrong with that but I believe the liquor licence cuts out at around that time and obviously that's when most people depart. But we made a decision that, you know, in the interests of keeping things under control, that we would start packing up early and we didn't have many members remaining  
10 towards that time. So it would have been about 3 o'clock that we really started to pack up in gusto.

**MR WHEELAHAN:** So what does packing up - I know it's obvious but what did it entail on that 2023?

15 **MS SCHINNERL:** So pack down always is, you know, we stack our chairs, followed our tables, stack the tables, clean the bar queues, put everything neatly away so the rental company that we rent those items from can pick them up easily the next morning. There's obviously items that we're going to have to take off site.  
20 And there will be left over food, eskies, left over drinks, but we're not permitted to take our vehicles onto the showgrounds until such time as the event concludes, for safety reasons. So what that requires is an on foot shuffling of items outside the showgrounds so you can depart.

25 **MR WHEELAHAN:** And some of those items you would obviously take to your vehicle.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** And the vehicle, is that presumably you also use them every year, there are certain items that you return to your offices?

**MS SCHINNERL:** Yes, that's right. The last thing we want to do is take a glut of sausages and old bread home with us so we tend to take it to the office and deal with  
35 it the following work day.

**MR WHEELAHAN:** Towards the end of the day, one of the people were you with in that marquee was Marina Chambers.

40 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** What position does she hold?

**MS SCHINNERL:** Marina Chambers is the national president and our state union's  
45 president.

**MR WHEELAHAN:** All right. I will just bring up paragraph 79 on screen, please. Here, you've said that you were approached by a man wearing a CFMEU T-shirt who had his face and forehead printed with the words "Australia's Worst Union".

5 **UNIDENTIFIED SPEAKER:** I think the witness said painted.

**MR WHEELAHAN:** Sorry, I didn't have - it is painted?

10 **MS SCHINNERL:** Yes, he was face-painted.

**MR WHEELAHAN:** Face-painted? I presume, sorry, also I will ask you, is that because the kids - one of the activities is they have face painting.

15 **MS SCHINNERL:** I had actually seen face painting on a number of CFMEU members that day. I can't say I actually looked closely until I saw this man but it looked as though that was definitely an activity they had engaged in at some stage. The face paint was AWU colours, at the time being blue and yellow.

20 **MR WHEELAHAN:** And then you have an exchange.

**MS SCHINNERL:** We do. He - the Australian Workers Union marquee is a very large marquee and it's a long marquee. Obviously we have got a lot of members to be accommodated. So I was sitting at the end of the marquee. I believe I was sitting on either a milk crate or an esky. One of my then 13 year old sons was sitting with me and Ms Chambers was there as well.

25 **MR WHEELAHAN:** And Ms Chambers, yes.

30 **MS SCHINNERL:** The gentleman walked in from the far end so there was no one else in our marquee. Our marquee was basically empty at that point. He walked straight towards me and obviously immediately I'm on alert because this is a gentleman wearing a CFMEU shirt walking straight towards me. He gets - so I was on - the closest to the end of the marquee. So he had actually gets closest to my son first in proximity.

35 **MR WHEELAHAN:** I will slow you down, it's a bit fast.

**MS SCHINNERL:** Sure.

40 **MR WHEELAHAN:** So you're on the corner of - it has one opening -

**MS SCHINNERL:** It's a fully open marquee, imagine it's a rectangle and it's a rectangle in this direction. I'm right at this end of it. He enters from this end of it and my son is sitting a metre or so across from me, also on an esky or a milk crate - whatever we were sitting on at the time. So because he's entering from this end, he approaches to the back of my son.

**MR WHEELAHAN:** Can I stop you apart from your description of wearing a CFMEU T-shirt and face painting his forehead -

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** - can you describe his stature at all. Can you recollect -

**MS SCHINNERL:** He was an average sized built man. I do note in the Watson report he is described as heavyset. I wouldn't describe this man as heavyset. I don't know where that came from. He was an average sized man probably similar in stature to yourself.

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**MR WHEELAHAN:** Well, my children describe me as a very muscular -

**MS SCHINNERL:** The suit clearly does -

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**MR WHEELAHAN:** It's all covered.

**MS SCHINNERL:** I apologise. Gosh.

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**MR WHEELAHAN:** You've thrown me off my next question.

**MS SCHINNERL:** Sorry.

**MR WHEELAHAN:** How tall was he? Don't say he was as tall as me.

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**MS SCHINNERL:** Roughly your height, I believe.

**MR WHEELAHAN:** He was. Okay. We'll move on from that. He has come up to you and what you say is he has gone, "How do you fucking like this?"

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**MS SCHINNERL:** Yes. Pointing -

**MR WHEELAHAN:** Pointing at it.

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** You say, "All right, mate. What do you want me to say? Just jog on."

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** He goes, "Come on. Fucking say something, tell me what you think."

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**COMMISSIONER:** It might be better to get this directly from the witness rather than you - get the witness to describe.

**MR WHEELAHAN:** All right. So start - you should start because you heard it and I'm reading it how I imagine it to be said.

5 **MS SCHINNERL:** Yes. Reasonably accurate. And I should say, when he entered the marquee from a distance, I didn't immediately see his face paint. It was only once he got closer and pointed it out to me that I could read what it said. So he said, you know, "How do you fucking like this?"

10 **MR WHEELAHAN:** Can you say it how you heard it.

**MS SCHINNERL:** "How do you fucking like this?" and I said, "All right, mate. What do you want me to say? Just jog on." I wanted him to go. I was immediately alert that my child was sitting there and I didn't want him to have to witness this.  
15 And he said to me, "Oh come on, fucking say something. Tell me what you think." He was really goading me into an exchange. I said, "Leave. This is my child. Don't do this here. Leave."

**MR WHEELAHAN:** And in response, did he leave or did he do something else?  
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**MS SCHINNERL:** He - I was still sitting at this stage. He got closer to me, more I would say being in my face, I was in a seated position he was leaning over and forward, still pointing to his forehead. He goes, "Come on, you're weak". I wanted him to, like, at that point I just wanted him gone. I didn't really know how to diffuse  
25 the situation other than to stand up. You know, I'm not a slight woman. I can present a presence if I need to. So I decided in that moment standing up to him would be the best chance I had to move him on. So I did stand up. And I remember vividly just yelling very loudly, "Just leave, leave, leave."

30 He then turned somewhat - I was trying to guide him because I was advancing on him. I wanted him out of the marquee and we ended up at the end of the marquee at that point. I was facing out of the marquee. He was still facing in. He just kept on going. He was saying things at me and I don't really recall the detail of it because I was just - I was so full of adrenaline. I was so conscious that my child was watching  
35 this happen.

And as this was happening and I was yelling at him to leave and I didn't know what was going on behind me. I didn't know how my child was reacting because I had my back to my child. I noticed out of the corner of my eye - I saw a man who I believed  
40 to be Jade Ingham watching on. I think we mutually advanced on each other. He advanced towards me. I advanced upon him. I warranted him to turn around and go. We very much ended up chest to chest, I would say.

I kept on saying, " My son is here just go don't do this here." I also noticed there was  
45 a woman watching nearby and she was standing with a young child and I remember thinking to myself, "I think that's his wife." and she was just watching it. Sorry, Commissioner.

**COMMISSIONER:** Do you need a break?

5 **MS SCHINNERL:** No. He then really pushed up against me and he leaned past me, it felt like he was trying to get past me and to my child. And he said, "How does it feel to know your mum's a fucking grub who sells out workers?" I think at that moment my mama bear tendencies took over and I said, "Oh, fuck that". Then at that point the security turned up and he left and he left with that woman. But Mr Ingham made no attempt to pull him away. He just watched it happen. And I was talking  
10 about this with my son last night and he actually fortunately doesn't remember this happening. But with the passage of time he is a strapping six foot four 15-year-old gym junkie and he expressed a desire that we could go back in time and he could probably look similarly to what he does now because he said that he would take this guy on and I bet you he would probably knock him on his arse.

15 Following that, when they did leave, I did yell out to the woman and I'm not proud of this because I believe I lowered myself to their level and I yelled out to her, "You must be fucking proud." I'm not proud of saying that but that was a really, really challenging exchange that should never have happened.

20 **MR WHEELAHAN:** Was this a matter that ended up with any police - you said security intervention?

25 **MS SCHINNERL:** Yeah, the -

**MR WHEELAHAN:** Priority security.

30 **MS SCHINNERL:** Yes, the QCU engages private security and my understanding is the QCU had briefed the security company to be aware of possible tensions between the Australian Workers Union and the CFMEU that day.

**MR WHEELAHAN:** So that interaction ends when the private security, in substance, intervenes?

35 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And then you refer to a discussion with your husband about what were you going to do next?

40 **MS SCHINNERL:** Yes. So my husband had been with our other children, shuffling the items to the vehicle.

**MR WHEELAHAN:** The other three.

45 **MS SCHINNERL:** The other three. Obviously, I gave him the short version of what had happened. I think it's fair to say it is lucky my husband wasn't there when the prior exchange had occurred. And I should say my husband is an ex-AWU civil

construction official, so he is well versed in these sorts of things. We - I guess we hatched a plan for safe exit, and I persuaded him and he very reluctantly agreed that he would take the four children with him first and I would follow a short distance behind.

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**MR WHEELAHAN:** Take them where?

**MS SCHINNERL:** Sorry, take them out of the RNA Showgrounds and to our vehicles so we could depart.

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**MR WHEELAHAN:** To AWU branded vehicles?

**MS SCHINNERL:** No. No - yes, they were still branded at the time, yes.

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**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** This is in May of 2023, you're correct.

**MR WHEELAHAN:** So after hatching that plan, what actually occurred?

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**MS SCHINNERL:** So we started to advance to the exit and we weren't actually very far from the exit because the AWU marquee was near the exit.

**MR WHEELAHAN:** So when you say "we" -

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**MS SCHINNERL:** Sorry.

**MR WHEELAHAN:** You said before that you followed him.

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**MS SCHINNERL:** Yes. So I was some metres behind, maybe five to 10 metres behind them. But very early on in that short walk, I realised I wasn't alone. I had a number of -

**MR WHEELAHAN:** Why was that?

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**MS SCHINNERL:** I had a - I was aware of a number of young men in CFMEU shirts. I think there was four of them that were in close proximity to myself. One in particular was very close. And I remember having an exchange in my own head where I was like, "You can either call him on it or you can just keep pushing through and just hope that nothing happens." And given the exchange that had happened only minutes prior and perhaps I was still full of adrenaline, I stopped in my tracks and turned around and I addressed him.

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**MR WHEELAHAN:** And what did you say to him?

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**MS SCHINNERL:** It perhaps might be a long address but I really wanted to make a point to this young fellow.

**MR WHEELAHAN:** Well just - you've said young a few times =

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** - and again, that is subjective.

**MS SCHINNERL:** I would say he is in his early 20s.

10 **MR WHEELAHAN:** And the other three men?

**MS SCHINNERL:** Similar ages, yes. I wouldn't say any of them were over the age of 30 -

15 **MR WHEELAHAN:** All right.

**MS SCHINNERL:** - and once you're in your 40s everyone feels younger than you. So I said to him that, you know, this is a real pivotal moment for the both of us and the decision you make in the next five seconds is going to be very impactful on your life and mine. So you can continue to be a dick and carry out whatever orders you've been tasked to do or you can just leave me the fuck alone and let me leave. And he said to me, "I'm not following you" and I said, "Well, why the fuck are you up my arse then and what are your mates doing?" Because I see that the other gentlemen that were with him, wearing CFMEU shirts, were clearly with him and they were on telephones. And they were looking very nervous, I have to say.

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**MR WHEELAHAN:** Why do you say they were looking very nervous?

**MS SCHINNERL:** They were looking around anxiously on the phone. All three of them. I don't know who they were on the phone with, they might have been on the phone to each other, I do not know but they were all on the telephone and they looked very anxious. One of the men yelled out to the gentleman that was closest to me and said, "Just leave it." And he did, he walked away. They all walked away. I then -

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**MR WHEELAHAN:** So it sounds like what you're saying is, of the group following you, in your words and perception and your observations of what they were doing, one of the three sort of in the second group called off -

40 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Called it off.

**MS SCHINNERL:** Probably did what Mr Ingham should have done when he saw the other guy approaching me, but anyway.

45

**MR WHEELAHAN:** All right. So they left after one of them called them off.

**MS SCHINNERL:** They dispersed and I decided to continue out of the RNA Showgrounds.

5 **MR WHEELAHAN:** And on your way out, you said you did have some discussion with a uniformed police officer?

**MS SCHINNERL:** Yes, a number of uniformed police officers were at the exit point of the RNA onto - I think it might be Gregory Terrace, I'm not quite sure of the name of the street. I primarily wanted to talk to them about my concerns around our departure and probably our arrival at the office because I think it's well-known and most unions would engage in this practice -

15 **MR WHEELAHAN:** I'll just go back. What did you say to the police? Can you actually recollect what you said to the uniformed officer?

**MS SCHINNERL:** So I said that there had been an altercation inside between the AWU and the CFMEU and I had concerns for the safety of my staff in relation to getting to our vehicles but also at our arrival destination at the Australian Workers Union office in Adelaide Street. And I think it's probably fair to say that that officer wasn't particularly interested in what I had to say. It was more, "Well, if when you get there you think there's a problem, ring 000."

25 **MR WHEELAHAN:** All right. What was the next plan to return to the offices?

**MS SCHINNERL:** So I communicated with those of us that were going to the office via telephone and we decided that we would all arrive at the same time and none of us would get out of our vehicles until such time as we were all together and we were all able to ascertain if the building was secure. We returned to the office. There was nothing happening.

**MR WHEELAHAN:** So why did you think it necessary to go to those lengths to return in a convoy after Labor Day celebrations to the AWU offices?

35 **MS SCHINNERL:** It is just the situation you get yourself into when you are bombarded with persistent aggression. You don't know what you're going to walk into. It is very obvious and it's the obvious practice of a number of unions that you descend back to your office to dump items before going home. So, for me, you know, perhaps I'm jumping on at shadows, but, you know, I've got responsibilities to my staff to keep them safe and, you know, it would not be that much of a stretch for someone who wanted to cause harm to know that there would be a large volume of AWU employees, officials, associates, that would descend on the AWU office on a public holiday when there is no one else around in the city, to drop off those items. We would be sitting ducks. If someone wanted to be sinister and someone wanted to cause damage, that would be the perfect opportunity to do that.

**MR WHEELAHAN:** Well, is it a fair inference or conclusion to draw that you weren't jumping on at shadows because you've just recounted a man, face paint, coming up to you saying what he said. Then after that, a group of younger, four men following you to the point where you've had to turn around and say what you said  
5 until one of them calls the group off. Would you agree with that?

**MS SCHINNERL:** It seems a logical sequence of events or a logical conclusion to draw that we may have further issues and as it was, I had it reported to me the next day that that wasn't the only issue at the showgrounds that day. We had members that  
10 were also verbally assaulted near the CFMEU marquee.

**MR WHEELAHAN:** And what do you recollect of those reports?

**MS SCHINNERL:** So one of our delegates' son is a CFMEU member, and he  
15 invited his dad into the marquee to have a drink, as is the case. Quite often we'll find each other, in each other's marquees, I will do visits to other union leaders and talk to other union members and the like. So his dad and a couple of other people went into the CFMEU marquee wearing AWU t-shirts and my understanding is they were  
20 levelled a series of aggressive remarks around the Anzac Day incident that we spoke about in evidence yesterday.

**MR WHEELAHAN:** Are you perhaps being polite again, so aggressive remarks -

**MS SCHINNERL:** Saying the AWU is a disgrace because they worked on Anzac  
25 Day and how disrespectful and we're shameful.

**MR WHEELAHAN:** All right. Anything else reported to you about what happened that day on the Labor Day -

**MS SCHINNERL:** To be fair our members did stand up for themselves and what  
30 I don't think the CFMEU organiser who was saying that to our delegates realised is he was talking to delegates of Queensland Health who work 24/7 each and every day keeping the State's public hospitals running. So it's quite unremarkable. So I don't think it hit the target at all and my understanding is when that reply was levelled at  
35 the organiser who was being aggressive to them, he did back down and apologised for what he had said.

**MR WHEELAHAN:** All right. I'm going to change topic to the AWU branding of  
40 union vehicles and a decision you made on 28 July 2023. Can you tell the Commissioner what you decided to do at that time?

**MS SCHINNERL:** This is the day, firstly it's the day I learnt of a threat that had been made against me.

**MR WHEELAHAN:** Which threat? We have dealt with several.  
45

5 **MS SCHINNERL:** Sorry, the threat on my life. That's the day that that was communicated to me. And obviously it was the day following when we had been at the Northern Portal where, obviously, our marked vehicles were - or at least one of them, was targeted, with an organiser inside. It was also the day I believe that I met with CPB but obviously that was later in the day. So I made the call that due to my obligations to provide my staff with a safe workplace and to minimise risk that we should, once and for all, remove the vehicle branding from those vehicles in the south-east corner.

10 **MR WHEELAHAN:** Was that a difficult decision for you to have to make?

**MS SCHINNERL:** Absolutely.

15 **MR WHEELAHAN:** Why?

**MS SCHINNERL:** I loved that branding. Our members loved that branding. They are so proud when we roll up to their work site and they see their union arrive. It's a real show of strength and it sends a message to a boss and it fills our members with pride that their union is there to look after them. And, you know, it's really important that we get our name and get our brand out there. You know, it helps our members, as I said, build that workplace pride and, you know, it gives them a sense of belonging and it's a real, you know, tool for, I guess, building workplace power, in that respect.

25 **MR WHEELAHAN:** So having said all that, what are the very reasons you debranded the car then, a lot of that power is lost; is that right?

**MS SCHINNERL:** Sure.

30 **MR WHEELAHAN:** And if one goes back to the very reasons why you made the decision, therefore lost power, is you did this for the safety of your members because of the conduct that you've given evidence about by the CFMEU towards your organisers and their cars.

35 **MS SCHINNERL:** Yes, portions of the CFMEU.

**MR WHEELAHAN:** Yes.

40 **MS SCHINNERL:** I think one thing we need to be very mindful of is this is not representative of the entire organisation. But, yes, there are portions of the membership and the officials that would, I guess, use that marking as a means of identifying and targeting a number of us in a number of instances over that time.

45 **MR WHEELAHAN:** And you also then made a decision with respect to your children, you said, wearing AWU-branded clothing.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And again, you've given evidence of the reasons why. Because you didn't want to expose them to the sort of, in your words, the harassment, intimidation or abuse that you and your members had been subject to.

5

**MS SCHINNERL:** That's right. And this was at a time that, you know, particularly my eldest set of twins were exploring a little bit more freedom, spending a little bit more time away from us, you know, giving those testing opportunities and the last thing I wanted, and, you know, one of my children in particular, the one that was

10 with me in the marquee, he used to love his AWU hoodie and he used to get around and go to the movies with his mates and he thought he was really, really good. But I couldn't risk that, and I couldn't trust that everyone would respect that he was a child and wouldn't use an opportunity to say something about the AWU to him because, clearly there are some in those ranks that do not know where the line is.

15

**MR WHEELAHAN:** Such as the man at the showgrounds.

**MS SCHINNERL:** Such as the man at the showgrounds.

20 **MR WHEELAHAN:** I want to change topic.

**COMMISSIONER:** How many vehicles did you remove the branding from?

25 **MS SCHINNERL:** It would have been, Commissioner, at least 15 because that would be a mixture of organisers, our senior industrial advocate, my vehicle, the assistant secretary's vehicle. There was one recalcitrant organiser who refused my direction. He kept his branding on. That was his choice. I encouraged him multiple times to remove it but I have to say he also continued to receive unsavoury experiences whilst his branding remained.

30

**COMMISSIONER:** What was that organiser's name?

**MS SCHINNERL:** Mr Rowan Cassell, C-a-s-s-e-l-l.

35 **COMMISSIONER:** And you said these 15 union vehicles from which you removed the AWU branding were the ones located you just said south-east corner.

**MS SCHINNERL:** Yes.

40 **MR WHEELAHAN:** South-East Queensland.

**MS SCHINNERL:** The southern district and branch office, Commissioner. I gave all the other officials in the union the opportunity - I gave them the option. They could remove their branding if they so wished, but -

45

**COMMISSIONER:** Sorry the ones in the central district and the northern district, is that what are you talking about.

**MS SCHINNERL:** Yes. We have got southern district, southwestern district which is Toowoomba, then we have got central district which is Bundaberg, Rockhampton, Gladstone, we have western district, which is your traditional western Queensland, northern which is Townsville, Mackay and Mt Isa and our far northern district which is the State's far north.

**COMMISSIONER:** You gave them the option, the organisers and other officials that worked in those other districts -

**MS SCHINNERL:** If they wanted to remove the branding, they could do so.

**COMMISSIONER:** And what did they do?

**MS SCHINNERL:** I believe all of those officials kept their branding. They weren't experiencing the same things we were in South East Queensland and it was simply an exercise of standing there with a hair dryer until the adhesive softened enough to pull the decals off.

**MR WHEELAHAN:** Who is the gentleman who you said kept it on - kept the livery on but then suffered unsavoury behaviour?

**MS SCHINNERL:** Yes, Rowan Cassell he was one of our Queensland Health organisers.

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** He was very insistent on keeping his branding on the basis that our members would love it when he would roll up on the RBWH and park in the car spot and they would see him there. It was also a message to our members who largely work in operational services who are quite often in those areas. You know, it was a broadcast that he was on site but he did report a couple of instances where he had been targeted or had issues on the road.

**MR WHEELAHAN:** Well, that's my next question.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** So what do you actually recollect? To begin with you've used words like harassment.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Intolerable, voluminous incidents with respect to this particular person who did he report to you.

**MS SCHINNERL:** I can't remember exactly about - do you mind if I consult my notes because I do have a case note and I'm just wondering if the detail is in it.

5 **MR WHEELAHAN:** Is that case note one of the documents that you have produced -

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

10 **MR WHEELAHAN:** - to the Commission of Inquiry.

**MS SCHINNERL:** The two case notes I have actually predate the order to remove the decals but it just - it's incident involving organiser being abused. There's no further detail on that, I'm afraid. One was at, he was driving through, he was travelling north on Bowen Bridge Road and the other one just says he was driving.  
15 So I couldn't tell you the detail of that, I'm afraid.

**MR WHEELAHAN:** All right.

20 **MS SCHINNERL:** I do remember him reporting that he had been at a hospital one day and a person who I believed to be a CFMEU member who works in a trade in the hospital had said something derogatory to him but I couldn't recall exactly what that was.

25 **MR WHEELAHAN:** But what he said was enough to cause it to be reported to you?

**MS SCHINNERL:** Yes, very much so. Yes.

30 **MR WHEELAHAN:** Commissioner, I'm going to change topic and if I can have brought onto the screen exhibit SS3, these are flags -

35 **COMMISSIONER:** Just before you do that, I've just been flicking ahead. My copy of SS5 before you get to that has got 10 pages that are not or haven't been copied properly. Maybe you can just check, Mr Smith can check with the solicitors from Cypher -

**MR WHEELAHAN:** Which page, Commissioner?

40 **COMMISSIONER:** Pages 35 to - you don't have to do it straight away it's just you're going to get to it at some point. 35 to 43, in the bundle. My copy is not printed properly but it might just be mine. It might be everyone's. I'm not sure but they can just look at that while you are going through.

45 **MR WHEELAHAN:** Over the break I'm sure they will attend to that. Now, so we have exhibit SS3 on screen. Firstly, this is the Ipswich branch office of the Australian Workers Union.

**MS SCHINNERL:** The Ipswich office, yes, not branch.

**MR WHEELAHAN:** And -

5 **MS SCHINNERL:** It's located in Gordon Street, Ipswich.

**MR WHEELAHAN:** This photo and there's also a second photo, there's two photos, Mr Operator. Is that the first one? Thank you. If you can just pause on the first one. So the flag on the left, do you recognise that?

10

**MS SCHINNERL:** I do, that's a CFMEU flag.

**MR WHEELAHAN:** Flag. And then on the right, or the second image will show it a bit closer, can we go to the second image, Mr Operator. Can you blow up, please, the black flag.

15

**MS SCHINNERL:** Yep. That's the CFMEU Youth Crew flag.

**MR WHEELAHAN:** All right. So they have their own flag, as far as you know?

20

**MS SCHINNERL:** Yes, yes. And the middle flag, the purple flag, I believe is the CFMEU Women flag.

**MR WHEELAHAN:** Sorry, can you go back to that. That one?

25

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** All right. Now, your evidence is that these flags, firstly you haven't authorised the CFMEU flags on your Ipswich office.

30

**MS SCHINNERL:** No, I haven't.

**MR WHEELAHAN:** Obviously it's a no. And that this occurred overnight between the 2 March 2023 and the 3rd.

35

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

**MR WHEELAHAN:** And did you make a police report?

40 **MS SCHINNERL:** Yes. My administrative staff member that works in the Ipswich office arrived to work and saw this, reported it into our branch office and I believe my legal officer assisted her with making a police complaint.

45 **MR WHEELAHAN:** Okay. Are you aware of what, if anything, happened with that complaint?

**MS SCHINNERL:** I do not know, no.

**MR WHEELAHAN:** You do not know. And if I can just go back to the Youth Crew insignia, is that livery something you've seen on clothing before of -

5 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** You have.

**MS SCHINNERL:** And that's the cobra.

10

**MR WHEELAHAN:** So clothing -you referred before to hoodies.

**MS SCHINNERL:** Yes.

15 **MR WHEELAHAN:** So that's -

**MS SCHINNERL:** T-shirts.

**MR WHEELAHAN:** T-shirts, hoodies.

20

**MS SCHINNERL:** Caps.

**MR WHEELAHAN:** Hats.

25 **COMMISSIONER:** I'm not sure what your evidence is, Ms Schinnerl, what are you saying, it would seem that same image of that cobra -

**MS SCHINNERL:** I've seen this entire logo replicated on various pieces of clothing, Commissioner, over the years.

30

**COMMISSIONER:** Is the whole logo from CMFEU Youth Crew?

**MS SCHINNERL:** With the cobra, yes. And I should say, too, after this particular event we installed CCTV at our Ipswich office. We hadn't had it prior.

35

**MR WHEELAHAN:** All right. The next exhibit I want to show you is SS4. You referred to material being put on social media, which you say was akin to the sticker campaign and, again, juvenile, and you saw it as an attempt to tarnish the reputation of the AWU and yourself personally.

40

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** All right. So the first, I see we've got several pages. Mr Operator, can you go to the second one?

45

**MS SCHINNERL:** Sorry, just with the first one -

**MR WHEELAHAN:** Yes, go back to the first one.

**MS SCHINNERL:** In fairness to the CFMEU we should identify that this is actually a social media post that was put by Your Union Your Choice.

5

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** Which is not actually the CFMEU. It was that organisation that was set up by Mr Ravbar and Mr Ingham after administration of the CFMEU.

10

**MR WHEELAHAN:** Sorry, say that again? That was -

**MS SCHINNERL:** This was not a post from.

15

**MR WHEELAHAN:** No what was set up.

**MS SCHINNERL:** Your Union Your Choice is the organisation that I believe Mr Ingham and Mr Ravbar set up after the CFMEU was placed in administration.

20

**MR WHEELAHAN:** Right.

**COMMISSIONER:** Do you know how it was set up how it was funded, what the membership structure was, what the rules were?

25

**MS SCHINNERL:** I do not, Commissioner, other than to know that it accepted donations from workers, other unions. That's the extent of my awareness of funding arrangements.

30

**MR WHEELAHAN:** The second page of that exhibit, and this is showing - this is another example, you have the sticker campaign.

**MS SCHINNERL:** Yes.

35

**MR WHEELAHAN:** And you have the social media campaign.

40

**MS SCHINNERL:** And I should say that if you look at the date on this, this post was put up squarely in the safety reset period of Cross River Rail. This photograph, I believe, was taken at Cross River Rail. I can tell you that the hard hat that features on the skeleton here was stolen from one of my organisers when he was in the toilet when he was participating in the safety reset. And clearly it's been posed here.

**MR WHEELAHAN:** Okay so this is not an AI image?

45

**MS SCHINNERL:** No, absolutely not. I don't know if the skeleton is AI, you would hope it is, I don't know where you would find one of those when it's not Halloween time but that is definitely Mr Downey's hard hat that was stolen.

**COMMISSIONER:** Mr James Downey?

**MS SCHINNERL:** Yes, Commissioner.

5 **COMMISSIONER:** And he was the chap who had been with Mr McQueen on 27 July whose car had been surrounded?

**MS SCHINNERL:** Yes, and obviously appears in much of the evidence that Mr Watson put in the first week as well.

10

**COMMISSIONER:** You said, "This is part". During the safety reset, so when did it start, when did it run to, on the Cross River Rail project?

15 **MS SCHINNERL:** So the meeting that occurred with CPB ahead of the safety reset was 28 July. So it would have been some days after that and that safety reset period, from my recollection, went for a fortnight.

20 **MR WHEELAHAN:** I'll proceed to the next page of that annexure. CFMEU Construction and General Queensland Northern Territory and if you, you can probably read it from there but, again, critical of the AWU, the same type of language, "tame union" and, again, you say that all of this about Anzac Day was built on a lie.

25 **MS SCHINNERL:** Absolutely.

**MR WHEELAHAN:** Do you need to re-read what that says -

**MS SCHINNERL:** No, I don't.

30 **MR WHEELAHAN:** - or are you familiar with it?

35 **MS SCHINNERL:** No, I can deal with it. Again, as we said yesterday, the AWU had nothing to do with that work, that contractor. I think by and large, the criticism is levelled at CPB in this post but obviously a reference to the AWU being a tame union - the AWU wasn't even a feature. This was a tensioning company that, by my understanding, is a CFMEU company. I don't know what these workers are protesting, I don't know who these workers actually work for - if they work for the company or if they work for CPB. It's got nothing to do with the Australian Workers Union.

40

**MR WHEELAHAN:** But, in any event, reference to the AWU has been thrown in for good measure?

45 **MS SCHINNERL:** Yes. Never let the truth get in the way of a good story.

**MR WHEELAHAN:** So the name of the contractor here in these photos, do you know who - where these are? Are these at different sites or one site?

**MS SCHINNERL:** I couldn't tell you. I don't know. But my understanding from my officials is that it was a subcontractor, a tensioning company, that performed that work.

5

**MR WHEELAHAN:** Which one?

**MS SCHINNERL:** So when the post says:

10 "More than 100 workers on CPB's troubled Cross River Rail project walked out this morning."

I don't know who those workers worked for.

15 **MR WHEELAHAN:** Why do you think they described it as a failed project?

**MS SCHINNERL:** That was a term that the CFMEU have been using for years to describe the Cross River Rail project.

20 **MR WHEELAHAN:** And CPB and other subcontractors would be working.

**MS SCHINNERL:** Yes.

25 **MR WHEELAHAN:** Yes. But you don't know the name of the other subcontractors?

**MS SCHINNERL:** No, I'm sorry, I don't.

30 **MR WHEELAHAN:** If you turn to the next page, please, Mr Operator. In your statement you talk about it's not only an attack on the union but an attack on you personally?

**MS SCHINNERL:** Yes.

35 **MR WHEELAHAN:** And what we have here is the CFMEU posting, CFMEU Construction and General Queensland Northern Territory posting what they say is a letter to the Courier Mail from your union but renamed?

40 **MS SCHINNERL:** Yes. It's purported to be - it's a letter to the editor.

**MR WHEELAHAN:** And it's pretty - well, it will be posted as an exhibit on the inquiry's website. I probably won't read it out loud here but it's pointedly derogatory at you?

45 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** All right. We'll take that down, please. Could we bring paragraph 104 up, please. So in addition to the contacts with the Queensland Police you've already given evidence, the showgrounds, the Ipswich report and so forth. There have been other occasions where incidents have been reported but no action taken?

**MS SCHINNERL:** To clarify, and I think I touched on this a small amount yesterday, there were times when our organisers would return and report their experiences, for example, I think I referenced yesterday where our organisers had been on Cross River Rail and on departure they had been followed down the street and recorded and yelled at. I spoke to our legal officer and asked for him to - I fully believed it was serious enough and sufficient enough to make contact with the Queensland Police so, at the very least, that there was a record of it, not necessarily to make a complaint per se but so it was recorded in some way -

**MR WHEELAHAN:** I see, yes.

**MS SCHINNERL:** - so that we could, I guess, rely on it in the future if matters continued to escalate. Rightly or wrongly, as I said yesterday, there's this unwritten code in the union movement about, you know, not grassing on your mates. And it would take a lot for us to pick up the phone and talk about these things. You know, in hindsight, do I wish I had probably been more forthright and made formal complaints on these? Perhaps. But when we did speak to police, quite often it was said to us that unless you're willing to produce evidence, name people, identify people, stand up in court, there's little point carrying through with a formal complaint.

**MR WHEELAHAN:** So when the police say that to you and you referred to that a couple of times in your written evidence, about being cautioned that without evidence, videos, names or willingness to stand up in court, you concluded from that, that there was little point in making complaints unless you had that evidence?

**MS SCHINNERL:** Sadly, yes, that was our conclusion and eventually we just stopped ringing.

**COMMISSIONER:** This evidence you're giving is based upon what you yourself did and also what your organisers told you they had done; is that right?

**MS SCHINNERL:** Yes. I do believe that some of my organisers may have made their own individual complaints but I don't have direct knowledge of those.

**COMMISSIONER:** And do I take it that during this period from, say, 2022 to present, the conduct with which your organisers were concerned and you were concerned, was restricted largely to South-East Queensland?

**MS SCHINNERL:** Yes.

**COMMISSIONER:** And how many organisers do you have in South East Queensland?

5 **MS SCHINNERL:** I believe it to be around, I'm sorry, Commissioner, I would have to do a head count but it's 11 or 12.

10 **COMMISSIONER:** And do you, are you able to get the records of those dozen or so organisers which would show the time upon which they reported matters to police or is that not accessible?

**MS SCHINNERL:** Not accessible to me. My understanding is that there were some experiences of some organisers that I was not even aware of. They kept them from me.

15 **COMMISSIONER:** And how many reports were you made aware of by - I'm sorry. I assume as well as the organisers, there are other officials including the assistant Branch Secretary what made complaints to the police; is that right?

20 **MS SCHINNERL:** Again, primarily our method of communicating with police was to make a record of an event. There would be very limited follow-through of actually making a formal complaint on the basis of the advice we were given.

25 **COMMISSIONER:** Sorry, I haven't been precise. What do you mean by making a record of an event and when you say "we", who precisely are you referring to?

**MS SCHINNERL:** So, for example, on that incident that I was talking about where our organisers were followed -

30 **COMMISSIONER:** Sorry, which one?

35 **MS SCHINNERL:** Sorry. When they were leaving Cross River Rail on the way back to the office, where they were followed through the city, yelled and filmed I had asked our then-legal officer to ring the police to get a record made and maybe that's my naivety about how the Queensland Police works but I wanted some record in the system of that occurring. And my understanding, based on the feedback I received from him, is they weren't able to take a record of that. They would only receive a complaint. And in order to make that complaint, we needed to identify the persons, we needed evidence and we needed to be able to stand up in court and attest to those matters.

40 **MR WHEELAHAN:** Going back to the Commissioner's questioning then, earlier you said, "We wanted a record with the police of it".

45 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** It almost sounds like a bit of a security blanket call, ringing the police saying, "This has happened."

**MS SCHINNERL:** Yes.

5 **MR WHEELAHAN:** But you're not actually making a formal statement on the record of what actually happened.

**MS SCHINNERL:** Yes, that's what I was hoping was going to occur.

10 **MR WHEELAHAN:** What you said in your affirmed statement after talking about being told unless you can stand up in court, have the evidence and so forth, you say after that the Queensland Police generally showed little interest? Why do you say that?

15 **MS SCHINNERL:** I say that because we were unable to achieve those things. We couldn't identify these people and largely we didn't have evidence of these events other than a recount. And in the absence of those things, we drew the conclusion that there was not much point furthering those conversations. But, as I said, I believe that a couple of our officials, independent of the AWU, made their own complaints or reports to police on matters that affected them, some of which I have no knowledge of.  
20

**MR WHEELAHAN:** So, in fairness, when you say - this is in fairness to the police - "They had little interest." Your evidence, though, is if you're not actually making a formal complaint -  
25

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - and you're just ringing up for a record -

30 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - you're not giving the police to material to act on.

35 **MS SCHINNERL:** Yes, that's fair. That's fair.

**MR WHEELAHAN:** So your perception that they showed little interest, just so that it's clear, the little interest you're referring to when you made, let's call it an informal complaint.

40 **MS SCHINNERL:** Yes, that's -

**MR WHEELAHAN:** You weren't prepared to go down and have a statement.

45 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** You didn't provide them, for example, yesterday the Commissioner inquired about providing to the police the CCT footage.

**MS SCHINNERL:** Yes.

5 **MR WHEELAHAN:** And were you able to sit here, identify the two specific persons in it, that it was a secured car park, they were not authorised, and I've been asked to make inquiries about whether that might be referred to the police. But that's an example, isn't it -

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

**MR WHEELAHAN:** - where you didn't refer it to the police.

**MS SCHINNERL:** Let me just say -

15 **MR WHEELAHAN:** Yes.

20 **MS SCHINNERL:** - rightly or wrongly, I can't adequately convey to you how significant a move it would be for one union to pick up the phone and make a formal complaint against another union. That would be seen as the absolute antithesis of solidarity. So the fact that we even got to the point to want to make a record of these things tells you how desperate we felt because that is just against the code. And I understand that there will be a community perception of how ludicrous that is but that's the world in which we operate in the union movement.

25 **MR WHEELAHAN:** Well, do you now consider - well, earlier you expressed regrets, for example, at the ALP conference when you described it as a joke, when the CFMEU, you know, did a run-through or whatever and pushed people over, as in terms of occupational violence and you said now you shouldn't have really referred to it as a joke. So the code of silence, if you like, at what point does it stop? At the moment you've talked about low harassment, these polite words and when we go through it, it's pretty significant verbal, physical and intimidatory abuse, is it not?

35 **MS SCHINNERL:** It is and if I had my time again, I would do some things very differently. I think I would do things differently because I think that despite my best efforts I could have been better in keeping my employees safe at work and perhaps if I had followed through with some of those complaints more formally then I could have stopped some more of the serious stuff but we would have been the complete and utter pariahs of the union movement had we done so, as I'm sure we find ourselves now.

40 **MR WHEELAHAN:** Do you need time?

**COMMISSIONER:** I'm sorry.

45 **MR WHEELAHAN:** You had a question.

**COMMISSIONER:** We keep talking over each other, sorry.

**MR WHEELAHAN:** You take priority over me.

5 **COMMISSIONER:** Are there any other things that you wish you had have done differently?

10 **MS SCHINNERL:** I don't know, Commissioner. I - it's - the last few years have been a wild ride and I just keep on going back to we didn't do this. Others did this. And consistent with my commentary earlier, the bad portions of the institution that is the CFMEU are so few, you know, that is a very large organisation filled with thousands of good and honest hard-working men and women who have nothing to do with any of this. And I think that's a very important point to make. This is just a few bad apples that unfortunately have ruined it for the entirety union movement.

15 **MR WHEELAHAN:** When you say a few bad apples, they must, those apples must be very influential to be able to bring hundreds, if not thousands, of people to rallies where we've seen the video through Mr Watson, you know, bringing coffins to rallies, smashing windows. Are they all misled by the few?

20 **MS SCHINNERL:** I think what you have leaders with what I would see as a Messiah complex, sometimes it's very easy to attract followers and I'm not sure that all of those workers have ever been presented with all the facts but it's very easy to get swept up in the emotion of things. So, you know, I can forgive some of those workers for being caught up in that, particularly when I know the propensity for some to twist the truth in order to be impactful, shall we say.

25 **MR WHEELAHAN:** So, in some ways, with that group mentality, an example - prime example from your evidence this morning, is one of the group of the four young men being brave enough to call them off.

30

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Leave her alone.

35 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Commissioner, there's just a couple of minutes before quarter past, I am moving to another topic. I'm happy to do so. I'm in your hands.

40 **COMMISSIONER:** Do you want to have a look at exhibit - sorry, annexure SS58 or am I the only one that has got the copy that's not photocopied properly? Or is it everyone?

45 **MR WHEELAHAN:** So that is my next topic and that will have to be remedied before I take the witness to it.

**COMMISSIONER:** So it's not just me, it's everyone - it's just me? All right. Perhaps that can be remedied. We will adjourn now and we'll come back at 25 past 11.

5 <**THE HEARING ADJOURNED AT 11.11 AM**

<**THE HEARING RESUMED AT 11.25 AM**

10 **MS COOPER:** Commissioner, if I might -

**COMMISSIONER:** Yes.

15 **MS COOPER:** If you're happy, I seek to be excused from this point on and my instructor Ms Chapman will take my place.

**COMMISSIONER:** Thank you, Ms Cooper.

**MS COOPER:** Thank you.

20 **COMMISSIONER:** We seem to be short a couple of counsel assisting. Do you want to take the floor, Mr (Indistinct)

**MR WHEELAHAN:** Commissioner, was that remedied for you, that exhibit?

25 **COMMISSIONER:** Yes, it was, thank you.

**UNIDENTIFIED SPEAKER:** Good.

30 **MR WHEELAHAN:** So Ms Schinnerl, the next topic I'm going to take you to, a MOU between industrial relations and police and you have exhibited this to your statement, which is SS5 now, what you have said is when you reviewed this document, and this is mid to late 2023 and I know there's different versions but this particular version, to quote you:

35 "Reviewing that document exacerbated my concerns about lack of interest shown by the police about conduct of the CFMEU."

I want to take you to that document at page, firstly, 50. Sorry -

40 **COMMISSIONER:** Mr Wheelahan, is this the first time that document has been introduced into evidence? Mr Watson gave some evidence about a document that he thought was in existence but Ms King said she thought Mr Watson was mistaken. Ms King gave some evidence about a memorandum of understanding between the Office of Industrial Relations and the Queensland Police Service and is this the first  
45 time the document that Ms King referred to has been introduced into evidence?

**MR WHEELAHAN:** Yes.

**COMMISSIONER:** Thank you.

5 **MR WHEELAHAN:** And it's part of the tender of the annexure but my next questions were to formally identify, I'm about to take the witness to the signatory page.

**COMMISSIONER:** Thank you.

10 **MR WHEELAHAN:** So the answer is yes. So we have the cover page, if we can blow that up so it's readable. Importantly. So this is the memorandum of understanding 20 April 2022. That's the document that you're referring to.

**MS SCHINNERL:** Yes.

15 **MR WHEELAHAN:** And as exacerbating some of your concerns. Page 53 of that document - sorry, I should just pause there. Commissioner, for efficiency, were you desiring that it be tendered as an additional standalone document outside of being an annexure to the statement of Ms Schinnerl?

20 **COMMISSIONER:** So annexure SS5 to the witness statement of Stacey Schinnerl, which has been received into evidence as exhibit SLS1, shall be separately marked as exhibit SLS7.

25 **<EXHIBIT SLS7 ANNEXURE TO SS5 WITNESS STATEMENT OF STACEY SCHINNERL**

**MR WHEELAHAN:** Yes. Operator, if you could bring up page 53. These are the signatories by name, Ms Schinnerl. Can you read those names out for me?

30 **MS SCHINNERL:** Mr Paul Taylor, who was the Deputy Commissioner, regional Queensland, and for the department, Mr Tony James acting deputy Director-General Office of Industrial Relations.

35 **MR WHEELAHAN:** And, of course, at that time the former signing the 20 April 2022.

**MS SCHINNERL:** Yes.

40 **MR WHEELAHAN:** And Mr James signing 14 March of 2022.

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** Can we have page 57 of the document brought up, please. Sorry, I've jumped ahead. Page 50. So under this MOU, the part that I want blown up is Queensland Police Service Assistance.

**COMMISSIONER:** And this is under Part V of the MOU which is headed Disputed Entry Issues?

5 **MR WHEELAHAN:** Correct. Now, reading through this, "In all circumstances - and I'll use the acronyms - in which QPS is called to attend a disputed entry to work sites for Work Health and Safety matters, the QPS should notify the OIR of the dispute."

10 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Then it goes on:

15 "The QPS should follow the expert advice of the OIR as to the operation of the WHS act - Work Health and Safety Act."

**MS SCHINNERL:** Yes.

20 **MR WHEELAHAN:** Further paraphrasing the next paragraph QPS will undertake relevant inquiries with the WHSQ inspectors, the workplace and the union officials to enable them to be in a position to make a determination in relation to relevant matters. And then that section concludes stating that a guide has been prepared to assist QPS and OIR officers to cooperate and resolve disputed entry to work sites for WHS matters.

25 Is this, I'm directing you to this because you've said that this MOU exacerbated some of your concerns. Is this one of the parts that you're referring to that exacerbated your concerns about police involvement at right of entry?

30 **MS SCHINNERL:** Yes, it is. Obviously, this section specifically pertains to right of entries around Work Health and Safety. I think what exacerbated my concerns was the role of OIR in such matters and in terms of following the expert advice of OIR.

**MR WHEELAHAN:** Office of Industrial Relations.

35 **MS SCHINNERL:** Office of Industrial Relations in relation to that and obviously, by extension, the Work Health and Safety Inspectorate.

40 **MR WHEELAHAN:** And then if one then turns to the schedule that that directs you to at page 57 -

**COMMISSIONER:** Can I just ask why do these provisions, to quote your statement, exacerbate your concerns about the lack of interest shown by the police about the conduct of the CFMEU?

45 **MS SCHINNERL:** I perhaps am jumping on ahead.

**COMMISSIONER:** Sorry, I will leave it to you, I beg your pardon.

**MR WHEELAHAN:** Yes. Page 57, so we've just left that the police have to talk to the Office of Industrial Relations.

5 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Page 57 which is the schedule and guide, it has a heading What Should You Do if we can have that enlarged, the first paragraph only. The first paragraph under that heading. And it says:

10

"In all circumstances in which QPS [Queensland Police] is called to attend a disputed entry to work sites, the QPS will notify the Office of Industrial Relations of the dispute."

15 Secondly:

"Where practicable - and I'll paraphrase it - the police should notify the office of the industrial relations of the dispute before entering the site -

20 **COMMISSIONER:** I think it says attending the site.

**MR WHEELAHAN:** And then finally the police should follow the expert advice of the Office of Industrial Relations as to the operation of the WHS Act 2011. So in substance, you read that as being when you have these right of entry disputes and problems -

25

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - the police have to notify the relevant contact at the Office of Industrial Relations first?

30

**MS SCHINNERL:** That's right, that's my understanding and reading of that.

**MR WHEELAHAN:** And what might have exacerbated your concerns to answer the Commissioner's question, if you turn over the page to page 58, and if you could enlarge the two named persons who were the first points of contact on these matters, can you tell the Commissioner who each of those persons are and any affiliations they might have that you are aware of?

35

**MS SCHINNERL:** Mr Marc Dennett is a long-term public servant. I have actually worked with Mr Dennett in recent times at WorkCover - I'm the director of WorkCover Queensland. But Helen Burgess who - director of Construction Compliance and Field Services -

40

**MR WHEELAHAN:** Can you just slow down a little bit.

45

5 **MS SCHINNERL:** Sorry, Helen Burgess, Director of Construction Compliance and Field Services who essentially - my understanding - was in charge of all the Work Health and Safety inspectors. I know her to be associated with the CFMEU by virtue of a close personal relationship she had, or has, with the then president, Mr Royce Kupsch.

10 **MR WHEELAHAN:** All right. So in answer to the Commissioner's question, is that one of the bases why your concerns were exacerbated when you read this MOU between the police?

15 **MS SCHINNERL:** Yes. I would have inferred that as a direct line to the CFMEU that the AWU was having some disputed entry over Work Health and Safety. Again another flare being thrown up.

20 **COMMISSIONER:** When you say "direct", direct line?

25 **MS SCHINNERL:** Direct line.

30 **COMMISSIONER:** Of what, could you describe it.

35 **MS SCHINNERL:** To the CFMEU given Ms Burgess's close association with the CFMEU, keeping in mind at the time that this was happening, I believe there had been allegations levelled already at Ms Burgess around her close relationship with the CFMEU. I believe there was an investigation regarding the use of her personal phone to have matters reported to her and I believe she's the subject of a CCC investigation at the moment as well. I'm not sure if that has been concluded, Commissioner.

40 **MR WHEELAHAN:** Now, there are people interstate watching, CCC being?

45 **MS SCHINNERL:** Crime and Corruption Commission.

50 **MR WHEELAHAN:** Of Queensland?

55 **MS SCHINNERL:** Of Queensland.

60 **MR WHEELAHAN:** And just for clarity, taking up the Commissioner's questioning, with concerns, just going back to page 57, what should you do, this memorandum says:

65 "In all circumstances in which the police are called to attend a disputed entry to work sites, the QPS will notify the Office of Industrial Relations of the dispute."

70 And there's only two names in this memorandum and -

75 **MS SCHINNERL:** That's right.

**MR WHEELAHAN:** And one of them is Helen Burgess?

**MS SCHINNERL:** Correct.

5 **MR WHEELAHAN:** Commissioner, do you have any more inquiries on that document?

**COMMISSIONER:** I just wonder if we could go back to page 50 and go to the top of the page at 50 -

10

**MS SCHINNERL:** Commissioner, this was probably another area of the MOU where I held concerns.

15 **COMMISSIONER:** All right. Do you want to tell the Commission what your concerns are. Can you just blow up - which paragraph are you concerned about?

**MS SCHINNERL:** The first paragraph, Commissioner.

20 **COMMISSIONER:** Perhaps blow that up.

**MS SCHINNERL:** I cannot fathom why this paragraph exists in the MOU or why the CFMEU is directly called out in this regard. As I said yesterday, I'm a permit holder. I have four permits. I have a Fair Work entry permit issued under the Fair Work Act, which is our industrial entry permit. I have a state industrial permit issued under the Industrial Relations Act of Queensland. And I have two State health and safety permits she, one for the federal union which is linked to my Fair Work entry permit and one for the State union which is linked to the permit that is issued under the Industrial Relations Act. So those two I will describe them as federal permits, permit me on federal sites and the other two allow me in the State sites, that being hospitals, road tech, councils.

25  
30  
35 Now, the only conclusion I can logically draw as to why this paragraph exists is to contemplate those employees or officials of the CFMEU who, for one reason or another, do not have a federal you entry permit or have had a federal entry permit revoked thereby denying them the ability to hold the requisite Work Health and Safety permit. Because the federal entry permit requires a fit and proper person test, if you can't hold that permit, you can't then apply for the requisite health and safety permit.

40 So I think what this is attempting to do is to confer somehow work, health and safety access on people who do not possess the requisite health and safety permit for the federal union, completely discounting the fact that the sites they are seeking to enter are federal sites. So, for example, with my health and safety permit for the State registered union, I can't take that permit on to Cross River Rail and say, "Let me on."  
45 That's not how that works.

I would have to produce the Work Health and Safety permit for the federal union to be able to access that site, as it exists in the federal system. So, really, officials of the CFMEU that only hold State industrial permits and State health and safety permits should only be able to access State sites such as a council or QBuild or whatever government department that may be. I think this is a do-around. It's very poorly worded and I understand that a variation of these words now exist in the current MOU which I think is a couple of versions on.

I still don't understand why it's there but, again, I think it's a do-around to circumvent the existing industrial and Work Health and Safety legislative requirements in relation to rights of entry. And I certainly do not know why this union in particular is called out with their own special treatment. It is very unusual to me.

**MR WHEELAHAN:** Ms King gave some evidence yesterday.

**COMMISSIONER:** Ms King gave some evidence yesterday, she didn't have this document in front of her but her evidence seemed to be directed to this paragraph. It may not have been but this was the, this paragraph fits the description of her evidence yesterday and she described the insertion of this paragraph, I can't remember her exact evidence, someone might have a better note, as either misleading or a mistake. I can't remember which one she said. What do you say, if anything, about that?

**MS SCHINNERL:** I would agree that the way this paragraph is worded and what I perceive its intention to be is entirely misleading and not based on any industrial law. What is contemplated here is not actually practically possible.

**MR WHEELAHAN:** What do you mean by that?

**MS SCHINNERL:** As I said to you, officials who do not hold a federal entry permit and the requisite Work Health and Safety permit cannot just use their state permit to get on to a federal site which I think what this is designed to create. It's - I just don't understand its intention. I understand that in, as I said, the latest variation of this, there's a reference to coverage or the right to represent, I think. So there's an attempt to narrow it. But I just don't understand why it's there at all, particularly in instances where prior to the review of the Work Health and Safety Act, officials of the union who didn't have the requisite permits would just use 81 (3) or 68 to get on in any event, depending on if it was an HSR seeking assistance or otherwise.

**COMMISSIONER:** Which review are you talking about? (Indistinct)

**MS SCHINNERL:** The five year review, Commissioner, into the Work Health and Safety Act.

**COMMISSIONER:** (Indistinct) evidence of the second five-year review, the one in 2022, yes?

**MS SCHINNERL:** The most recent one.

**COMMISSIONER:** That's the one you're talking about?

5 **MS SCHINNERL:** Yes.

**COMMISSIONER:** Mr Wheelahan, this is something you might take up with Mr Costello but Ms King gave some evidence that there were previous iterations ever this document. This document has been downloaded by this witness and is dated  
10 20 April 2022. Ms King's evidence was there were iterations stretching back, from my recollection, her evidence was as far back as 2018. It might be useful to have all iterations of these, this memorandum of understanding from the time it came into existence, whenever that was, to try to understand more clearly the basis upon which  
15 these provisions may have been agreed.

**MR WHEELAHAN:** Yes, Commissioner.

**COMMISSIONER:** I will leave that for you and Mr Costello.

20 **MR WHEELAHAN:** Yes. Now, with respect to this MOU, Ms Schinnerl, in mid-2024 had you a meeting with premier Stephen Myles and Minister Grace?

**MS SCHINNERL:** Yes.

25 **MR WHEELAHAN:** And that was a meeting that Ms Jacqueline King also attended and gave some evidence yesterday.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** And political director Gary Bullock?

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And your evidence is that the MOU had another change after  
35 that meeting?

**MS SCHINNERL:** I think it did. I don't recall seeing the revision but this was just prior, I believe, to the CFMEU being put into administration. I'm not sure exactly on the timeline about whether or not it was - how close it was to, I guess, the requisite  
40 state legislation being introduced because obviously the administration first was dealt with at a federal level and then the State union followed with mirrored legislation.

**MR WHEELAHAN:** Do you recollect at that meeting raising your concerns -

45 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - with the MOU.

**MS SCHINNERL:** I did. Particularly in relation to the paragraph we just contemplated.

5 **MR WHEELAHAN:** Being the direct reference to the CFMEU -

**MS SCHINNERL:** Yes.

10 **MR WHEELAHAN:** - the direct reference to Ms Burgess as the first point of contact?

**MS SCHINNERL:** The CFMEU in the first instance -

15 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** - and then the Helen Burgess component of it.

**MR WHEELAHAN:** You discussed that as well in that meeting?

20 **MS SCHINNERL:** Yes, very briefly. The focus was the reference to the CFMEU.

**MR WHEELAHAN:** The CFMEU?

25 **MS SCHINNERL:** Yes.

**COMMISSIONER:** It was actually a reference to the CFMEUQ.

**MS SCHINNERL:** Yes, sorry (crosstalk)

30 **COMMISSIONER:** That's the point of your evidence?

**MS SCHINNERL:** Yes, you're right.

35 **MR WHEELAHAN:** Now I want to go back to a meeting that you had with Mr Mark Wheeler which you say that as a consequence of that threat that you've already referred to of "if you stuck your head up it would get knocked off", you made a decision that you should actually speak to the police about that?

40 **MS SCHINNERL:** Yes .

**MR WHEELAHAN:** Now you say to do so, you reached out to a special contact within the police?

45 **MS SCHINNERL:** And the Police Union.

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

**MS SCHINNERL:** Simon Tutt. Ordinarily I would probably reach out directly to the Police Union president who at the time was Mr Ian levers but he was unable so I made contact with Mr Tutt.

5 **MR WHEELAHAN:** All right. And what did Mr Tutt arrange for you?

**MS SCHINNERL:** He arranged for my myself and assistant secretary Mark Raguse to have a teams meeting with Mr Wheeler - Deputy Commissioner Wheeler.

10 **MR WHEELAHAN:** And that meeting went ahead?

**MS SCHINNERL:** Did. It did, it went ahead on that morning, the 28th which was prior to the meeting with the CPB.

15 **MR WHEELAHAN:** Prior to the meeting with CPB. Can you tell the Commissioner what you recollect about that Teams meeting?

**MS SCHINNERL:** Sure. You know, I communicated, well, sorry, in the first instance Mr Wheeler was at pains to make it very clear that this was an informal meeting and it was not on the record, and I was content with that, I was simply seeking some advice as to what to do, given the threat that had been made. He advised me generally - he listened to what I had to say. He advised me generally about risk and how to keep my wits about me and talked about home security and those sorts of things.

25  
And he very much made it clear to me that, in his experience, that people who make those sorts of threats are generally just full of hot air and very rarely do they follow through with those sorts of threats but if I felt that the threat, I guess, was escalating or the risk was escalating, that I should proceed to make a formal complaint. But if I was to make that formal complaint, again, and consistent with previous discussions with other officers, I would have to be in a position to be able to name people and very clearly and appropriately be able to stand up in court and attest to those matters.

30  
**MR WHEELAHAN:** So following that Teams meeting, you then took another step and actually had a meeting on 6 August 2024 at the police headquarters in Queensland?

**MS SCHINNERL:** Yes. So more than 12 months passes here at this point.

40 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** So Ms King and I had been discussing for some time the slow escalation, obviously, and.

45 **MR WHEELAHAN:** Slow escalation?

**MS SCHINNERL:** Of violence, threatening behaviour, intimidating behaviour. At this particular time, and you will note that this is just prior to the CFMEU being placed into administration, this was at a time where industrial action was taking place.

5

**MR WHEELAHAN:** At Cross River Rail.

**MS SCHINNERL:** At Cross River Rail. Yes, I talked to you in evidence about some of our members in relation to being threatened, intimidated followed to their vehicles.

10

**MR WHEELAHAN:** Weapons, tyres being let down, masked men.

**MS SCHINNERL:** Various iterations, yes. So.

15

**MR WHEELAHAN:** Volatility, I think you described it as.

**MS SCHINNERL:** Yes. Yes. So I don't recall the exact detail as to how the meeting came about but Ms King must have organised it and that meeting occurred on 6 August.

20

**MR WHEELAHAN:** All right. So you arrive at the front desk with Ms King?

**MS SCHINNERL:** Yes.

25

**MR WHEELAHAN:** And you've given evidence about signing into various work sites.

**MS SCHINNERL:** Yep.

30

**MR WHEELAHAN:** And that's a normal thing to do and there's good reasons to do so.

**MS SCHINNERL:** Yep, particularly government departments.

35

**MR WHEELAHAN:** Well, particularly government departments. And what occurred in terms of signing in at the front desk when you arrived at police headquarters?

**MS SCHINNERL:** Both Jacqueline and I commenced the electronic sign-in process and the desk attendant said "Are you Jacqueline and Stacey?" And we confirmed that we were, and he said, "No, no, no, don't sign in." He made a phone call, presumably to the Commissioner's office and soon after someone came down and escorted us to the Commissioner's office.

40  
45

**COMMISSIONER:** Is the date right in your -

**MS SCHINNERL:** 6 August 2024, Commissioner, yes.

**COMMISSIONER:** This is a year after things started to, a year and a month after things started to blow up at the Cross River Rail?

5

**MS SCHINNERL:** Yes.

**COMMISSIONER:** So it's for that whole period?

10 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** So you emphasised for the Commissioner's inquiry even yesterday that you've been describing things as low-level harassment that ordinary people would say as lot more.

15

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And your evidence to date is it's all become more pronounced.

20 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Particularly from your appointment -

**MS SCHINNERL:** Yes.

25

**MR WHEELAHAN:** - as the first female union leader.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** The ALP state conference shortly thereafter, and the so-called war and pressure that was then to be put upon you, and then you, the industrial action after getting the green fields agreement at Cross River Rail, you said that was then a significant trigger -

35 **MS SCHINNERL:** Another flash point, yes.

**MR WHEELAHAN:** - for more pronounced behaviour and it got to the point here where, as you said, information, names, dates, you and Ms King have finally decided to have a meeting at police headquarters.

40

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Were you encouraged by Ms King to do that, were you?

45 **MS SCHINNERL:** Yes, I certainly was. And can I say with the benefit of hindsight, it's easy to look at the cumulative effect of all of those instances. But when you're living it, you're really looking at these things in isolation. You know, isolated events

and things happen with a relatively, you know, considered amount of frequency but there peaks and there were troughs. There were some quiet months, there were some elevated months. There was a period of time where, you know, there might have been not much going on and then something would happen and it would peak. So  
5 I know that the incident on the centenary motorway, sorry, the Centenary Bridge duplication with Mr O'Doherty, that occurred, I think, in February of 2024. So that was another flash point. And obviously the industrial action at Cross River Rail around this time was another flash point.

10 So, you know, it's not as if these things were occurring absolutely every day for 12 months. There would be peaks and troughs, yes. But, again, it's the cumulative effect. With the benefit of hindsight you can think, "Wow, that's a lot. You should have done a lot more a lot sooner." But it's, you know, the benefit of hindsight, I guess.

15 **MR WHEELAHAN:** So in some respects what you're saying is the abusive conduct say in one particular months -

**MS SCHINNERL:** Yes.

20 **MR WHEELAHAN:** But then nothing happens for a couple of months so you let it go.

**MS SCHINNERL:** Yep.

25 **MR WHEELAHAN:** And then you get abused again.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** And you think it's just the same abuse as last time.

**MS SCHINNERL:** Or we organise differently so we are not exposed to the same level of risk because we are doing things differently.

35 **MR WHEELAHAN:** Yes and your evidence, though, is in those particular years since were you made the number one, it became more pronounced?

**MS SCHINNERL:** Very much so.

40 **MR WHEELAHAN:** So returning to the meeting, the attendees are at paragraph 111.

45 **COMMISSIONER:** I think at this stage it's important not to lead on that point, Mr Wheelahan, but you will recall yesterday morning Mr de Jersey said he may or may not have instructions to cross-examine Ms King from the Commissioner Gollschewski and Deputy Commissioner Scanlon and perhaps from the QPS, and that evidence of that Ms King gave seems to be this meeting, it may be another

meeting, I don't know but just in order that Mr de Jersey can properly protect his clients. I think it's important not to lead on this part.

5 **MR WHEELAHAN:** The statement, I wasn't going to say anything, I wasn't going to read it. It's the statement -

**COMMISSIONER:** I wasn't saying you were.

10 **MR WHEELAHAN:** No.

**COMMISSIONER:** I was just noting that Mr de Jersey's application of yesterday.

**MR WHEELAHAN:** Yes, sorry, I wasn't here yesterday.

15 **COMMISSIONER:** I'm sorry.

**MR WHEELAHAN:** When he made his application.

20 **COMMISSIONER:** Sorry, he didn't say - he didn't make an application. He said he might make an application.

**MR WHEELAHAN:** Do you want to make an application?

25 **MR de JERSEY:** I did not make the application, I foreshadowed the making the application subject to obtaining comprehensive instructions from the Commissioner and Deputy Commissioner. I have already met with the Deputy Commissioner twice actually and so that's still in train. I don't have a concluded position but as I said yesterday afternoon, I'm endeavouring to get that as soon as possible so as to not to delay matters but thank you, Commissioner, for what you said just a moment ago.

30 **MR WHEELAHAN:** So on that basis I will just proceed.

**COMMISSIONER:** Indeed.

35 **MR WHEELAHAN:** Yes. So they were the attendees that you recollect at the meeting?

**MS SCHINNERL:** Yes.

40 **MR WHEELAHAN:** And what did you speak about in that meeting that you recall?

45 **MS SCHINNERL:** We essentially recounted all the events that the AWU, or I recounted on behalf of the AWU, all the events of the preceding couple of years, particularly our concerns regarding the recent escalations on Cross River Rail. And I made particular reference, obviously, to Solidarity Island which is only across the road from the police headquarters at the time.

**MR WHEELAHAN:** Why?

5 **MS SCHINNERL:** So Solidarity Island was, I guess, a portion of land which the  
CFMEU had a permanent picket set up during the industrial action. Now, the reason  
they had to go to Solidarity Island was they were originally picketing at the gate of  
Cross River Rail but were causing a lot of grief for workers and bystanders and I  
believe, I do not have all the details on this but I believe that there was an order of  
either the Commission or the Federal Court that there would be a certain distance  
10 that the CFMEU picket had to be from the gate in order to not disrupt the business of  
Cross River Rail.

**MR WHEELAHAN:** Not instruct ingress or egress was probably the order.

15 **MS SCHINNERL:** Yes. Because of course the only workers that were striking on  
the project were members of the CFMEU who were engaged in bargaining on that  
agreement at the time. So, obviously all the subcontractors still had to do work and  
other workers who were not captured by the scope of that document, we didn't have  
protected industrial action in place. Our members did not want us to be filing for  
protected industrial action. Our membership at that particular point in the project was  
20 very much on the way down on the basis that largely the advancement of the project  
meant it ceased becoming a civil project and started turning into a building project at  
that stage.

25 So naturally the membership of the AWU was going to get smaller and the  
membership of the CFMEU was going to get higher.

**MR WHEELAHAN:** When you refer to talking about many of the incidents over  
the previous years, did that include incidents of being followed?

30 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Threatened?

35 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And how long was this meeting, to your recollection?

**MS SCHINNERL:** I think it was at least half an hour.

40 **MR WHEELAHAN:** Half an hour?

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** And did you see anybody present in the meeting taking any  
notes?

**MS SCHINNERL:** I believe Deputy Commissioner Scanlon was taking some notes.

**MR WHEELAHAN:** Yes, anybody else had a pen and pad?

**MS SCHINNERL:** Not that I can recall.

5

**MR WHEELAHAN:** And those without pen and pad anybody taking digital notes on an eye pad or an electronic device.

**MS SCHINNERL:** I couldn't tell you those specifics, no.

10

**MR WHEELAHAN:** Was there any recording of the meeting made?

**MS SCHINNERL:** Not to my knowledge, no.

15

**MR WHEELAHAN:** And the evidence - sorry, what you said to the police, was it consistent with the evidence that you've given so far to this inquiry.

**MS SCHINNERL:** Yes.

20

**MR WHEELAHAN:** About the conduct of certain CFMEU officials both towards you and your members?

**MS SCHINNERL:** Yes.

25

**MR WHEELAHAN:** I want to now just deal with the impact and the toll that you say, if we can look at paragraph 114 on screen. You've dedicated part of your statement to give evidence to this inquiry that the conduct in your words by the CFMEU -

30

**COMMISSIONER:** Just before you leave that. This meeting went for half an hour?

**MS SCHINNERL:** I believe it was around that, Commissioner.

**COMMISSIONER:** And who did the speaking, you or Ms King?

35

**MS SCHINNERL:** We both did. I would say Ms King probably took the lead.

**COMMISSIONER:** And did the Commissioner, the Deputy Commissioner or the other senior officer male whose name you don't recall say anything?

40

**MS SCHINNERL:** I think Deputy Commissioner Scanlon probably spoke to us the most. And, you know, that was not necessarily inconsistent with what I had, the conversation I had had with Deputy Commissioner Wheeler, the preceding year, around, you know, risk management and safety measures to put in place. But we concluded that meeting with Deputy Commissioner Scanlon undertaking to go away and make some inquiries and to get back to us.

45

**COMMISSIONER:** Inquiries about what?

**MS SCHINNERL:** I couldn't tell you, Commissioner. She just indicated that she would make some inquiries.

5

**COMMISSIONER:** What had you said to her to -

**MS SCHINNERL:** We hadn't necessarily asked the Commissioner or the Deputy Commissioner to necessarily do anything. It was a process of, I guess, communicating our concerns and, you know, I guess seeking some guidance as to how we may deal with them, I suppose.

10

**COMMISSIONER:** And what were the concerns, as you expressed them in that meeting?

15

**MS SCHINNERL:** Going through all the instances of escalating violence and the like, and I guess at that point I may have my dates mixed up here, but obviously there had been the Victorian reports, the Building Bad series and the potential likelihood of, you know, a tension coming to Queensland, what that may mean in terms of further escalations of violence.

20

**COMMISSIONER:** And what attitude did the Commissioner or Deputy Commissioner express towards your concerns and by yours, I mean yours and Ms King's.

25

**MS SCHINNERL:** I think it's probably fair to say, Commissioner, Commissioner Scanlon probably interacted the best, she noted our concerns and indicated a general awareness of some of the matters that we had been talking about and whether that was from police experience or anything that she had read in the media, I'm not quite sure, but she seemed genuinely engaged and as I said, she had undertaken to come back to us after making some inquiries.

30

**COMMISSIONER:** Did she come back to you?

35

**MS SCHINNERL:** No, she did not.

**MR WHEELAHAN:** Well not only that, a USB stick was left with the police, wasn't it?

40

**MS SCHINNERL:** Yes, Ms King had a USB stick containing what I believe to be some footage from the Centenary Bridge job.

**MR WHEELAHAN:** Okay. So you weren't there to make a formal complaint.

45

**MS SCHINNERL:** No.

**MR WHEELAHAN:** In the sense of acting on it?

**MS SCHINNERL:** No.

5 **MR WHEELAHAN:** But they did give an undertaking to get back to you and you left some footage for them to review.

**MS SCHINNERL:** Yes.

10 **MR WHEELAHAN:** But you never heard back.

**COMMISSIONER:** I don't think that's the witness' evidence, I think the witness said Deputy Commissioner Scanlon would get back.

15 **MR WHEELAHAN:** Did I say "they"?

**MS SCHINNERL:** Yes, Deputy Commissioner Scanlon undertook to get back to us.

**MR WHEELAHAN:** The others didn't undertake to get back to you?

20 **MS SCHINNERL:** No, I believe that undertaking was given solely by Deputy Commissioner Scanlon.

**MR WHEELAHAN:** All right.

25 **MS SCHINNERL:** The next contact I had from Deputy Commissioner Scanlon, I believe, was July of this year, just as a text message check-in.

**COMMISSIONER:** What was the nature of the text message?

30 **MS SCHINNERL:** It was exactly that, Commissioner: A check-in. I could consult my phone records and produce it for you but it was just a general check-in. I think it was soon after that this commission of inquiry was announced.

35 **COMMISSIONER:** Can you have a look at it over lunch and describe it after lunch?

**MS SCHINNERL:** I can, Commissioner, yes.

40 **MR WHEELAHAN:** If we can go to paragraph 114 which is on screen. You have dedicated part of your statement to describe the impact of the conduct engaged in about which you have given evidence, and the personal toll on you. Can you just tell the Commissioner what the personal toll has been upon you?

45 **MS SCHINNERL:** I'm very conscious about how I describe this because I don't want it to look like they won because I think that there are certain people within those ranks that would probably create - have great delight at knowing that they have made me feel unsafe in my own home and that I am concerned about my safety and

the wellbeing of my children. I would think that would be something that some in those ranks would be proud of and happy to have achieved.

5 The one thing that I have prided myself on in the last few years is having a very strong public display when dealing with these matters and I have to say today I've probably undone all that work considerably. I never wanted it to come to this. I simply wanted it to stop. And if it had stopped at those juvenile stickers, it would have stopped at the juvenile stickers. As I said to you yesterday, I could have just copped that. But it didn't.

10 It became violent. People who worked for me were assaulted both physically and verbally. I have no doubt in my mind that their psychosocial safety has been breached. My psychosocial safety has been questionable. You know, I have nothing to prove this but I'm reasonably confident that, well, no, I - I don't know where  
15 Mr Ingham lives. I don't know where Mr Ravbar lives but I'm reasonably confident that they know where I live, and I can't explain to you particularly as a parent and a dog mum, how vulnerable that makes me feel.

I know that people within those ranks know where some of my officials live. I've had  
20 people feel that the risk is so great they've had to move homes. I haven't done so. I would never let them win like that over me. I'm a home owner as opposed to a renter. And I know that the impact of me sitting here today probably makes me a bigger target but it's the right thing to do because I haven't done anything wrong.

25 My union hasn't done anything wrong and if I'm guilty of anything it's actually standing up to them and I don't think they thought I was going to do that. And the longer and stronger I stood up, the worse the behaviour became. I think that was reflective of a frustration, but what pains me so much is the damage that this has caused to the entire union movement. You know, the average union member in  
30 Australia is a woman in her 40s working in a care industry.

She kind of looks like me. And what this has done has, I guess, really shifted the public narrative and perception of what unions are and what unions do. You know, unions exist to improve the lives of working people. We want to assist workers to  
35 build workplace power, to better their lot in life. So there's not so much of a struggle. You know, my ultimate goal is to one day make myself redundant. You know, I want to empower workers so much that the formal structures are no longer required, right?

40 And there's always going to be a role to play for unions, even in the absence of that because you've got this tripartite approach to the employment relationship. And, you know, a lot of people have levelled a view or an accusation of me that I'm somehow delighting in this and I can assure you it's the exact opposite. The union movement needs to get through this. The union movement needs to rebuild and we need to re-establish ourselves in the eyes of - of the public in such a way that we remind  
45 everyone of just how valuable we are and it's not just about ourselves. It's about the people we represent.

5 You know, I've got thousands and thousands of members that rely on the work that we do to keep them safe at work, to allow them to prosper, and that's, I think workers have been forgotten in this. I think political agendas have taken over, industrial agendas have taken over. And what we have seen from the conduct of some in the CFMEU is the absolute antithesis of unionism. It's the opposite of solidarity. It's what we have seen is almost a boss's tactic of dividing the workforce and attacking the power of the collective.

10 You know, we are always, as we always say at the AWU, stronger together. And the actions of those - those bad eggs have sought to divide. And it's so hypocritical. You know, many, many times we have seen certain people from the CFMEU stand up and talk about the importance of safe workplaces and looking after mental health and psychosocial health generally. Yet they have made it o occasion, practically impossible for me as an employer to provide a safe workplace to my staff.

15 They have revelled in creating unsafe environments for not only my organisers, but my members in their workplaces. So it seems like the only workers that are worthy of protection is everyone except for those associated with the AWU. And that's an absolute disgusting hypocritical damaging view of the world.

20 **COMMISSIONER:** Given everything you have given evidence about, why do you go on?

25 **MS SCHINNERL:** Because I'm proud, because - because it's too important for workers, for people like me just to walk away. You know, I think of the type of people that AWU represents and these really are people who alone do not possess the singular power to protect themselves and advance themselves, and when I talk about the types of workers we represent, I'm talking about, you know, migrant women working in a hospital kitchen making the meals for patients in Queensland Health. Or 30 I'm talking about aged care workers or, you know, I'm even talking about those far higher skilled workers in the oil and gas industry or the mining industry. It's important that there are structures in place that help workers collectivise and build workplace power.

35 I've been at the AWU now for 21 years and they are - they're the proudest years of my life. I'm so privileged to be afforded the honour of representing the working people of this State and few are afforded this opportunity. And it's going to take a little bit more than this to get me to move on.

40 **COMMISSIONER:** Has this conduct had the impact of, to your knowledge, causing any of your officials or organisers to move on?

45 **MS SCHINNERL:** Not yet. A lot of my officials and organisers are very much, I believe, in my corner on the views I just expressed. They love their job and they love what they do and they love representing working people but it has been hard. It has been very, very hard for a number of them.

**COMMISSIONER:** How hard?

**MS SCHINNERL:** Out of respect for their privacy, I would probably prefer not to answer that, Commissioner, I'm sorry.

5

**MR WHEELAHAN:** I want to return to the Youth Crew. You state there's a group of CFMEU members referred to as the Youth Crew. I've seen the flags, given evidence about those insignia being on hoodies branded clothing, the like. What's the age group, to your knowledge, of the Youth Crew?

10

**MS SCHINNERL:** The actual age cut-off is the scope of myth and much conjecture but my understanding is it's those 35 and under.

**MR WHEELAHAN:** And who do you understand to have been coordinating or being responsible for the Youth Crew?

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**MS SCHINNERL:** My understanding is Mr Ingham had coordination control of the Youth Crew when he was the assistant secretary of the union.

**MR WHEELAHAN:** And to your understanding, does the Youth Crew still exist and, if so, who is now controlling it?

20

**MS SCHINNERL:** I couldn't tell you who controls it. It does still exist, yes. And this is also a structure that exists in a number of unions, particularly in the building trades group of unions. So I believe the ETU has a Youth Crew as well and perhaps maybe the Plumbers Union perhaps, maybe the metal workers but definitely the ETU has one as well.

25

**MR WHEELAHAN:** So you've described the CFMEU Youth Crew as a breeding ground for organisers.

30

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Is that the same for these other unions who have Youth Crews.

35

**MS SCHINNERL:** I don't prove to be an expert how that works in other unions but I do know the Youth Crew of the CFMEU has definitely been a breeding ground for future organisers, yes.

40

**MR WHEELAHAN:** All right. And is it the Youth Crew, I mean we have seen the flags placed on your buildings and meeting where you're told that they're going to take the AWU down. Who do you think has given those directions to Youth Crew or do you think that they act on their own?

45

**MS SCHINNERL:** No, my understanding is they act on instructions and I believe those instructions to have been issued by Mr Ingham.

**MR WHEELAHAN:** Okay.

**COMMISSIONER:** What's your basis for saying that?

5

**MS SCHINNERL:** Simply because it is well-known that that's how that organisation works. It is just, it's common knowledge in Queensland Industrial Relations that Mr Ingham ran that crew, and he would issue directions and they would follow.

10

**MR WHEELAHAN:** I think Mr Watson described them sort of as akin to being prospect in an outlaw motorcycle gang and you're more polite distinction is well it's just the breeding ground for future organisers.

15 **MS SCHINNERL:** Beyond watching Sons of Anarchy on occasion, I'm no expert in the actions or activities of outlaw motorcycle gangs.

**MR WHEELAHAN:** Nor was Mr Watson. You have been told about some of the meetings of the Youth Crew and their objectives with respect to the AWU; is that right?

20

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And what have you been told?

25

**MS SCHINNERL:** That there were often meetings devoted entirely to planning activities to attack the AWU, whether that be stickers or hits, the likes of which we have seen on, I believe, the first week showed some video evidence on Cross River Rail where Mr Downey and Mr McQueen were confronted by a mob of members.

30

**MR WHEELAHAN:** And what's the basis for you saying that you believe that they planned those attacks? Is it the very fact that the attacks occurred, I suppose.

**MS SCHINNERL:** It's the attacks that occurred and quite frankly like all organisations there are leaks. I just wished they were advanced leaks as opposed to post-leaks.

35

**MR WHEELAHAN:** All right so there have been some links I'm not asking you now to identify named persons but there have been leaks of information -

40

**MS SCHINNERL:** Of course.

**MR WHEELAHAN:** And that's part of the basis why you say they have meetings dedicated to planning attacks on the AWU.

45

**MS SCHINNERL:** Yes, of course. Yep.

**MR WHEELAHAN:** And they must be planned because.

**MS SCHINNERL:** They seem to be able to turn up at the right place at the right time.

5

**MR WHEELAHAN:** The right place at the right time, right. How would you describe the conduct of the CFMEU that you've experienced compared to other unions when you have differences of opinion about coverage matters?

10 **MS SCHINNERL:** Night and day. Chalk and cheese.

**MR WHEELAHAN:** How so?

15 **MS SCHINNERL:** We have, in my recollection, I can think of no other organisation industrially over my last 21 years where there has been violence, intimidation, threatening behaviour inflicted on the AWU, the likes of which that we have seen from the CFMEU by any other union. On occasion, things can probably get lively in some areas of construction. I believe, you know, at a point in time, Curtis Island, the construction of Curtis Island got a little bit lively and, you know, other unions  
20 were - you know, and we may have been guilty of this as well, there was, you know, a little bit of banter, shall we say. But for the ordinary course of business, the only behaviour such as the CFMEU's behaviour has been with the CFMEU, I beg your pardon. No other union do we interact with like this, no.

25 **MR WHEELAHAN:** So with the other unions if there's a disagreement that can't be resolved through talking to each other.

**MS SCHINNERL:** Yep.

30 **MR WHEELAHAN:** How are those agreements, disagreements ultimately dealt with.

**MS SCHINNERL:** Sometimes they may get dealt with in an industrial tribunal, rarely. Most of the time we talk it out on the ground or just agree to disagree and  
35 move on with life.

**MR WHEELAHAN:** All right. You gave evidence before that you don't want the brush tarred across the entire CFMEU.

40 **MS SCHINNERL:** Absolutely not, that would be grossly unfair.

**MR WHEELAHAN:** Yes, and you actually give a specific example of certain region where you happily co-exist with the CFMEU without incident.

45 **MS SCHINNERL:** Sure. Sometimes it happens in South-East Queensland. Your Honour, there are entirely thoroughly decent people that are members, delegates and officials of the CFMEU who we peacefully co-exist with and stand beside and act

collectively with every day. You know, I only, in the last couple of months, have led some council workers out on strike and I did so standing shoulder to shoulder with an official of the CFMEU. I've never met him before that day but we can work together collaboratively on occasion.

5

**MR WHEELAHAN:** How do you differentiate, though - for example, you go to the marquee on Labor Day and some of your representatives walk into the CFMEU marquee and they're just subject to abuse, whereas on another day somebody might meet an official and they're reasonable.

10

**MS SCHINNERL:** It's challenging.

**MR WHEELAHAN:** It sort of doesn't cure the -

15

**MS SCHINNERL:** No, it's a very odd brain draining situation to be in. But you know what? I'm in that situation with employers every day. I can fight with an employer at the bargaining table one day and then have to work collaboratively in another situation the next. It happens -

20

**MR WHEELAHAN:** That's a different question. The fighting at the bargaining table is a little bit different to -

**MS SCHINNERL:** Yes, it is.

25

**MR WHEELAHAN:** - pulling out a weapon -

**MS SCHINNERL:** Very much.

30

**MR WHEELAHAN:** - slitting his tyres. You haven't known employers to do that to AWU vehicles?

**MS SCHINNERL:** That's true.

35

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** But in the interests of our members on occasions, we have to just isolate those things and work collaboratively. You just have to get it done.

40

**MR WHEELAHAN:** But you're trying to be the better person in a personal sense.

**MS SCHINNERL:** The Australian Workers Union has tried to be the better person for years. Hence why we kept quiet for so long.

45

**MR WHEELAHAN:** Yes. Yes, yes. I want to change topics to best practice industry conditions.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** At a high level and there are people interstate who will not know anything about what that means. Can you give your broad understanding of your familiarity with best practice industry conditions?

5

**MS SCHINNERL:** Sure. These were policy documents introduced by various state government departments over the last seven or so years. My understanding is that the development of the, what we eventually became involved with, the TMRB - transport and main reports BPIC document and the energy/renewables BPIC followed a separate BPIC that the building trades group had developed with the government which was used for building construction by my understanding and that is not AWU space. So I apologise if I do make errors here, largely contemplated the construction of schools, hospitals, prisons and those sorts of types of construction projects.

10  
15

**MR WHEELAHAN:** So we will just slow that down. So best practice industry conditions.

**MS SCHINNERL:** Yes. A policy document of government.

20

**MR WHEELAHAN:** It's a policy document.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And in that document what conditions were addressed as far as you know when it was being developed?

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**MS SCHINNERL:** It was almost like a set of minimum employment standards.

**MR WHEELAHAN:** Minimum employment standards?

30

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** All right. And you say in your statement at 126 that your union expressed some concern that certain BPICs appeared to contravene, in fact, the Fair Work Act.

35

**MS SCHINNERL:** Yes. At certain points during the development of two separate BPICs that we were involved in, which was the Transport and Main Roads BPIC and the renewables BPIC, we could see the direction it was taking circumventing the genuine agreement-making processes that would otherwise happen for projects independent of BPIC.

40

**MR WHEELAHAN:** Okay. So explain that. I understand what it means.

45

**MS SCHINNERL:** Sure.

**MR WHEELAHAN:** For the inquiry, explain what you mean by that?

**MS SCHINNERL:** So I might use the renewable BPIC as the better example because thank you very much very much a behemoth document.

5

**MR WHEELAHAN:** I will again go back. This is a government department -

**MS SCHINNERL:** Yes.

10 **MR WHEELAHAN:** - determining BPIC being the best practice industry conditions -

**MS SCHINNERL:** Yes.

15 **MR WHEELAHAN:** - which you said essentially set out the terms and conditions that will apply to -

**MS SCHINNERL:** The minimum terms and conditions.

20 **MR WHEELAHAN:** Minimum terms and conditions of employment.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** By persons on that site amongst other things.

25

**MS SCHINNERL:** On those various projects.

**MR WHEELAHAN:** Yes.

30 **MS SCHINNERL:** So those projects that would have state money attached to them.

**MR WHEELAHAN:** So yes - so now proceed.

35 **COMMISSIONER:** It is a common thing in Queensland for the government to dictate on a project what the minimum terms and conditions of employment should be?

40 **MS SCHINNERL:** I think the way it was couched, Commissioner, it was, I guess, a safety net of sorts. So it was about, I guess, providing a framework by which you could, I guess, avoid undercutting in the industry.

**COMMISSIONER:** But in other states - sorry, I cut you off.

45 **MS SCHINNERL:** No.

**COMMISSIONER:** In other states that's done by virtue of the Fair Work. It's awards on top of the awards and minimum terms and conditions in the corporation's power underpinning it all and then, if next, by state legislation.

5 **MS SCHINNERL:** Commissioner, those are some of the concerns that we raised with government.

**COMMISSIONER:** But my question was, is this common for this approach to happen in Queensland?

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**MS SCHINNERL:** I believe the inception of BPICs some seven-odd years ago was a first.

**MR WHEELAHAN:** Probably getting ahead of the Commissioner's inquiry but.

15

**COMMISSIONER:** I'll leave it to you, Mr Wheelahan.

**MR WHEELAHAN:** No, because it's important in context if you are inquiring of other people. These BPICs since the election, have been.

20

**MS SCHINNERL:** They are no longer.

**MR WHEELAHAN:** They are no longer.

25 **MS SCHINNERL:** No.

**MR WHEELAHAN:** So this was a, these best practice industry guidelines were all part of the former regimes?

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

**MR WHEELAHAN:** Is that right?

**MS SCHINNERL:** Yes.

35

**MR WHEELAHAN:** And their development was subject to criticism by your union?

40 **MS SCHINNERL:** Criticism is probably not the word I would use. I would say we raised concerns.

**MR WHEELAHAN:** Yes.

45 **MS SCHINNERL:** There were certainly positive elements to these, absolutely. So getting back to my example of the renewables BPIC, the renewables BPIC ended up being, perhaps if I jump ahead here, I apologise, but a full compliance document. So

the renewables BPIC, by my recollection, at the end was 250 pages that a contractor would have to fully comply with in order to be considered for having work awarded.

Now, when I say 250 pages that particular BPIC looked like a template agreement.

5

**MR WHEELAHAN:** A template enterprise agreement.

**MS SCHINNERL:** A template enterprise agreement.

10 **MR WHEELAHAN:** Which would ultimately fall under the Fair Work Act?

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

**MR WHEELAHAN:** Yes, that's what it looked like.

15

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

**MR WHEELAHAN:** Being written by the government department?

20 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And mandatory.

**MS SCHINNERL:** For compliance.

25

**MR WHEELAHAN:** For the contractor to adopt if they wanted to tender and be successful for significant government projects?

**MS SCHINNERL:** Yes, correct.

30

**MR WHEELAHAN:** Yes. And returning to the first issue you raise, which was you saw this as undermining any ability to genuinely bargain as the Australian Workers Union.

35 **MS SCHINNERL:** Yep.

**MR WHEELAHAN:** With employers.

40 **MS SCHINNERL:** There was complete inflexibility particularly with the renewables BPIC and keep in mind that the renewables BPIC was settled quite late in the piece it was last to be settled so it never actually got off the ground before the government lost power.

**MR WHEELAHAN:** And.

45

**MS SCHINNERL:** Conversely the Transport and Main Roads BPIC was a guidance document. So it was much smaller. It dealt with far fewer matters but essentially

when agreement making occurred in that space, the parties to those negotiations and agreements could demonstrate compliance with the BPIC in a multitude of ways, which afforded the AWU the ability to, by and large, continue to negotiate with contractors for various government projects, similarly in a manner that we always had as long as that minimum set of conditions were always achieved.

**MR WHEELAHAN:** So at 126 you did say the transport, TMR, if we use the Transport Main Roads BPIC -

10 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - appeared to traverse the Fair Work Act as they appeared to be designed to largely circumvent the bargaining process and the majority coverage provisions for Greenfield enterprise agreements.

15 **MS SCHINNERL:** Yes, so TMR ended up in a far more flexible position than when it started was my understanding. So initially when the TMR BPIC was constructed and for a period of time there the AWU refused to participate in discussions around the development of TMR BPIC because of our concerns.

20 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** Which was also, for a period of time, because the building code was still in place at this time.

25 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** And we had very live concerns about potentially offending the code by virtue of the way these agreements were to be made off the back of BPIC. But in the early stages there was a view expressed by government that, I guess, contractors would be compelled to sit down and negotiate with all unions that were named in that BPIC, which is our concern around the circumvention of the Fair Work bargaining processes.

35 **MR WHEELAHAN:** And following that, you said that despite those concerns, the AWU felt they had no choice but to engage.

**MS SCHINNERL:** That was made very clear to my predecessor Stephen Baker that BPIC was continuing with or without the AWU.

40 **MR WHEELAHAN:** With the concerns raised, if I can have paragraph 131 brought up, please. You specifically raised the type of concerns that you're talking about now. I know you had reduced them to writing as well, but there's a list of people with whom you raised these concerns at subparagraphs (a) through to (c). Can you just tell the Commissioner - give evidence to him about who you spoke to - importantly, what position they held, and what you told them about your concerns.

**MS SCHINNERL:** Sure. So by way of background I should say, you know, in these discussions which I'll detail now, there is a number of years that have elapsed here, but this is also occurring at a time that we are seeing this increase escalation of violence with the CFMEU as well, which was playing out in the government departments, hence why I engaged in this dialogue because I could see the direction that this was going.

So the first person I detail here is Linda Dobe. She was then the Director-General of the department of regional development manufacturing and water. I recall having a meeting with Linda on 26 June 2023. Now, at that particular time, there was contemplation that there would be a standalone water BPIC, which ultimately did not end up occurring. So there was lots of discussions about what that water BPIC would look like but it ultimately did not result in a BPIC for that department on a standalone basis.

Now, in that discussion, I raised with her my concerns about the effect of BPIC and, in particular, the degree of the CFMEU's involvement in the development of the document insofar as it related to the water element of the department.

**MR WHEELAHAN:** I will stop you there because you've said that you raised the degree of CFMEU involvement in government decisions.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Are they the words you used or -

**MS SCHINNERL:** They are were words I have used.

**MR WHEELAHAN:** Yes, and did you go beyond that and give examples?

**MS SCHINNERL:** I did. So I was I was talking to her about the development of the BPIC and the operational elements of BPIC. I go into this a little bit later in my statement but essentially the way those documents were being constructed was through development that was driven by the relevant government department and public servants in consultation with relevant unions, with the assistance of consultants that were engaged by the government to drive those discussions and drafting.

So the CFMEU had a very big voice at the table in terms of what those documents were to look like.

**MR WHEELAHAN:** How so? You've just given - you've mentioned all the consultants and various unions.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** My question to you is, you've expressly raised concerns about the degree of CFMEU involvement in government decisions.

5 **MS SCHINNERL:** Yes. So when those consultants and public servants are drafting and liaising with the relevant unions, the CFMEU - I'm struggling to describe this for you, I apologise - the CFMEU was very much driving the agenda, the government agenda, across multiple of those departments, including Mr Martyn's department, in that say there were two consultants involved and I'll jump ahead to Department of Environment and public works. I think, sorry, I beg your pardon, I think that is supposed to read Department of Energy and Public Works I think that's a typo.

10 So there were two consultants engaged which I reference a little bit later in my statement. One consultant was a man by the name of Mr Ryan Murphy and the other consultant was a man by the name of Randall fuller. Randall fuller you could consider was the point person for the CFMEU, a consultant for the Queensland Government but the point person for the CFMEU in those discussions, the AWU and the CFMEU didn't sit in the same room and I refused to have anything to do with Mr Fuller.

15 And then Mr Murphy was, I guess, the point person that would liaise with the AWU. Now, when the CFMEU was expressing their views about what should go into BPIC, they were doing so on their erroneous view on what their coverage is. So they were pushing an agenda that benefitted them and I would say was an attempt to use a government policy process to increase their industrial footprint and elicit outcomes that would benefit the CFMEU.

20 **MR WHEELAHAN:** So they could only do that, though, if they had more influence over the government.

25 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Than any other union.

30 **MS SCHINNERL:** I believe they did.

35 **MR WHEELAHAN:** So that's what you meant by, I know it's a long answer, your concerns, the degree of involvement in government decisions with respect to the CFMEU.

40 **MS SCHINNERL:** With respect to the CFMEU.

**MR WHEELAHAN:** So I'm getting the basis for saying that, which.

45 **MS SCHINNERL:** This is very hard to explain, I apologise.

**MR WHEELAHAN:** Is the CFMEU have a very powerful consultant in place who is aligned with the CFMEU; is that right?

**MS SCHINNERL:** I would say yes. He says that Mr Ravbar got him the job.

**MR WHEELAHAN:** Who was that, that was Mr Fuller.

5

**MS SCHINNERL:** Mr Fuller.

**MR WHEELAHAN:** So he said that to who.

10 **MS SCHINNERL:** He told me that in my office.

**MR WHEELAHAN:** So he told you that Mr Ravbar got me the job.

**MS SCHINNERL:** Yes.

15

**MR WHEELAHAN:** And who did he work for previously?

**MS SCHINNERL:** I think he's a private consultant but he had, in a previous life, been a BWIU employee.

20

**MR WHEELAHAN:** Sorry, you will have to speak up.

**MS SCHINNERL:** BWIU.

25 **MR WHEELAHAN:** Which is, for the benefit of those -

**MS SCHINNERL:** Builders Workers' Industrial Union, many decades ago.

30 **MR WHEELAHAN:** Which, through various iterations, today you would probably say part of the CFMEU.

**MS SCHINNERL:** Yes, and prior to Mr Fuller, Mr Scott Gartrell was the consultant that worked in the Transport and Main Roads BPIC space.

35 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** And I believe in a previous life Mr Gartrell was an employee of the FEDFA.

40 **MR WHEELAHAN:** All right. So you had powerful consultants, if I summarise your evidence, with direct access to the ministers -

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** - who were aligned, or in Mr Fuller's case, Mr Ravbar got him the job.

**MS SCHINNERL:** Yes and I believe Mr Gartrell -

**COMMISSIONER:** That's what Mr Fuller said?

5 **MS SCHINNERL:** That's what Mr Fuller said, yes and Mr Fuller said that Mr Gartrell was integral in that as well.

**COMMISSIONER:** I'm sorry, I cut you off. I'm sorry?

10 **MS SCHINNERL:** I beg your pardon when Mr Fuller made that comment to me he said that Mr Ravbar and Mr Gartrell got him the job.

**MR WHEELAHAN:** Is that a convenient time?

15 **COMMISSIONER:** Yes, the point I was making is Mr Fuller might not be telling the truth. That's all. You said Mr Ravbar got him the job (crosstalk).

**MR WHEELAHAN:** Yes, the witness has said that Mr Fuller told him that - told Ms Schinnerl that.

20

**COMMISSIONER:** He might be mistaken or - who knows.

**MR WHEELAHAN:** I might be mistaken.

25 **COMMISSIONER:** Will you finish about this witness today, Mr Wheelahan?

**MR WHEELAHAN:** The issue with the BPICs, I think I can - yes. Mr O'Grady has sought to cross-examine. He has indicated he would be 15, 20 minutes at the outside. I think I could finish with the witness to allow time for Mr O'Grady to do that. There has been some other applications for cross-examination. There's some issues with those applications that I've communicated that they don't comply with the practice guideline number 4. But in any event given the time estimates that Ms O'Gorman has given me, we wouldn't be able to do that today.

35 **COMMISSIONER:** Even if we gave you leave, you wouldn't want to cross-examine today, Ms O'Gorman would you?

**MS O'GORMAN:** Your Honour, I'm in a position to. Subject to receiving some of the documents (indistinct) haven't been provided to me but I haven't yet been told in what way my application to cross-examine is not compliance. If it's not I would seek to fix that up over lunch.

40

**MR WHEELAHAN:** I have sent an email.

45 **COMMISSIONER:** One at a time. One standing.

**MR WHEELAHAN:** I will let Ms O'Gorman know over lunch and perhaps the email didn't arrive.

**MS O'GORMAN:** Perhaps if I can clarify.

5

**COMMISSIONER:** Just sit down, Mr Wheelahan, while Ms O'Gorman -

**MS O'GORMAN:** Whether or not I've complied with paragraphs 16 perhaps (b)(3), that is provided a sworn statement of my client or other relevant witness to the commission. I don't need to for the purposes of cross-examining Ms Schinnerl. I won't be putting alternative versions to her provided by my client exploring her evidence and on the basis there is no scope for providing a signed statement. I've communicated that to Mr Wheelahan but if there's some other difficulty, I can attend to it.

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**COMMISSIONER:** But I thought the point of the practice direction was to ensure that cross-examination wasn't at large and it was directed to where there's actually a conflict in the evidence and that the conflict in the evidence is best explored by putting on a contrary version of events in circumstances where you have instructions to do so. I mean the example of say Mr de Jersey's client, Mr de Jersey's client might want to say that there's some record of Ms King and Ms Schinnerl signing in to the Roma Street address, Roma Street head office of the QPS on 6 August 2024. He has got a statement or some record to that effect. He puts it forward and says "I want to cross-examine these witnesses on the basis that they say they weren't told to sign in." He has got a record there of them signing it and that's the basis of the cross-examination.

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But if he just wants to say they weren't told to sign in, that's correct and it's because we had safety concerns or something for them, or there's no policy or whatever, he can just put that evidence in, he doesn't need to cross-examine because there's no conflict on the evidence and go through the statement of this witness bit by bit and identify the places where there is a conflict and a need to cross-examine. And I think that's the point of the Practice Direction.

30

**MS O'GORMAN:** Your Honour, this witness has.

35

**COMMISSIONER:** You keep calling me "your Honour". I do like it but it's not going to get you any further.

**MS O'GORMAN:** I apologise, Commissioner. But this witness has given evidence that directly and indirectly casts imputations against one or both of my clients.

40

**COMMISSIONER:** Yes.

**MS O'GORMAN:** It's not always entirely clear from the evidence.

45

**COMMISSIONER:** I'm sorry to cut you off, I couldn't see much about your second client Mr Lowth and her - is there anything in her evidence that concerns Mr Lowth?

5 **MS O'GORMAN:** Well not in relation to this witness' references to certain people within the leadership included Mr Lowth and that's not yet clear on the evidence but that is a matter which I ought to be permitted to explore with her in order to properly represent Mr Lowth's interests. But so far as Mr Ravbar is concerned.

10 **COMMISSIONER:** Just dealing with that I think you're going to have to identify where she says that and how it is that Mr Lowth's interests are affected. They may well, it's just not obvious to me just saying that they are but if you can identify something in the evidence or something in the statement, which means you might need some time to do so, then and there's some contrary view that Mr Lowth wants to put, then of course you will be given leave to cross-examine.

15 **MS O'GORMAN:** Well, Commissioner, I am in your hands. If there is to be some significant need for extensive submissions by me as to whether or not -

20 **COMMISSIONER:** Some what, I'm sorry, I missed that.

**MS O'GORMAN:** Some significant or extensive submissions by me as to why I ought to be permitted to cross-examine Mr Shin on behalf of Mr Ravbar and Mr Lowth and I'm in the Commissions's hands as to whether that occurs now or some time at the end of her evidence, for example.

25 **COMMISSIONER:** I think the best thing is to comply with the practice direction and to identify the evidence that you wish to lead that contradicts what this witness says. I could understand that at this stage of the Commission's proceedings it might be difficult to do so on your feet straight after the end of her examination-in-chief but  
30 as we proceed there will be less licence given in that regard. But at some point over lunch or after the close of play today, you will have to make an application that complies with the practice direction or at least if you want to go further, say why the practice direction shouldn't apply.

35 **MS O'GORMAN:** Commissioner I'm not sure it is a question of whether the Practice Direction should or shouldn't apply. Paragraph 16 requires that applications to cross consist examine witnesses should, where possible, and it includes the putting of an alternative version, in circumstances where an alternative version is to be put to the witness. I have not indicated in my application nor do I intend to put an  
40 alternative version with respect to anything Ms Schinnerl has said to her.

45 However, as the Commission will be acutely aware, it would appear that most of what Ms Schinnerl has given evidence about is hearsay evidence and given that sort of evidence has been routinely taken in the commission, it ought to, to be fair to Mr Ravbar and Mr Lowth, well we ought to be permitted to cross-examine to determine the scope of the hearsay evidence that has been given or the scope of the knowledge of the matters that Ms Schinnerl has given evidence about.

**COMMISSIONER:** But I don't, I just wonder how far that gets you. You've got, for example, I mean this is Mr Ingham, obviously, not your client, Ms O'Gorman, this witness says I believe Jade Ingham to be the person responsible for coordinating the Youth Crew prior to his removal. Mr Ingham may take the view that he is the person responsible for coordinating Youth Crew. He may very much take the view that he is not. Then goes to say it's a breeding ground for future organisers. Mr Ingham's position might be it is and it's a good idea to have a breeding ground for future organisers. He might take the position, "That's not my position."

10 Depending what his evidence is, he will either come forward and say, "I'm not the person responsible for coordinating the Youth Crew" he will come and give that evidence and against him will be, I think this witness' evidence for her belief was, "common understanding" in the industry. Why would - I know this is more directed to Mr Kimmins than you, Ms O'Gorman, but why would you need to cross-examine this witness on the common understanding, because don't we need to know what Mr Ingham says in that regard?

**MS O'GORMAN:** Well, Commissioner, I can't say anything about the evidence that relates to Mr Ingham, I don't propose to ask any questions about.

**COMMISSIONER:** No, I'm just using that as an example, as there's some hearsay evidence that's based on common understanding and to ascertain whether you should cross-examine on that hearsay evidence, don't we need to understand what the deponent is going to say? Because if he is going to say, "I am the person responsible for coordinating the Youth Crew" what's the point of it? That's really the point of the Practice Direction is to just deal with unnecessary cross-examination of evidence, particularly hearsay evidence, in circumstances where there's no real contest.

**MS O'GORMAN:** Well, there is to this extent with respect to Mr Ravbar and Mr Lowth.

**COMMISSIONER:** Yes.

**MS O'GORMAN:** As I understand it, this witness suggests, at least suggests in her evidence, that the violent acts that she has given evidence of occurring whilst my clients were in leadership positions -

**COMMISSIONER:** Which one?

**MS O'GORMAN:** - might be as a result -

**COMMISSIONER:** I'm sorry, you keep going.

**MS O'GORMAN:** Might be as a result of their influence. I can't recall the exact words that Ms Schinnerl gave when giving evidence just a moment ago about that. But if that's so, it's important to understand the extent to which Ms Schinnerl was

told that my clients were either present at any of those incidents, or knew about them, either beforehand or afterwards, or were otherwise involved in, or informed about, those incidents, and those are matters that haven't yet been traversed with this witness but ought to be, including to assist the Commission.

5

**COMMISSIONER:** You just have to tell me again, you might have a note of evidence or somewhere in the statement, about where this witness says this and what Mr Ravbar might say in response to it, in order to assess whether or not cross-examination is really needed. That's the point of the practice direction. Perhaps have a discussion with Mr Wheelahan over the luncheon break. See where you get to. This witness sounds like will be finished the examination-in-chief this afternoon. There might be some cross-examination. I haven't heard from Mr Spence about his attitude to what Mr Wheelahan said about Mr O'Grady's proposal to cross-examine, and we will see where we are at the close of play.

15

**MS O'GORMAN:** Thank you, Commissioner.

**COMMISSIONER:** And that applies to you, too, Mr de Jersey.

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

**MR SPENCE:** If it is of assistance, I can advise the Commission that we are satisfied for Mr O'Grady to cross-examine Ms Schinnerl on the basis he has indicated. I also flag, for the benefit of the Commission, we also object to the cross-examination that's proposed by Ms O'Gorman based on the email correspondence I've received this morning. I've not seen the submissions, your Honour - sorry, Commissioner - but endorse what Mr Wheelahan has said in relation to the non-compliance with the practice direction.

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30 **COMMISSIONER:** But I think you would accept, wouldn't you, that provided the practice note is complied with, there might be a number of places, a number of parts of this evidence that this witness has given that Mr Ravbar would be entitled to cross-examine on, would you not?

35 **MR SPENCE:** Commissioner, in circumstances where the practice direction is complied with, and what is provided to myself is an indication of what is proposed to be cross-examined, if it meets the criteria of the practice direction, I think it's fair to say, Commissioner, that it would be hard to object to the circumstances where a counterposition has been put. What we currently have, however, Commissioner, based on the material I've received, is a proposal to what appears to be a wide-ranging cross-examination of paragraphs 27 to 103, not meaningfully.

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**MS O'GORMAN:** If I might just approach my friend?

45 **MR SPENCE:** In any event, Commissioner, this might be something that can be dealt with over the lunch break. If there's been an error, I apologise to the Commission. If there's not I'll -

**COMMISSIONER:** I think you should apologise to Ms O'Gorman, not to me.

**MR SPENCE:** And to Ms O'Gorman as well. Thank you, Commissioner.

5

**COMMISSIONER:** Very well. Will you, Ms O'Gorman, talk to Mr Spence and Mr Wheelahan over the luncheon break? And I'm not precluding you from making any application you wish to make after the witness' evidence-in-chief is finished.

10 **MS O'GORMAN:** Thank you, Commissioner, I will.

**MR KIMMINS:** We submitted an application this morning as well on behalf of my client.

15 **COMMISSIONER:** Yes.

**MR KIMMINS:** I haven't spoken to my friend, and we have only put our application through to the Commission. I've got paper copies I can provide to both of those and I've got a paper copy for your Honour - (indistinct).

20

**COMMISSIONER:** I've got yours somewhere, Mr Kimmins. Yes, I've just got it here. Yes.

25 **MR KIMMINS:** So I will seize the opportunity to speak to my friends as well, and I do apologise to them that it wasn't forwarded to them.

**COMMISSIONER:** Very well. We'll see where we are at the close of the evidence-in-chief of this witness, after you've had an opportunity to have discussions. Are there any other applications? We will adjourn until 2 pm.

30

**<THE HEARING ADJOURNED AT 1.04 PM**

**<THE HEARING RESUMED AT 2.00 PM**

35 **COMMISSIONER:** Mr Wheelahan.

**MR WHEELAHAN:** Thank you, Commissioner. Now, Ms Schinnerl, we were dealing with your discussions and meeting with Linda Dobe. And for reference I might quickly pull up on screen - we had the full names at paragraph 131 and I think we completed your discussions with Ms Dobe, unless there's anything else you wanted to add about discussing your concerns about the effect of BPIC and the degree of CFMEU involvement in government decisions -

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**MS SCHINNERL:** Yes.

45

**MR WHEELAHAN:** - that you had with her.

**MS SCHINNERL:** Yes, I could expand a little bit further and I think this is useful contextually for BPIC generally and it was certainly a theme in discussions that I had with not only Ms Dobe but Mr Martyn and Mr Fraine as well and I think, when we're talking about BPIC, I think what has got lost in this a little bit is the Australian  
5 Workers Union is, and always has been, supportive of best practice industry conditions as a concept, in the sense that when you are expending public moneys, we support a policy framework that confers opportunities to workers to benefit from that. And, you know, by and large, yes, we have the federal award system in place as the Commissioner rightly pointed out this morning. But I think it's fair to say that the  
10 federal award structure, particularly in construction, is very, very different to what industry expectation is and where the market sits, I guess.

So increasing that bar is something that we should always aspire to do and creating a higher bar as a minimum in a policy sense is a healthy thing for not only the state  
15 but workers generally. Where we differed in opinion was where that process and that policy application was being used to pursue an industrial and political agenda that conferred a benefit on behalf of one union outside of what one would naturally benefit from by virtue of the rules of the Fair Work Act in agreement-making, so -

20 **MR WHEELAHAN:** And that one union being?

**MS SCHINNERL:** That one union being the CFMEU, yes. So this is more about creating a policy environment that, as I said earlier, artificially increased an industrial footprint for the CFMEU beyond their lawful coverage and created opportunities for  
25 them to be involved and exposed to large groups of workers and receive potential financial benefits where they otherwise would not have done so but for the policy.

**MR WHEELAHAN:** And you said just before that you viewed that as a political and industrial agenda by the government, is that what you said?  
30

**MS SCHINNERL:** An industrial agenda, yes, that's exactly what I said. An industrial agenda using political mechanisms to achieve the outcome of that industrial agenda, yes.

35 **MR WHEELAHAN:** For one union only?

**MS SCHINNERL:** For one union only.

**MR WHEELAHAN:** All right. You then, on 11 July 2023 met with a Mr Paul  
40 Martyn, M-a-r-t-y-n.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** What was his position at the time?  
45

**MS SCHINNERL:** At the time he was the Director-General of the Department of Energy and Public Works. I apologise that is an error in my statement, Commissioner.

5 **COMMISSIONER:** So delete environment and insert energy in its place in paragraph 131(b)?

10 **MS SCHINNERL:** Yes, please. Similar to the discussions I had had with Ms Dobe, it was very much on the same track. The BPIC that existed in in the energy and renewals space had far more involvement with Mr Fuller and we were having consistent concerns with positions that he was advancing through his discussions with the CFMEU about -

15 **MR WHEELAHAN:** Just pause there, somebody is making a lot of noise. I can't hear you. Can you continue?

20 **MS SCHINNERL:** Yes. So the discussions with Mr Martyn, in terms of the renewables and energy BPIC which existed in this departmental space, Mr Fuller had a far bigger involvement in the construction of that document as opposed to the water document in Ms Dobe's department.

**MR WHEELAHAN:** I just pause there.

25 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** This is at this point, a draft?

**MS SCHINNERL:** Yes, it was still in drafting phase, I believe, at that stage.

30 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** Yes. Many, many incarnations and I still believe it wasn't resolved until quite some time after this.

35 **MR WHEELAHAN:** Yes. So you were raising directly with Mr Martyn and -

**MS SCHINNERL:** Yes.

40 **MR WHEELAHAN:** - his department's engagement with the CFMEU and, in particular, the conduct of Mr Randall Fuller?

**MS SCHINNERL:** Yes, particularly around some of the advice he was giving and some of the positions he was advancing through his discussions with the CFMEU.

45 **MR WHEELAHAN:** And what were they that you raised with Mr Martyn?

**MS SCHINNERL:** A lot of the time the concerns that we were talking about, in particular, at this meeting, it was around, again, the coverage aspect of the CFMEU and how certain clauses within that draft BPIC would be constructed and how that union would be referenced versus the other unions and things like that. It's very hard  
5 to get the timeline accurate on this because you've got to understand 2023 in BPIC land there was a lot going on.

There was also a lot going on as we've discussed on the ground as well.

10 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** But we had seen, and I think it might have been just prior to this, a draft of the renewables BPIC that was produced. That was - as I said, we're talking about a government policy document and when you flick to the end of that  
15 government policy document, contained in that draft document was a copy of the CFMEU branded RDO calendar.

In aa addition to that at the start of the document there was one variation that we had emailed to us, I believe it may have been from either Mr Logan Timms or Ms Sharon  
20 Bailey who was the Deputy Director-General and I think I might mention it later on in my statement, the unions as defined by that particular draft of the renewables BPIC didn't even mention the Australian Workers Union at all.

**COMMISSIONER:** What do you mean by CFMEU-branded calendar? Is that the  
25 phrase you used?

**MS SCHINNERL:** Yes, Commissioner.

**COMMISSIONER:** What's it mean?  
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**MS SCHINNERL:** It's the industry RDO calendar that you would find attached to federal EBAs that the CFMEU would make, including their logo.

**COMMISSIONER:** Including the logo?  
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**MS SCHINNERL:** Including the logo.

**COMMISSIONER:** When you say industry, you mean general construction industry, not civil?  
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**MS SCHINNERL:** Yes, the building calendar, RDO calendar.

**MR WHEELAHAN:** And are you familiar with that calendar?

45 **MS SCHINNERL:** It's not my industry. I'm aware that it exists but, you know, I'm not an expert in that at all.

**MR WHEELAHAN:** And that's the one that has lots of mandatory RDOs in it?

**MS SCHINNERL:** 26 is my understanding, fixed RDOs.

5 **COMMISSIONER:** So what did you describe it as?

**MS SCHINNERL:** A 26 fixed day RDO calendar is my understanding.

**COMMISSIONER:** What does "fixed day" mean?

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**MS SCHINNERL:** They have to occur on those days, Commissioner, fixed day. At that meeting with Mr Martyn, I also communicated to him my concerns in relation to, I guess, his and those below him so his departmental staff regarding their obligations under the Public Service Act to act independently and without influence, of course.

15

**MR WHEELAHAN:** So why did you feel the need to raise that directly with Mr Martyn?

20 **MS SCHINNERL:** Because I don't believe that he, nor his staff, were acting independently or in compliance with their obligations under the Public Service Act.

**MR WHEELAHAN:** And what was it that wasn't independent?

25 **MS SCHINNERL:** Well there were several aspects to it and I do go to it further in my statement but, for example, towards the end of 2022 when the discussions around the renewables BPIC started, I had a meeting with Sharon Bailey and Scott Gartrell and our then -

30 **MR WHEELAHAN:** The positions of each person.

**MS SCHINNERL:** Sharon bailie I believe was the Deputy Director-General who sat under Mr Martyn. Scott Gartrell was a consultant to that department. That meeting occurred in my office with the then national secretary of the AWU, Mr Canwell Walton and myself.

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**MR WHEELAHAN:** Mr Gartrell?

**MS SCHINNERL:** Gartrell.

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**MR WHEELAHAN:** He was a consultant from KPMG; is that right?

**MS SCHINNERL:** That's correct, yes.

45 **MR WHEELAHAN:** Engaged?

**MS SCHINNERL:** By the government.

**MR WHEELAHAN:** By the department?

**MS SCHINNERL:** Yes, by the department.

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**MR WHEELAHAN:** Continue?

**MS SCHINNERL:** And he had previously been engaged by the Transport and Main Roads Department for the purpose of their BPIC.

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**COMMISSIONER:** You said he was formerly, I think you said an employee of the federated engine drivers association.

**MS SCHINNERL:** Many decades prior, I believe, Commissioner. So at that meeting we discussed that a renewable BPIC would be constructed and we were told at that meeting that the Australian Workers Union and the ETU would be the unions to be involved in the drafting of that document on the basis that by virtue of renewable projects, the ETU and the AWU were the relevant unions.

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**MR WHEELAHAN:** Yes, so, again for those listening, define renewable projects because if you're to have coverage in the ETU, renewable projects are what?

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**MS SCHINNERL:** So projects pumped hydro, solar, wind, anything that involves State money for the virtue of those projects.

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**MR WHEELAHAN:** Right.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** So certainly not high rise construction.

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**MS SCHINNERL:** Not high rise construction.

**MR WHEELAHAN:** No, and so the ETU initially, you were told, and your union.

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**MS SCHINNERL:** Yes would be the unions engaged for the purpose of consultation and drafting.

**MR WHEELAHAN:** Right.

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**MS SCHINNERL:** And we did start those discussions. Some time towards the end of the year perhaps into the new year, contact ceased between Ms Bailey and, I believe at the time our assistant secretary, Mr Raguse was leading the discussions with her.

45

**MR WHEELAHAN:** Contact ceased on whose end?

**MS SCHINNERL:** Ms Bailey stopped engaging with the AWU and when Mr Raguse inquired further with her, what was going on, where's the latest draft, she was told - sorry, he was told that we'd have to pull up, we have to consult with the CFMEU.

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**MR WHEELAHAN:** All right. So words - they were the words to the effect of what was reported to you?

**MS SCHINNERL:** Yes.

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**MS SCHINNERL:** Correct.

**MR WHEELAHAN:** With that direction being told they must now consult with the CFMEU what then happened in the association process?

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**MS SCHINNERL:** This is where the steps are a little bit muddled. I wasn't leading for the purpose of these particular discussions.

**MR WHEELAHAN:** Maybe before we go there, let me finish. So you refer to a specific meeting on 15 January with a Graham Fraine, F-r-a-i-n-e?

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** What was his position at the time?

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**MS SCHINNERL:** Director-General of the Department of State Development and Infrastructure.

**MR WHEELAHAN:** Does he still hold that position? You are not sure.

30

**MS SCHINNERL:** I think there might have been a machinery of government change. I think that department might be called something different now but Mr Fraine is currently the director-general of a department and keep in mind this is much later, this is in 2024.

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**MR WHEELAHAN:** Correct. We will return to the input of the CFMEU by demand later.

**MS SCHINNERL:** Sure.

40

**MR WHEELAHAN:** Or direction I should say.

**MS SCHINNERL:** Yep. So, in the meeting with Mr Fraine, I guess it was similar to the meetings I had had with the other Director-Generals relitigating those points in terms of concerns around where those previous discussions had led in relation to the construction of those BPICs. And I did so in the context obviously at that particular time he was the Director-General of the department that would have responsibility

45

for Olympic infrastructure builds and I didn't want to see a replication of those processes ahead of a potential future BPIC that might contemplate the Olympic infrastructure.

5 **MR WHEELAHAN:** So you will need to explain that. So your concern, what is it that you didn't want happening with the best practice industry conditions that might impact the upcoming infrastructure for the Olympics?

10 **MS SCHINNERL:** I didn't want the CFMEU to have an artificially louder voice at the table during the drafting of any potential future BPIC that may apply to the Olympic infrastructure. Granted industrially they probably had a bigger footprint, when we are talking about Olympic infrastructure build. The AWU also has strong rules in relation to stadium construction and the like. But we had seen those processes perverted previously and I didn't want to see a replication of that again. So  
15 that's why I communicated those concerns with Mr Fraine.

**MR WHEELAHAN:** When you say "perverted previously".

20 **MS SCHINNERL:** In relation to renewables BPIC and Transport and Main Roads BPIC.

**MR WHEELAHAN:** I see.

25 **COMMISSIONER:** Is a stadium a building?

**MS SCHINNERL:** I think it might be dealt with separately in relation to their rules. I know they're definitely dealt with separately in relation to our rules but as I said I'm not an expert in the rules of other unions. I have general knowledge only.

30 **MR WHEELAHAN:** All right. Now, we will return to a more chronological way of dealing with it, so we will deal with the TMR BPIC. Your first direct involvement with that was in 2021; is that correct?

35 **MS SCHINNERL:** Yes, that was my first direct involvement, yes. I was the Southern District Secretary at the time. Mr Baker was the Secretary.

**MR WHEELAHAN:** And in March of that year, on the 4th, you attended a meeting with both those gentlemen and Minister Mark Bailey.

40 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And Minister Mick de Brenni.

45 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** What was the purpose of that meeting?

**MS SCHINNERL:** The purpose of that meeting was to discuss the upcoming Gold Coast Light Rail stage 3 project and how the government intended to retrofit some specific arrangements for the purpose of that project in relation to the BPIC at the time.

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**MR WHEELAHAN:** Can you explain that?

**MS SCHINNERL:** So that project wasn't automatically captured by the BPIC at that time. So what they were trying to achieve was in recognition of the project and the project size, create a site specific schedule.

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**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** That would apply and extend for the purpose of that project. So.

15

**MR WHEELAHAN:** I understand.

**MS SCHINNERL:** That would be, I guess, a higher bar for the bargaining parties to be able to use as their safety net.

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**MR WHEELAHAN:** For that particular project.

**MS SCHINNERL:** For that particular project.

**MR WHEELAHAN:** Yes. And that discussion occurred in circumstances where you say construction - the construction contract had already been notionally awarded to John Holland?

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

30

**MR WHEELAHAN:** And there are different stages of that project.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And this discussion with the ministers focused on stage 3?

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**MS SCHINNERL:** Correct.

**MR WHEELAHAN:** And can you explain what that stage 3 was as opposed to stage 1 and 2?

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**MS SCHINNERL:** Sure. It's just a continuation of the Light Rail further south.

**MR WHEELAHAN:** Yes.

45

**MS SCHINNERL:** To, I think it's gone down to Burleigh Heads, stage 3.

**MR WHEELAHAN:** Okay and what agreements were in place for stage 1 and 2.

**MS SCHINNERL:** They were AWU agreements with both of those contractors.

5 **MR WHEELAHAN:** Yes. John Holland and?

**MS SCHINNERL:** I don't believe John Holland was a contractor in stage -

**MR WHEELAHAN:** I'm sorry, for the earlier stage.

10

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Now, both ministers told you that they're going to retrofit, using those words, the BPIC -

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - in some way -

20 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - to this stage 3 of the project.

**MS SCHINNERL:** And create a specific -

25

**MR WHEELAHAN:** A specific schedule.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** And you expressed a view to the ministers that you describe as a warning to them?

**MS SCHINNERL:** Yes.

35 **MR WHEELAHAN:** Can you tell the Commissioner what that warning to them was?

**MS SCHINNERL:** Consistent with our previous correspondences with the Department of Main Roads we had a concern, again, about the conflict between the Fair Work Act and how these BPIC policy was going to be applied in a bargaining sense, particularly in relation to the coverage of relevant unions. And I was worried and expressed, you know, a concern and, yes, I issued a warning that I believed the government to be on tenuous grounds on the basis that we thought that that conflict, in particularly given the existence of the building code as well, was problematic for the government.

45

**MR WHEELAHAN:** And did either or both of the ministers respond to that?

**MS SCHINNERL:** They did. They expressed to me that they had Crown Law advice that their strategy was sound.

5 **MR WHEELAHAN:** All right. Did you ask for a copy of that Crown Law advice?

**MS SCHINNERL:** I did.

10 **MR WHEELAHAN:** And were you provided with a copy of that Crown Law advice?

**MS SCHINNERL:** No, I wasn't. No.

15 **MR WHEELAHAN:** No.

**COMMISSIONER:** So your concerns were two-fold, were they? One was the fact that this particular retrofitting of this BPIC for the Gold Coast Light Rail project would have the effect of expanding the industrial footprint or coverage of the CFMEU beyond its rules?

20 **MS SCHINNERL:** Yes, depending on the scope, keeping in mind I didn't see the schedule at this stage.

25 **COMMISSIONER:** Potentially had that.

**MS SCHINNERL:** Potentially, yes.

**COMMISSIONER:** And secondly that, it somehow infringed the building code.

30 **MS SCHINNERL:** In the absence of seeing it, that was what we had concluded was a legitimate concern.

**COMMISSIONER:** What's the building code you're talking about there?

35 **MS SCHINNERL:** The building code established under the Australian Building Construction Commission.

**COMMISSIONER:** The Federal Building Code?

40 **MS SCHINNERL:** The Federal Building Code, that was still alive at the time.

**COMMISSIONER:** And in what way would this, what do I describe it as - the Gold Coast Light Rail project infringe the -

45 **MS SCHINNERL:** Not knowing what was going to be in that BPIC. There could have been something amended at right of entry or conferred - you know, anything to

do with coverage, again, I guess we were boxing at shadows, Commissioner but raising these concerns with the government nonetheless.

5 **COMMISSIONER:** So you are saying you weren't shown the draft BPIC but you were concerned that -

**MS SCHINNERL:** Not a the schedule, no. It was - it was just more an explanatory meeting with those ministers foreshadowing what they had intended to do.

10 **COMMISSIONER:** I'm sorry, what's the schedule?

**MS SCHINNERL:** So there was, they were creating a schedule for the existing BPIC that would apply for the purpose of the Gold Coast Light Rail.

15 **COMMISSIONER:** Stage 3?

**MS SCHINNERL:** Stage 3.

20 **COMMISSIONER:** Yes. So modifying the BPIC that was currently in place in some way.

**MS SCHINNERL:** Yes.

25 **COMMISSIONER:** That you weren't shown.

**MS SCHINNERL:** That was an informational meeting, Commissioner.

30 **MR WHEELAHAN:** And those concerns you had raised generally about BPICs that we have just discussed before.

**MS SCHINNERL:** Yes.

35 **MR WHEELAHAN:** And this evidence is about a specific meeting with two ministers where you're raising specifically a BPIC that was to have a schedule attached to it for stage 3 of this project?

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

40 **COMMISSIONER:** It is a BPIC or the BPIC.

**MS SCHINNERL:** Sorry, the BPIC, the Transport and Main Roads BPIC.

**MR WHEELAHAN:** With a schedule, though?

45 **MS SCHINNERL:** Yes, it was.

**MR WHEELAHAN:** Applicable to stage 3.

**MS SCHINNERL:** Applicable schedule, yes, that would retro, would be retro fitted for that project.

5 **MR WHEELAHAN:** You say you not only explained your concerns about the policy outcomes of the BPIC but also the practical consequences of it. Can you explain to the Commissioner what you mean by that?

10 **MS SCHINNERL:** So, again, not knowing what was going to be in there and what the practical application of whatever that schedule was going to be, for example, it may have looked like there may have been a requirement or it might have been a pre-qualification or whatever way you'd like to put it, a requirement on the contractor to reach an agreement with a predetermined number of unions, for example, irrespective of the scope of the agreement or the type of work to be  
15 performed.

So when I say that, it might have compelled the employer to reach an agreement, to negotiate with and reach an agreement with, for example, the AWU, the CFMEU, the ETU, the Plumbers Union, the Metal Workers, when it there may not be any  
20 legitimate coverage for all of those unions. And, obviously, that's inconsistent with Greenfield agreement making under the Fair Work Act.

**MR WHEELAHAN:** Other than the ministers as you say, you often raised these concerns that you've expressed now with public servants and indeed other ministers  
25 about -

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - various BPICs.  
30

**MS SCHINNERL:** Yes and I should say in that context too and to sort of wrap off that meeting, I did also raise with Minister Bailey who was the main roads Minister at the time, what I saw as a very unfair contrast as well in terms of the benefits of BPIC in terms of wage rates versus what his direct employees of the department  
35 working for the commercial arm of TMR which is Road Tech were earning in wages given that they are essentially performing identical work in terms of the construction, repair and maintenance of state-owned road and bridge assets. So I foreshadowed with him that bargaining could get very colourful next time around, given that there was a large difference in the earning capacity between -  
40

**MR WHEELAHAN:** And which way was the large difference?

**MS SCHINNERL:** So BPIC is conferring really good and rightly so wage rates for private sector construction workers as opposed to the direct hire workforce of  
45 Minister Bailey's department.

**MR WHEELAHAN:** Of his own department.

**MS SCHINNERL:** Of his own department.

**MR WHEELAHAN:** That were earning less than the rates proposed in the BPIC -

5

**MS SCHINNERL:** Correct.

**MR WHEELAHAN:** - that he was talking to you about.

10 **MS SCHINNERL:** I guess I was, you know, before our time, it's the whole concept of same job, same pay, I guess.

**MR WHEELAHAN:** I see.

15 **COMMISSIONER:** What's the delta for a labourer between the labourer working on a project directly for the Department of Main Roads and the same labourer working on the Gold Coast right rail project?

20 **MS SCHINNERL:** I would be very cautious about trying to pluck that figure off the top of my head, Commissioner, I would really like the opportunity to look up that material so can I give you an accurate answer.

**COMMISSIONER:** Very well.

25 **MR WHEELAHAN:** You say you regularly raised that in your view and if it's your view it's the view of the union, that BPIC was undermining legitimate agreement-making. Can you explain what you mean by that?

30 **MS SCHINNERL:** So there's a couple of elements to that and I should talk about the potential to undermine legitimate agreement-making as well. And in that context, I'll probably reference renewables in the potential because we never actually got to negotiate an agreement under the renewables BPIC. So because the renewables BPIC was such of a behemoth of a document and for all intents and purposes was a very large template agreement that was, I guess, I've called it in the past a Frankenstein's  
35 monster of various areas of construction, whether that be electrical, whether that be civil, whether that be plumbing and the like. So, essentially, what you would have is this behemoth full compliance document that the contractors who would tender for that work would essentially have to adopt.

40 **MR WHEELAHAN:** I will just stop you there. By full compliance, that's what you mean, that the government, relevant government department -

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** If you want that tender and you want to get the job for that project, you must fully comply with this behemoth BPIC document.

**MS SCHINNERL:** That's right. Yes, that's correct. Whether or not the scope of works for that project or that parcel of work that you are intending to perform featured the whole gamut of that, for example. So, you know, depending on how a government project is carved up, on one of these renewables projects, you know, there might have been a parcel of work that is just for the civil aspect of it. So, really, I don't know what the intended application was because, you know, a lot of those operational aspects of the policy were not necessarily known to us.

But you would be given this behemoth document that you had to fully comply with so there would be potentially 100 pages that were not relevant to you or the work you intended to perform because it was a full compliance document.

**MR WHEELAHAN:** Now, exhibit SS -

**COMMISSIONER:** You say there would be parcels of civil work, it would be all civil work. The solar farm must be civil work, surely it's not a building?

**MS SCHINNERL:** Correct.

**COMMISSIONER:** And what are described as wind farms, they're not buildings?

**MS SCHINNERL:** Correct.

**COMMISSIONER:** So it's all civil work?

**MS SCHINNERL:** Correct. Hence, why we were so perplexed when the early negotiations stalled for the purpose of incorporating feedback from the CFMEU.

**MR WHEELAHAN:** And not only were you, as a union, perplexed, if I have the operator bring up page 60, which is annexure SS6 to your statement - this is a letter dated 3 September 2020 directly to Mr Neil Scales Director-General of Department of Transport and Main Roads this was sent by your predecessor, Steve Baker?

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** It goes into a lot of detail. I'll probably put some simpler propositions to you. This commences by reference to what you were saying the Transport and Main Roads Best Practice Industry Guidelines document and you will see there at paragraph 2, consistent with your evidence today to the Commission noting the advice that the KPMG consultants had been engaged and that it was not to be limited to roads, bridges - sorry, bridge and rail projects. And then the essential point made by the AWU, and then setting out their rules that it's the AWU that's entitled to represent the industrial interests of workers in or in connection with civil construction.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And that was part of your complaint about the development of the BPIC; is that right?

5 **MS SCHINNERL:** Yes. Yes, this letter was written to the Director-General of Mr Bailey's department only months prior to that meeting with Ministers Bailey and de Brenni.

10 **MR WHEELAHAN:** And if you go to page 62, Operator, again you reiterated to Mr Scales that the AWU - you will see there, the paragraph under the quote is blown up - what you've said many times, it's the AWU that represents workers - the bulk of workers in the civil construction industry.

**MS SCHINNERL:** Yes.

15 **MR WHEELAHAN:** It recounts there that Transport and Main Roads is contacted the AWU to consult but then there's again the reference to the Crown Law advice.

**MS SCHINNERL:** Yes.

20 **MR WHEELAHAN:** A direct, in writing, notification to Mr Scales about the AWU's concerns about its legal compliance, to put it broadly.

**MS SCHINNERL:** Yep.

25 **MR WHEELAHAN:** And again the reference to the Crown Law advice which was requested but never received. The response, although it's a long letter, was described as a preliminary response at that stage and if you turn to page 64, please, the second paragraph, if we blow it up, so consistent with your evidence about the discussions that you've just had, your union specifically put in writing the concerns that this  
30 BPIC, you will see in the second paragraph, about it having unions get more coverage than what they are actually entitled to under their rules.

**MS SCHINNERL:** Yes.

35 **MR WHEELAHAN:** And in your view, or you've expressed in your evidence is that there was a particular focus on the CFMEU expanding its coverage as opposed to other unions?

40 **MS SCHINNERL:** Yes. This is - this letter is an exercise, I guess, avoiding the situation or attempting to avoid the situation that we ended up finding ourselves in, in relation to renewables BPIC in relation to full compliance and I guess an identification that all unions have to be part of the conversation and parties to an agreement.

45 **MR WHEELAHAN:** I see. And at paragraph 65, again in writing, to Mr Scales, you reference at the top there the greenfields agreements made by your union.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And note that they should constitute the minimum benchmark.

5

**MS SCHINNERL:** We're a union.

**MR WHEELAHAN:** Yes.

10 **MS SCHINNERL:** We always go after a bit of ambit.

**MR WHEELAHAN:** Correct.

**MS SCHINNERL:** Those are good deals.

15

**MR WHEELAHAN:** But that's consistent with your evidence that you need to allow for bargaining between -

**MS SCHINNERL:** Absolutely.

20

**MR WHEELAHAN:** - parties. And your concern here, and you've said it the letter here:

25 "To avoid doubt, it includes all wages terms and conditions classifications and details thereof included in the Cross River Rail agreements but not yet contained in the proposed BPIC document."

**MS SCHINNERL:** It was our view that those documents represented the new industry standard in civil construction. So they should form the basis of the minimum standards that were put together in TMR BPIC.

30

**MR WHEELAHAN:** And consistent with the view of the union that, in effect, you're being, your evidence is you're being, the CFMEU is being encroaching on the civil construction. If you look at the fourth paragraph, if we blow that up, if the intention of TMR, it's not that paragraph, the one after,;

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"If it is the intention of TMR and cabinet to develop."

40 Have we got that one? No. Sorry, page 65. So if you read that and explain it, so again, you're writing, your union, directly to bring this to the attention of the cabinet of the then government.

**MS SCHINNERL:** Yep.

45 **MR WHEELAHAN:** About your concerns about the BPICs that they were developing?

**MS SCHINNERL:** As we said, you know, the concept of best practice principles is actually a sound one. But if you're going to do it right, you need to meet the market. You need to make sure that the, I guess, the floor is sufficient enough that it absolutely reflects, I guess what we would colloquially describe as the going rate.

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**MR WHEELAHAN:** Yes. So in summary, you've expressed the view that these BPICs and you've described it as an industrial political policy, that's fair to say?

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** Which you say was with focused on one union in particular being the CFMEU. Is that right?

**MS SCHINNERL:** Likely, yes.

15

**MR WHEELAHAN:** And you're saying it was being used as a policy - sorry, used as a vehicle for artificially inflating the industrial footprint coverage of the CFMEU beyond what their rules provided?

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**MS SCHINNERL:** Yes. As I say, the concept of a best practice principle, in a policy sense, is sound. And there were much more expansive items that BPICs dealt with that were very beneficial for workers in terms of introducing targets around skills, Indigenous participation, the participation of women, health and safety aspects.

25

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** So the policy framework is a very good one, absolutely.

30

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** It's just when it gets used, for nefarious means that it compromise it's and it loses its intention.

35

**MR WHEELAHAN:** Yes. So you have said in your statement in principle just as you've given evidence, now there are parts that you agree with.

**MS SCHINNERL:** Absolutely.

40

**MR WHEELAHAN:** Which are terrific.

**MS SCHINNERL:** Absolutely.

45

**MR WHEELAHAN:** But you saw it as being - there was an industrial and political purpose here -

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - to broaden its coverage of the CFMEU into areas that they ought not have coverage and then you say was being used as a means by which income streams were being created for the CFMEU from cohorts of workers that they had no legal entitlement to represent.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** So you tell the Commissioner what you mean by that.

**MS SCHINNERL:** So I can give you an example that contextualises this and explains it.

**MR WHEELAHAN:** Please do.

**MS SCHINNERL:** It is very complex. So I might go to renewables BPIC for the purpose of this and an earlier draft. So the earlier draft of renewables BPIC, for example, the one that didn't include the Australian Workers Union as a party, had a portion of that, like a schedule of sorts is how I'm going to describe it but it's been a long time since I've seen the document - that applied to civil work. And in that portion there was a reference to redundancy payments and where those redundancy payments were to be directed on behalf of workers.

So when I say "redundancy payments", in the construction sector, there is the ability to deviate from the standard redundancy structures that you would find in the building and construction award, and make weekly contributions to a redundancy trust on behalf of a worker. So that at the conclusion of that worker's engagement on a project, the worker can draw on those funds to carry them through to the next project.

So, in that particular scenario of BPIC where the AWU wasn't even in the parties bound, in that civil section, that conferred or required the contractor to make payments on behalf of civil workers to BERT.

**MR WHEELAHAN:** So specifically named, from your -

**MS SCHINNERL:** I will have to go back to the BPIC but my understanding BERT, which is the Building Employees Redundancy Trust, I believe it was named in there as a redundancy fund.

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** ASSERT, which is the fund that the AWU prefers, may have been named in there as well but keep in mind the AWU was not named in this particular incarnation of that. Now, when I talk about income streams, that's where the reference to BERT creates that income stream because my understanding is that

BERT makes some payments to the CFMEU as a result of dividends or contributions received, they do make some payments to the CFMEU.

5 We don't have that arrangement with ASSERT. The only thing the Australian Workers Union receives from ASSERT is a very modest board fee because we sit on the board of ASSERT, as opposed to income streams that the CFMEU enjoys from their various redundancy funds across the country.

10 **MR WHEELAHAN:** Various redundancy funds?

**MS SCHINNERL:** So in other states, the CFMEU uses the redundancy fund called Incolink.

15 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** They also receive income from Incolink. So in Queensland -

**MR WHEELAHAN:** They recently had some press in Victoria -

20 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** You are aware of that?

25 **MS SCHINNERL:** I am, yes.

**MR WHEELAHAN:** So they might fund things for the union such as a wellness centre?

30 **MS SCHINNERL:** Yes, correct.

**MR WHEELAHAN:** Yes, and are you aware of the Queensland equivalent funding projects in Queensland?

35 **MS SCHINNERL:** I don't know how the CFMEU uses the funds they acquire from BERT.

**MR WHEELAHAN:** You don't know?

40 **MS SCHINNERL:** They may use it for training, they may use it to fund organisers, I don't know. I don't profess to have that knowledge. In any event, it goes a little bit further to that and I now might jump to another scenario in a different -

**COMMISSIONER:** Just before you leave that, does Incolink operate in Queensland?

45 **MS SCHINNERL:** No, it doesn't to my belief.

**COMMISSIONER:** Did you say that BERT, there's evidence, one of the things we have to inquire into is the KordaMentha report and one of the aspects of the KordaMentha report that we have to inquire into is the assertion in the last financial year that they refer to 85 per cent of the revenue into the federal branch came from BERT, that is 85 per cent of the total revenue of the branch came from the Building Employees Redundancy Trust. Are you saying that the trust that the AWU prefers doesn't pay, make any payments to the AWU?

**MS SCHINNERL:** The only payment it makes to the Australian Workers Union is a board fee for our single board member and in full transparency for the purpose of the commission, I am an alternate director for ASSERT. The substantial position on that board is held by our vice-president Mr James Wilson.

**COMMISSIONER:** What's the director's fee.

**MS SCHINNERL:** I beg your pardon?

**COMMISSIONER:** What's the amount of the director's fee?

**MS SCHINNERL:** Commissioner, I would have to check our records but I don't believe it's far off being around \$15,000 per annum.

**MR WHEELAHAN:** Are you aware of the directors' fees paid by BERT?

**MS SCHINNERL:** No, I'm not.

**MR WHEELAHAN:** All right.

**MS SCHINNERL:** So in terms of, I guess, another element to it as well and this is not, I guess, directly dealing with BPIC per se but it deals with the income stream element of what I'm trying to discuss here, and definitely deals with Gold Coast Light Rail stage 3. So there was much by way of problem in relation to Gold Coast Light Rail stage 3 but ultimately what ended up happening, and I understand you will probably want to go into some of the history but I'm going to jump ahead, I apologise, Light Rail stage 3 ended up being a brownfield agreement.

**MR WHEELAHAN:** Can you explain what that is.

**MS SCHINNERL:** Okay, brownfield agreement is the opposite of a greenfield agreement. A brownfield agreement is made with an employer, and employees with not always but union involvement and in the event that there is a union involved whether they be an appointed bargain representative or default bargaining representative they make application to the commission to become covered by that document.

45

So that project ended up, and keep in mind this is a standard, stock standard civil project with all the usual classifications that you imagine when constructing a piece

of rail infrastructure, Light Rail infrastructure. So a brownfield agreement was made between John Holland and the CFMEU.

5 **MR WHEELAHAN:** How many employees at the time of the brownfield agreement being made?

10 **MS SCHINNERL:** I would have to go back to the records that we obtained from the Fair Work Commission, the form 17 would obtain - would contain that detail. I don't know if I can get my hands on that.

**MR WHEELAHAN:** All right.

15 **MS SCHINNERL:** But it wasn't too many. We very flippantly would describe it as a low voter cohort amount and we very colloquially would say "two blokes and a dog and a shed".

**MR WHEELAHAN:** And that is the point of the brownfield agreement.

20 **MS SCHINNERL:** I wouldn't say that's the point of a brownfield agreement.

**MR WHEELAHAN:** Okay.

25 **MS SCHINNERL:** But - so that's the way a brownfield agreement is made. Workers who are engaged at the time that the project commences or at some stage after the project commences votes on the agreement. Anyway, for the purpose of what I'm trying to explain the income stream element of this is in relation to the portion of that agreement that deals with redundancy and this is why it's relevant in the sense that it goes beyond just the contributions that are made to BERT and goes further around coverage.

30 So, again, this is a project with the full gamut of civil construction workers. Now, I would say that in my experience as we contemplated yesterday the CFMEU has very narrow occupational coverage of workers in the civil construction industry. A mere handful of classifications. Now, what the effect of that clause is which  
35 confers the weekly payment to be made on behalf of workers to BERT is that every worker has those contributions made to BERT whether or not they fall within the coverage of the CFMEU or not.

40 So they are receiving by virtue of their relationship with BERT the ability to earn an income off the back of workers that they have no entitlement to represent. Further to that, if those workers want to avail themselves of the benefits of the BERT fund and there are some benefits, training opportunities and those sorts of things, they must be a card-carrying paid-up member of the CFMEU to avail themselves of the benefits of the fund that their contributions are being made to. And keep in mind we are talking  
45 about a civil construction project. A standard civil project. So there will literally be hundreds of workers that fall outside of the scope of the coverage of the CFMEU that are forced, if they want to avail themselves of the benefits of that fund where their

contributions are being made and held, they are forced to join the CFMEU in order to do that.

**MR WHEELAHAN:** Now -

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**COMMISSIONER:** The outcome of that would be, wouldn't it, that any of the, any time there was a legal challenge to their membership, if somehow they had to prove, for example, if there was an adverse action case taken.

10 **MS SCHINNERL:** Yes.

**COMMISSIONER:** And they had to prove that they were a member.

**MS SCHINNERL:** Yes.

15

**COMMISSIONER:** They wouldn't be able to prove they were a member because they (crosstalk).

20

**MS SCHINNERL:** All manner of jurisdictional problems would arise through a whole raft of industrial scenarios. The other one for me too would be the taking of protected industrial action because you are not protected if you are not a member of the relevant union by virtue of the rules.

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**MR WHEELAHAN:** So that evidence by making that agreement, you've dealt with an additional income stream that flows through to BERT and relatedly if that money then goes to the CFMEU, derived from people that you say either ought not be covered by the CFMEU and, indeed, might not even hold a CFMEU ticket.

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Right.

**MS SCHINNERL:** And to close that loop.

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**MR WHEELAHAN:** Yes.

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**MS SCHINNERL:** It goes back to BPIC consents that the direction that some of these policy discussions were going was going to create an environment where irrespective of constitutional coverage of these workers, opportunities to derive those income streams were being created for the CFMEU.

**MR WHEELAHAN:** Yes, and you say that was the industrial and political agenda that you referred to.

45

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** 45 minutes ago.

**MS SCHINNERL:** Yes and by and large, that would have been relevant in an operational sense. That is not always immediately apparent in the contents of the policy document itself but it was how the policy was to be applied, in an operational sense.

**MR WHEELAHAN:** Yes. So John Holland - the AWU had the agreements for stage 1 and 2 -

10 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** - and you say you expected that you would also have the agreement for stage 3, and if I can blow up paragraph 142, where you say:

15 "During discussions for the stage 3 enterprise agreement, we became aware that John Holland was in a difficult position because."

And you've put two reasons there I want you to go through the first reason and I'm then going to ask you after that, what do you mean by "pressure"?

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**MS SCHINNERL:** So we had been engaging in an informal sense in discussions with John Holland ahead of commencing formal bargaining for this agreement.

**MR WHEELAHAN:** Yes.

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**MS SCHINNERL:** And I should make the distinction there are two types of contractors in civil construction. Those that are entirely civil contractors only.

**MR WHEELAHAN:** Such as?

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**MS SCHINNERL:** Such as Asiona -

**MR WHEELAHAN:** Yes.

35 **MS SCHINNERL:** - or you have a John Holland type scenario or a CPB scenario where they do civil work and they do building and commercial construction work. In this case, John Holland had communicated to me that the CFMEU had made overtures to them that they would present industrial problems for them in the building arm of their business if they did not do an agreement with them for the Gold Coast Light Rail stage 3 and when I say present problems for them, that was  
40 communicated to me as, I guess, a threat of disruption industrially on existing John Holland projects at the time.

**MR WHEELAHAN:** Which typically would be, for example, stopping work on the site.

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** Because a lot of the construction projects have liquidated damage clauses.

5 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** So if they are not completed on site - sorry, not on site, on time, and that's a pressure point; is that right?

10 **MS SCHINNERL:** Yes. And we've only seen a very recent example of what the CFMEU does in other states which John Holland does some things that they don't like, for example.

**MR WHEELAHAN:** What are they?

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**MS SCHINNERL:** The AWU recently in South Australia reached agreement with John Holland on a tunnel for an Adelaide tunnel which is very clearly AWU turf and in response to that, the CFMEU demonstrated their dissatisfaction by shutting down John Holland sites in Victoria and New South Wales under administration.

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**MR WHEELAHAN:** When you say in reaction is that because of the timing or because of what you were told.

**MS SCHINNERL:** I beg your pardon, sorry?

25

**MR WHEELAHAN:** The shutting down of sites interstate.

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** After the AWU had an agreement with John Holland.

**MS SCHINNERL:** Yep, it was in retaliation.

**MR WHEELAHAN:** Is that what were you told or the proximity of the shutdowns.

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**MS SCHINNERL:** No, it was in retaliation to the AWU reaching the deal with John Holland.

**MR WHEELAHAN:** Okay, and what's your basis for saying that>.

40

**MS SCHINNERL:** They've said so publicly.

**MR WHEELAHAN:** Who - okay, all right. Now, paragraph 143.

45 **COMMISSIONER:** "They" is someone -

**MS SCHINNERL:** (Indistinct).

**MR WHEELAHAN:** Paragraph 143, if we bring up on screen, you directly say here that Trent Smith from John Holland approached you and told you, and we're dealing here with obviously stage 3.

5

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** The pressure on them was too great and that they would be entering into an enterprise agreement with the CFMEU?

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And you said to him that the CFMEU is unable to satisfy the majority coverage test.

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And Greenfield-making.

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**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And that the AWU would challenge any such agreement?

**MS SCHINNERL:** Yes.

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**MR WHEELAHAN:** And paragraph 145, what was your recollection of his response to that?

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**MS SCHINNERL:** Mr Smith acknowledged that I was right in that the CFMEU cannot meet that test in Greenfield agreement-making but he said that the building portion of their business which I believed to be more lucrative had determined that the jobs that were currently on foot in Queensland being the Logan hospital, I think it was a car park that they were building there, and it was a prison job. The - those jobs were too important to the business to risk any interruption by way of retaliation from the CFMEU.

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**MR WHEELAHAN:** Right. So that's what he told you?

**MS SCHINNERL:** That's what he told me.

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**MR WHEELAHAN:** And I suppose the only way ultimately know what pressure was applied is to hear from Mr Smith. Now, after - there was litigation about that agreement?

45

**MS SCHINNERL:** Yes, there was. So the CFMEU did do a Greenfield agreement with John Holland. They filed that in the Fair Work Commission. We opposed the approval of that agreement. We conceded in our opposition and that agreement was

not approved. Then they filed another Greenfield agreement for the same project in the same terms, I believe. We missed this, quite frankly, in the agreement to be determined list, that exists on the Fair Work website and it was subsequently approved by another Commission member as we didn't have an opportunity to  
5 oppose this one because we had missed it, we didn't know it had been lodged which I think was a reasonable position to take on the basis that the first one we did challenge was opposed and conceded in our opposition.

10 When I found out that additional agreement had been lodged and approved we filed an appeal against that approval and my recollection is during the course of the hearing of that approve - sorry, that appeal, John Holland and CFMEU, because work had then commenced, did a brownfield agreement too. So at one stage you had a brownfield agreement in the system as well as the greenfield agreement that was being appealed.

15 Now, ultimately what then happened was between the parties we essentially agreed that we would abandon I think it was we would abandon our appeal - I'm sorry, I'm getting this a little bit mixed up, Commissioner. My recollection is a little bit dim here but in any event we allowed the brownfield to stand and I think our opposition  
20 moved away because once the project has started and workers are on site it is what it is.

**MR WHEELAHAN:** All right.

25 **MS SCHINNERL:** And the CFMEU, as long, on a civil construction job, as long as one worker, one worker, is covered by that brownfield agreement, that the CFMEU has legitimate constitutional coverage for, as long as that one worker exists and they are a member of the CFMEU, they have status to make a brownfield agreement.

30 **MR WHEELAHAN:** Over the entire construction.

**MS SCHINNERL:** I did not agree with it. I think it's disingenuous to the spirit of the Act and the coverage but that is what the system allows. And that is why the CFMEU, ultimately, makes brownfield agreement after brownfield agreement after  
35 brownfield agreement covering workers that they have got no entitlement to represent because -

**MR WHEELAHAN:** That might explain where, in your evidence, you've received information criticising your union that this is why you see CFMEU flags over just  
40 about every civil construction project, including in Victoria? You've explained how that can be achieved.

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** Yes. Now, I'll just move to - at 147 where -

**COMMISSIONER:** Before you get to that meeting at 132 on 4 March 2021, this is the meeting with Minister Bailey and Minister de Brenni. Did you raise with those Minister in that meeting what you've just said to Mr Wheelahan about the industrial footprint coverage of the CFMEU being extended beyond what the rules provided for  
5 by the BPIC and also that this would create income streams for the CFMEU from cohorts of workers that had no legal entitlement for them to represent?

**MS SCHINNERL:** I don't recall raising the income stream element, Commissioner. I believe Mr Baker referenced the industrial footprint aspect of it by further reference  
10 to the letter that we had written to Mr Scales, which was Minister Bailey's DG only some months prior.

**COMMISSIONER:** Did you ever get a response to that letter dated 3 September  
15 2020?

**MS SCHINNERL:** I actually don't know, Commissioner. I'm sorry.

**COMMISSIONER:** There doesn't look like one in your evidence but -

**MS SCHINNERL:** We may have produced it as part of discovery. I just don't know  
20 offhand.

**COMMISSIONER:** And when Mr Baker raised the issue, by reference to the letter of 30 September 2020 in this meeting of 4 March 2021, with ministers Bailey and de  
25 Brenni about the fact that the BPIC would extend the industrial footprint of the CFMEU what, if anything, does those ministers say?

**MS SCHINNERL:** I believe Minister Bailey indicated, and this is what I recall anyway, that Minister Bailey indicated that the government doesn't have an interest  
30 in getting involved in union turf wars.

**MR WHEELAHAN:** At 147, you then refer to a number of enterprise agreements that the AWU was able to negotiate with projects to which the TMR BPIC applied.

**COMMISSIONER:** Sorry, can I just finish on that point.

**MR WHEELAHAN:** Yes.

**COMMISSIONER:** The Gold Coast Light Rail project was being conducted by  
40 John Holland.

**MS SCHINNERL:** Yes.

**COMMISSIONER:** Which is a constitutional corporation.  
45

**MS SCHINNERL:** Yes.

**COMMISSIONER:** Covered by federal law.

**MS SCHINNERL:** Yes.

5 **COMMISSIONER:** Bounded by its workers, the minimum terms and conditions of employment under the Fair Work Act.

**MS SCHINNERL:** Yes.

10 **COMMISSIONER:** Also bound to pay its workers the relevant award rates and thirdly also bound to pay their workers whatever terms and conditions they're bound to pay pursuant to an enterprise agreements John Holland enters into.

**MS SCHINNERL:** Yes.

15 **COMMISSIONER:** Did the Minister ever explain to you why they were requiring John Holland to put a fourth tier of terms and conditions of employment in above the three tiers mandated by federal law and what the proposed benefits of this fourth tier of conditions was for the government for the taxpayers, for the unions, for the project?  
20

**MS SCHINNERL:** I don't recall that being discussed, Commissioner, no.

25 **MR WHEELAHAN:** Paragraph 147 under this BPIC we are referring to TMR, you negotiated four enterprise agreements that you refer to and I want to particularly talk about what occurred after the making of the Cooroy to Curra, is that the correct pronunciation?

**MS SCHINNERL:** Cooroy to Curra, yes.

30 **MR WHEELAHAN:** That was an enterprise agreement with CPB contractors.

**MS SCHINNERL:** Yes, they do a lot of civil work.

35 **MR WHEELAHAN:** Yes and you had a meeting with Mr Neil scales.

**MS SCHINNERL:** I was not present at this meeting.

**MR WHEELAHAN:** All right, but your -

40 **MS SCHINNERL:** I'm aware of -

**MR WHEELAHAN:** You've been made aware of it. What were you made aware of?

45 **MS SCHINNERL:** And I should just -

**MR WHEELAHAN:** I should preface that, you do say that Mr Baker and Mr Raguse of the AWU attended that meeting?

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

5

**MR WHEELAHAN:** And they've reported back to you -

**MS SCHINNERL:** Correct.

10 **MR WHEELAHAN:** - what happened in that meeting.

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

**MR WHEELAHAN:** So that's the basis of your belief.

15

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** What did they report back to you?

20 **MS SCHINNERL:** And I should say when TMR BPIC was resolved it was a what we would describe as a guidance document.

**MR WHEELAHAN:** Yes.

25 **MS SCHINNERL:** So whereas renewables BPIC was a full compliance document, TMR BPIC was a guidance document where you could demonstrate compliance in all manner of ways. That afforded the AWU the flexibility to negotiate what looks like AWU agreements specific to the projects as we otherwise would in any normal bargaining Fair Work process. So Cooroy to Curra is Sunshine Coast-ish and my  
30 understanding is that Mr Raguse and Mr Baker were asked to attend that meeting with Mr Scales as well as representatives of CPB and my understanding is Mr Ravbar and Mr Ingham were also at that meeting.

35 **MR WHEELAHAN:** What - why were they at the meeting if they were not party to the enterprise agreement?

**MS SCHINNERL:** My understanding that is Mr Ravbar and Mr Ingham had communicated to TMR that they believed the agreement was not good enough and they were alleging that the AWU had done some sort of dodgy deal. So they wanted  
40 to talk about the agreement with Mr Scales.

**MR WHEELAHAN:** Okay. So they wanted to talk, and at 150 after talking about it, what happened to Mr Scales after that meeting?

45 **MS SCHINNERL:** Can I go back to 149 because I think this is a relevant point in defence of my union? So it was levelled at Mr Scales by Mr Baker, my understanding is, Mr Baker asked Mr Scales is this agreement equal to or better than

BPIC? And Mr Scales conceded that the AWU agreement for Cooroy to Curra was actually better than BPIC.

5 **MR WHEELAHAN:** Right. And after that meeting, Mr Scales employment ended shortly thereafter?

**MS SCHINNERL:** It may have been a larger period of time.

10 **MR WHEELAHAN:** It ceased. It ceased.

**MS SCHINNERL:** It ceased, yes.

**MR WHEELAHAN:** It ceased.

15 **MS SCHINNERL:** Mr Scales resigned from the department.

**MR WHEELAHAN:** And what have you been told about that?

20 **MS SCHINNERL:** I have been told that the CFMEU leadership claim responsibility or victory for Mr Scales leaving the department.

**MR WHEELAHAN:** Yes. Well, in your statement that you affirmed, you expressly say:

25 "I've been told on a number of occasions since that Mr Ravbar has claimed to be responsible for the ends of Mr Scales employment."

**MS SCHINNERL:** Yes.

30 **MR WHEELAHAN:** :

"Among with other public servants."

35 **MS SCHINNERL:** Yes. Keep in mind there is vast media analysis and reporting on all the very public rallies that Mr Ravbar spear headed calling for Mr Scales' head and calling for his job. So it's not that much of a stretch to think that Mr Ravbar may have had a role in the termination of Mr Scales' appointment, whether that be in any other way a resignation but I believe Mr Sales' employment was terminated where he resigned.

40 **MR WHEELAHAN:** Yes. Well, this is an inquiry and if what you heard is wrong, no doubt Mr Ravbar.

45 **MS SCHINNERL:** Absolutely.

**MR WHEELAHAN:** Will have the opportunity to give evidence and say otherwise. Now, paragraph 152.

**COMMISSIONER:** What was said to you that Mr Scales had done wrong in the eyes of Mr Ravbar?

5 **MS SCHINNERL:** The general cut and thrust of, I think, Mr Ravbar's criticisms of Mr Scales was around just his general mismanagement of the department, by and large. That's what I recall from the media reporting in any event, Commissioner. It may have been more pointed than that but it's been a long time since I visited any of that. And, again, I wasn't at this particular meeting and I don't know if that came up  
10 in that meeting but I certainly remember effigies and the like at these public protests.

**MR WHEELAHAN:** I now at 152 and I think you've talked about this earlier was the development of the, I think there's a typo above 152 that you need to correct, it should be energy renewables BPIC?

15 **MS SCHINNERL:** It ultimately ended up being called the renewables BPIC but in the early incarnations I think it was referenced as energy BPIC. So that's why I've done -

20 **MR WHEELAHAN:** Yes, the word "enervie" - it's my eyesight? I do have an old copy. All right. So late '22 again you've met with Sharon Bailey and Scott Gartrell.

**MS SCHINNERL:** Yep. This was the meeting I referenced earlier.

25 **MR WHEELAHAN:** Yes, and we now know that at some point the communication halted and you complained about Mr Fuller and the solution appears to have been that Mr Fuller wasn't removed.

**MS SCHINNERL:** Sorry, Mr Fuller wasn't in place at this stage.

30 **MR WHEELAHAN:** I see. So at -

**MS SCHINNERL:** He doesn't appear until -

35 **MR WHEELAHAN:** - 156 you say he set out his background.

**MS SCHINNERL:** Yes, sorry. So the meeting is one thing.

40 **MR WHEELAHAN:** Yes, I see.

**MS SCHINNERL:** And then at some point during the process of the development of -

45 **MR WHEELAHAN:** He is engaged.

**MS SCHINNERL:** He is engaged.

**MR WHEELAHAN:** Right.

**MS SCHINNERL:** And replaces Mr Gartrell.

5 **MR WHEELAHAN:** And then if we below up paragraph 156 you've set out there what you understand to be Mr Fuller's former position.

**MS SCHINNERL:** Yes.

10 **MR WHEELAHAN:** As an official of the Building Workers Industrial Union of Australia which you stated amalgamate mated with other unions to form the CFMEU.

**MS SCHINNERL:** Yep.

15

**MR WHEELAHAN:** Then on 10 May 2023, he came to your office.

**MS SCHINNERL:** Yes, he did to introduce himself.

20 **MR WHEELAHAN:** Do you have a recollection of him coming to your office?

**MS SCHINNERL:** Vividly.

**MR WHEELAHAN:** Vividly. And what did he say to you?

25

**MS SCHINNERL:** He was quite extraordinary. He came into our boardroom, it's obviously steeped in history and old photographs and tickets and the like. Essentially, he sat his bottom down in our boardroom and told me straight off the bat that, in his view, the CFMEU was the principal construction - sorry, the principal union in civil construction. That, as you can imagine, as the State leader of the principal union in civil construction, was an immediate red flag to me but only - sorry, Commissioner.

30

**COMMISSIONER:** Mr Fuller is the person you spoke about - Mr Randall Fuller is the person you spoke about before lunch as being the person who told you that he had been appointed to this position -

35

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

40 **COMMISSIONER:** - by Mr Ravbar?

**MS SCHINNERL:** Correct, that's at the conclusion of this paragraph, Commissioner.

45 **COMMISSIONER:** Yes, thank you.

**MS SCHINNERL:** I then engaged in some dialogue with Mr Fuller around -

**MR WHEELAHAN:** Yes, the substance of which was?

5 **MS SCHINNERL:** My view of what the coverage in the civil construction space was borne not only out of the rules of the AWU versus the rules of the CFMEU but we traversed a bit of territory in relation to various Fair Work and High Court decisions in relation to the coverage of our two unions we had to agree to disagree. I have to say I did get a little bit fired up at this meeting which actually quite, unprofessionally of me resulted in me walking out.

10 **MR WHEELAHAN:** Right. If you could blow up paragraph 161 sa you say here soon after Mr Fuller attended your office - just go through the next meeting that you had.

15 **MS SCHINNERL:** Sure.

**MR WHEELAHAN:** The attendees.

20 **MS SCHINNERL:** Yes. I reached out to then premier Palaszczuk's deputy chief of staff. I know Mr Persley very well, to communicate my concerns to him regarding the direction that the department was going to take in relation to renewables BPIC given what Mr Fuller's obvious view of the world was in relation to civil construction.

25 **MR WHEELAHAN:** Being that it was CFMEU and not your union.

30 **MS SCHINNERL:** CFMEU, correct. I articulated to Mr Persley that I thought it was going to be a huge problem for the government given that the advice that they were paying for and receiving was patently incorrect and I thought that compromised the BPIC process for the government.

35 **MR WHEELAHAN:** You also, in that meeting, shared what you've already told the Commissioner of your view that the BPIC was - the CFMEU was using this process or the BPICs to artificially expand their coverage and create income streams from workers that had no legal entitlement to cover.

40 **MS SCHINNERL:** Yes. To be crude about it, it felt like the CFMEU was bastardising a legitimate and valid government process and policy in order to elicit an outcome for them.

**MR WHEELAHAN:** Yes, but you specifically, the point is you specifically raised this with Mr Persley -

**MS SCHINNERL:** I did.

45 **MR WHEELAHAN:** - in the meeting.

**MS SCHINNERL:** I did.

**MR WHEELAHAN:** And you suggested that Mr Fuller should be replaced?

5 **MS SCHINNERL:** I did.

**MR WHEELAHAN:** And -

10 **MS SCHINNERL:** Particularly given he was representing the government.

**MR WHEELAHAN:** Yes.

**MS SCHINNERL:** He was a government appointee.

15 **MR WHEELAHAN:** A government appointee and the views that he had expressed to you. So how did he - did the government deal with that request?

20 **MS SCHINNERL:** So following that discussion, Mr Persley took that on board, is my understanding.

**MR WHEELAHAN:** Yes.

25 **MS SCHINNERL:** And he asked me if I could suggest anyone else that could fulfil that role. I offered a name, a gentleman by the name of Ryan Murphy who I know to be generally a representative of employers in the construction industry.

**MR WHEELAHAN:** Yes.

30 **MS SCHINNERL:** But he has very good knowledge of the civil construction industry, civil construction agreement making, I had bargained with him many times before. Obviously very good IR knowledge and particularly around union coverage. So I offered that name.

35 **MR WHEELAHAN:** And what did the government do after you offered that name?

**MS SCHINNERL:** My understanding is the department engaged Mr Murphy, did not displace Mr Fuller but engaged Mr Murphy in addition to Mr Fuller.

40 **MR WHEELAHAN:** Did that resolve your concerns?

**MS SCHINNERL:** Initially but not totally given the subsequent conduct of Mr Fuller in terms of his erroneous views that he continued to express to the government regarding coverage.

45 **MR WHEELAHAN:** All right. We'll go to an exhibit which you say contains his erroneous views. This is exhibit, sorry, annexure SS7 to your statement which is an

email, whilst it is being brought up, from Mr Fuller to Sharon Bailey, Ryan Murphy, Bernadette Zerba and Trevor Dan.

5 **MS SCHINNERL:** Those are representatives of, the public servants between the Department of Water as well as Department of Energy and Public Works.

10 **MR WHEELAHAN:** So paraphrasing some of this and I'll go to some points directly, he talks sort of like as to the war between the AWU and the CFMEU and its predecessors about coverage and then you see under the heading Queensland midway down the document:

15 "In Queensland [I will read it] the battle between the old BLF and AWU raged longer because that branch of the BLF was not deregistered. For many years the large civil contractors and the AWU had a shared interest, keep the BLF out of civil."  
Do you agree with that?

**MS SCHINNERL:** I have no direct knowledge about any of this history.

20 **MR WHEELAHAN:** All right. And then over the page, Mr Fuller, an employee of note, that you've noted, the first line he seems to state to those that he has written to that:

25 "It was the demise of the ABCC [which we take to be the Australian Building Construction Commission] gives the CFMEU more freedom to pursue its interests."

30 Did you take that to be given the whole emails about coverage that the abolition of the ABCC, did you read that to be it gave more freedom to the CFMEU to expand its coverage beyond its rules.

**MS SCHINNERL:** I think that's the inference I would draw, although I did pore over that line many times trying to decipher exactly what he meant from that but that would seem to be the logical inference. Others may draw a different conclusion.

35 **MR WHEELAHAN:** In terms of deciphering and responding to what he meant, you instructed a legal person to draft a letter which appears at annexure SS8 page 69.

**MS SCHINNERL:** Yes.

40 **MR WHEELAHAN:** I'll just go to page 70 so you can identify it. And this was to Minister de Brenni?

**MS SCHINNERL:** Yes.

45 **MR WHEELAHAN:** And it is very detailed correspondence and if you go to page 72, I'm not going to go through it but it's fair to say that every single point in Mr Fuller's email that I just went to is rebutted with authority and legal analysis?

**MS SCHINNERL:** There is a century of history to go through.

5 **MR WHEELAHAN:** And who drafted that letter on your behalf to send out under your signature?

**MS SCHINNERL:** That was my counsel, Mr Troy Spence.

10 **MR WHEELAHAN:** I don't have long to go, Commissioner. Another issue you raise at 167 is this whole process, one of the concerns is you say there was a complete lack of industry input into the drafting process? What do you mean by that?

15 **MS SCHINNERL:** This is one of those answers where I'm sure someone is going to twist it -

**COMMISSIONER:** I just didn't follow the evidence. Was there a response to this letter of August?

20 **MS SCHINNERL:** Mr de Brenni did respond to us, sorry, Minister de Brenni did provides it to us, I did provide it as part of production. It's very brief. From my recollection it acknowledges receipt of the letter and says "Thank you for your concern. However, we have an engaged Mr Fuller to provide advice of this nature and in accordance with your request we have appointed Mr Murphy." It's not much  
25 more detailed than that, Commissioner.

**COMMISSIONER:** Sorry, I interrupted your answer.

30 **MR WHEELAHAN:** So it didn't tackle with neither the gravamen nor the minutiae of what your counsel put?

**MS SCHINNERL:** Did not even contemplate it.

35 **MR WHEELAHAN:** At all.

**MS SCHINNERL:** No.

40 **MR WHEELAHAN:** No, it went ahead with the BPIC process and one of the complaints you have is the lack of industry input.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** What do you mean by that?

45 **MS SCHINNERL:** This is where I'm sure my answer is going to be twisted in a multiple - variety of ways where it makes me sound like I'm somehow advocating for the bosses. But I genuinely believe that if you are going to impose a policy

framework that, you know, for some part contemplates and traverses agreement making you should have all affected parties at the table. So you had the government at the table who for all intents and purposes for projects of this nature are the client. You had the worker representatives at the table with a voice in relation to what would go in these documents. But the people who were not at the table were the employers that would have to apply these documents in an operational sense on a day-to-day basis.

**MR WHEELAHAN:** It seems blindingly obvious but an agreement involves parties.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And you considered one of the most significant parties would be employers or their representatives.

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And the government did not adequately involve them as far as your observations.

**MS SCHINNERL:** My independent observation and taking my union hat off, would be that it would make sense that the, I guess the organisation that has practical application of these things would have to have some level of input to advise the government about whether or not these things are workable.

**MR WHEELAHAN:** So, for example, can I suggest Mr Damien Long of the Civil Contractors Federation Queensland, do you know him?

**MS SCHINNERL:** I do know Mr Long, yes.

**MR WHEELAHAN:** Is he a respected person?

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** By you.

**MS SCHINNERL:** Absolutely.

**MR WHEELAHAN:** And others.

**MS SCHINNERL:** Absolutely.

**MR WHEELAHAN:** Held in high regard.

**MS SCHINNERL:** Very much so.

**MR WHEELAHAN:** And he is such a person you would expect to have input into the development of the BPICs?

**MS SCHINNERL:** Yes.

5

**MR WHEELAHAN:** And his input is something that you would ordinarily expect to be taken seriously and into consideration by government departments developing BPICs?

10 **MS SCHINNERL:** Very much so. I seek Mr Long's input on a semi regular basis on various matters.

15 **MR WHEELAHAN:** All right. A couple of final issues. So paragraph 169 and this is this year 16 May 2025, a former administrator Travis O'Brien, you say, confirmed a rumour you've been hearing since late '24 that some of the CFMEU either have or had a well established and funded plan to take over the AWU at a future election.

**MS SCHINNERL:** Yes.

20 **MR WHEELAHAN:** When you say confirmed "a rumour" did he say to you words to the effect of what's in there?

25 **MS SCHINNERL:** Yes, he did. We have been hearing this on and off for some time and I put it to him and deconfirm that it was indeed true. He was not specific as to who had those plans, however.

**MR WHEELAHAN:** And part of that you say you told that this will include a large scale infiltration of dual-ticketed CFMEU members into the AWU membership ranks?

30

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** With \$1 million having been allocated to that.

35 **MS SCHINNERL:** That was his advice and I can only assume that would be through that builders labourers calling that I alluded to earlier that applies in the State of Queensland.

40 **MR WHEELAHAN:** Say that again. You can only.

**MS SCHINNERL:** I can only assume the means by which that would be achieved because of the coverage problem.

45 **MR WHEELAHAN:** Yes.

**MS SCHINNERL:** Would be to use the calling for builders labourers that we have in our 6(a) that we talked about yesterday.

**MR WHEELAHAN:** So where would the \$1 million come from?

5 **MS SCHINNERL:** I could not tell you that and whether that's accurate, I do not know.

**MR WHEELAHAN:** Okay. Mr Zach Smith, do you know who he is?

10 **MS SCHINNERL:** Yes, he is the national secretary and I believe the Victorian Branch Secretary at the moment of the CFMEU.

**MR WHEELAHAN:** Former - there was some news today about some position changes with Mr Smith. So I'll just ask you about this. You say you had a number of conversations with Mr Zach Smith regarding the violent threatening intimidating behaviour of the CFMEU against AWU officials and members.

**MS SCHINNERL:** No, I didn't have those conversations -

20 **MR WHEELAHAN:** Who did?

**MS SCHINNERL:** - with Mr Zach Smith. The former AWU national secretary, Daniel Walton did and current AWU national secretary, Mr Paul Farrow.

25 **MR WHEELAHAN:** And that has been reported to you?

**MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And it's also been reported to you, Mr Smith - I think you put it as a means of resolution, what he proposes?

30 **MS SCHINNERL:** Yes.

**MR WHEELAHAN:** And what's his, the means of resolution that has been proposed.

35 **MS SCHINNERL:** Perhaps the AWU and the CFMEU could sit down and discuss a demarcation agreement and that may be a means of resolution to the problems we have been having.

40 **MR WHEELAHAN:** What's your view of that response?

**MS SCHINNERL:** Quite frankly, I think that proves what I've suspected all along in that this exercise in threatening violent and menacing behaviour has entirely been about coverage and a coverage grab. If the solution to those problems, apparently, is to reach an agreement over coverage, then surely the logical conclusion to draw is that's what it was all about all along.

**MR WHEELAHAN:** Right. Do you continue to have ongoing issues with any organisers or members delegates associates of the CFMEU?

5 **MS SCHINNERL:** On occasion. We have some things simmering at the moment.

**MR WHEELAHAN:** Are you raising those with the administrator?

10 **MS SCHINNERL:** We are raising those with the administrator directly, have done so only in the last week or so, although there's a matter that occurred this morning that I have yet to raise with the administrator in relation to one of their organisers.

**MR WHEELAHAN:** All right. Just finally, Commissioner.

15 **COMMISSIONER:** Can you say what that is?

**MS SCHINNERL:** This morning at a council depot one of their organisers made disparaging remarks in front of a group of 50 council workers about the Australian Workers Union. My district secretary raised that directly with the organiser via phone at a later time but it's my intention that I will, or my assistant secretary will raise that with Mr Abbott probably at the conclusion of today or perhaps tomorrow.

20 **MR WHEELAHAN:** Once again, what might be a disparaging remark to you and perhaps someone in an office environment might mean different things. Do you know -

25 **MS SCHINNERL:** He was very critical of the Australian Workers Union and how we handled a particular construction job from some years ago, and he alleged that he didn't know whether or not the AWU even had a construction team.

30 **MR WHEELAHAN:** Commissioner, you asked over the luncheon break for Ms Schinnerl's text message.

35 **COMMISSIONER:** This is one that she received some time after the meeting of 6 August 2024 from deputy Commissioner Cheryl Scanlon?

**MR WHEELAHAN:** Correct and we now have that to be able to show on screen. If it could be enlarged. If you just want to read that out for those that a bit short sighted.

40 **MS SCHINNERL:** It says "Hi Stacey, Deputy Commissioner Cheryl Scanlon QPS contacting. You might recall me from a meeting back in August of 2024. Just checking in on you. I understand from Jacqui K you're at a conference. Will catch up. Take care." And then she sent her contact information.

45 **COMMISSIONER:** What's the date there, presumably is 14 July this year, given your meeting with her.

**MS SCHINNERL:** Yes, that's correct, Commissioner. I was in Cairns at the time, attending our National Executive.

**COMMISSIONER:** Who is Jacqui K?

5

**MS SCHINNERL:** Jacqueline King.

**COMMISSIONER:** Of course.

10 **MS SCHINNERL:** I'm not sure every referenced here as Jacqui, but here we go.

**COMMISSIONER:** And apart from this text message have you had any other communications with Deputy Commissioner Scanlon since the meeting at the Roma Street -

15

**MS SCHINNERL:** I've not, Commissioner, no.

**COMMISSIONER:** And what was the outcome of this text message?

20 **MS SCHINNERL:** Truthfully, Commissioner, I didn't get back to deputy Commissioner Scanlon. I didn't think that text message required me to. She wasn't asking me to call her back, she was simply checking in on me and I had nothing to discuss with deputy Commissioner Scanlon at that stage in any event.

25 **COMMISSIONER:** Do you want to tender that?

**MR WHEELAHAN:** Yes. If can I tender it now it has been identified.

30 **COMMISSIONER:** Text message from Deputy Commissioner Cheryl Scanlon 14 July 2025 at 9.45 am to Stacey Schinnerl, will be be exhibit SLS8.

**<EXHIBIT SLS8 TEXT MESSAGE FROM DEPUTY COMMISSIONER  
CHERYL SCANLON TO STACEY SCHINNERL, DATED 14/07/2025**

35 **MS SCHINNERL:** If you could indulge me, I would like to make reference to the Queensland Police Service -

**COMMISSIONER:** Yes.

40 **MS SCHINNERL:** - in relation to this Commission of Inquiry. Consistent with your comments yesterday, I have nothing but high praise for the role of the QPS and the contact and support I have had in relation to the Commission. So I'd like to extend that thanks to them. They have been a great support and the discussions I have had with my relevant contact officer have been very, very good and very comforting, so I  
45 think that's important that I note that.

**COMMISSIONER:** When you say, you said in relation to this Commission or something along those lines, what do you mean by that?

5 **MS SCHINNERL:** It's an officer, a senior officer who has been in touch with me who I believe is attached to this Commission of inquiry.

**COMMISSIONER:** I see and are you satisfied with your treatment from that officer?

10 **MS SCHINNERL:** Very much so, yes.

**COMMISSIONER:** What, if anything, can you say about your satisfaction with the performance of the Queensland Police prior to the instigation of this Commission?

15 **MS SCHINNERL:** I think it's fair to say that the Queensland police can only work with what they're given and in the absence of me being able to provide information on which they are to act, I'm not sure how much I could expect, truthfully. I am disappointed we didn't hear again from Deputy Commissioner Scanlon. There may be very valid reasons for that but, you know, as I said, I'm the auditor of an ex-police  
20 officer, I understand how challenging those roles are.

**MR WHEELAHAN:** I have no further questions but is there anything else that you want to tell the Commissioner before your evidence concludes?

25 **MS SCHINNERL:** I traversed some of this territory earlier, Commissioner, but I think it's worthy of revisiting and it's, you know, broadly covered in my statement. But I thoroughly acknowledge that there are thousands - tens of thousands across the country of good, honest, hardworking men and women of the CFMEU and they want nothing more than to earn a good day's pay for a fair day's work. They want nothing  
30 more than safe workplaces and I support them wholeheartedly in that endeavour.

It's unfortunate that over the last couple of years there have been some very, very concerning experiences that have been at the hands of a very much few of those associated with the CFMEU or in the CFMEU. That is not reflective of this  
35 organisation as a whole at all. It is so important that organisations like the CFMEU exist to protect commercial and building construction workers and workers within their lawful coverage and I want nothing more than that organisation to emerge as a lawful, proud union, as mine is.

40 Those workers are entitled to that representation, they deserve it and they need it.

**MR WHEELAHAN:** Commissioner, Mr O'Grady has - we have discussed his cross-examination. His estimate is approximately 15 minutes. As I said before lunch, the other parties who have sought leave to cross-examine haven't not complied with  
45 practice guideline 4, in my view. There are five points I want to say about that, that might assist them. They're not going to have time today anyway.

With respect to Mr Ravbar, he will have the opportunity to answer any allegations of misconduct made against him by Ms Schinnerl, or others, or any other witnesses who give evidence in the inquiry. Secondly, Mr Ravbar knows whether or not he did things that have been attributed to him by witnesses who have given evidence in this inquiry.

Next, if he didn't do those things, he should have no trouble putting on a sworn statement saying so which is consistent with the practice guideline. And only after such a statement can the utility or appropriateness of any cross-examination be assessed by you. The same goes for Mr Ingham and others where there are allegations of misconduct.

The present applications by the counsel or solicitors at the bar table, in my view, do not meet the guidelines and that's all I have to say for today and they can revisit those applications. There is one other thing I need to say. So that there's no confusion going forward, applications for leave are not to be sent to counsel assisting, either myself or Mr Costello.

**COMMISSIONER:** I did ask that counsel correspond with you and Mr Costello, so -

**MR WHEELAHAN:** You did, but as you also know, part of the requirement is that, maybe that's misleading. This inquiry, the emails have to be at the CFMEU inquiry email address, which is what I was going to say, not to Victorian bar, for example, email addresses. It doesn't keep the appropriate records. So in any event, it's legal@cfmeuinquiry.qld.gov.au and then it gets immediately forwarded. Happy to have discussions but I just make that as a side note about recordkeeping, Commissioner.

**COMMISSIONER:** I'm not sure about that. I'm not sure why counsel can't correspond directly with counsel assisting. But anyway, we can deal with that.

**MR WHEELAHAN:** All right.

**COMMISSIONER:** We will deal with it separately. It should be easy enough for you to just put that correspondence on to the record system.

**MR WHEELAHAN:** I will do whatever you direct, Commissioner.

**MS O'GORMAN:** Commissioner, if this was a criticism of me emailing my learned friend, I want to say the communication was sent to the Commission's solicitors formally.

**MR WHEELAHAN:** It's not a criticism.

**MS O'GORMAN:** Well, I just want it made clear that our application was sent in accordance with the practice direction to the email address just now noted.

**MS SCHINNERL:** Thank you, Ms O'Gorman. Mr Spence, do you want to say anything about what Mr Wheelahan has just said?

5 **MR SPENCE:** I've nothing further to add, Commissioner.

**COMMISSIONER:** Mr O'Grady, do you want to commence this afternoon or do you want to deal with this next time?

10 **MR O'GRADY:** My preference would be to deal with it next time for a number of reasons, including the time of day but also there's been some evidence given this afternoon that wasn't, we would submit, foreshadowed in the witness statement and I just need to get some instructions and rather than start and stop I think it would be better just to start.

15 **COMMISSIONER:** One of the things you might consider, Ms O'Gorman and Mr Kimmins, is if you make a further application or if you just rely on what you've done so far, I'll rule on it once I hear. Perhaps what will happen is if you want to rely on these applications in writing, I'll give counsel assisting the opportunity to put in a responsive submissions and you can have the opportunity to respond to those or you can put in a fresh application.

25 But one of the things, I think, you will have to bear in mind, with we will, in assessing these applications is the way in which Ms O'Gorman put the case in relation to her right to cross-examine on both a direct and indirect basis; that is, that if an allegation is made that Mr Ravbar is indirectly responsible because of his carriage, his responsibility as secretary of the branch, that might open up the opportunity to cross-examine on subject matter other than matters of which he has direct knowledge. Does that make sense?

30 **MR WHEELAHAN:** Yes.

**COMMISSIONER:** I won't hold you to this, Ms O'Gorman, or Mr Kimmins, but you can have leave to file fresh applications to cross-examine or you can rely upon your applications that have been filed - I think was it this morning?

**MS O'GORMAN:** This morning.

40 **COMMISSIONER:** I will leave it to you and you can have seven days to make up your mind as to what you want to do and at some point you will get a response from Mr Wheelahan and you will have a chance to respond to that and I'll make a ruling.

**MS O'GORMAN:** Thank you, Commissioner.

45 **MR KIMMINS:** Thank you.

**COMMISSIONER:** Are there any other applications? Sorry, Mr Wheelahan, did you want to say something about that?

5 **MR WHEELAHAN:** No, I'm just standing because I thought you were addressing me.

**COMMISSIONER:** Are there any other applications?

10 **MR SPENCE:** Might Ms Schinnerl now be excused from the witness box?

**COMMISSIONER:** Yes, Mr Spence. Ms Schinnerl, I think you just heard what has been discussed. You will be required to come back pursuant to summons at some time next year. We don't know as yet when that might be. We are having a lot of difficulty getting courtroom space.

15 **MS SCHINNERL:** I understand.

**COMMISSIONER:** We just got rejected by the Queensland Industrial Relations Commission yesterday or the day before.

20 **MS SCHINNERL:** Shame.

**COMMISSIONER:** And the only courts at the moment that have been able to provide court space to us are the family and Circuit Court which we're in today and the magistrates court and there is limitation from both courts on our access to their courtrooms. So at the moment we only have four weeks of hearings booked in between now and the end of April.

25 We do hope and the first of those dates I think I gave to the parties when addressing you, Ms O'Gorman, last time, was 9 February, perhaps 10 February. So we are hopeful of getting additional dates. So I can't tell you when.

30 **MS SCHINNERL:** That's fine, Commissioner.

**COMMISSIONER:** When you will be required to come back. Hopefully it's before 9 February but that will depend upon the extent to which we can obtain suitable courtrooms.

35 **MS SCHINNERL:** Of course.

40 **COMMISSIONER:** But I formally, Mr Spence will excuse Ms Schinnerl and we'll reissue a summons to her.

**MR SPENCE:** Thank you, your Honour.

45 **COMMISSIONER:** When we know what the date for your return will be, we will provide a summons to you. You are excused and thank you for your evidence.

**MS SCHINNERL:** Thank you.

**<WITNESS EXCUSED**

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**COMMISSIONER:** Are there any other applications? No? Well, I would like to adjourn to the 10 February but I won't adjourn to 10 February because there's a possibility we will come back early so perhaps we'll just adjourn sine die and in the meantime I wish everyone a very Merry Christmas and a Happy New Year. And I'll see you in, some of you, in 2026. Adjourn sine die.

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**<THE HEARING ADJOURNED AT 3.50 PM SINE DIE**