

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

WITNESS STATEMENT OF ROBERT PICKARD

I, Robert (Rob) Pickard, General Manager of BMD Constructions Pty Ltd, affirm:

Introduction

1. I make this Statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. Attached to this Statement is a Bundle of documents (**Bundle**). I refer to relevant documents by reference to the page number of that Bundle.

Background

3. I am the General Manager, Queensland and Northern Territory, of BMD Constructions Pty Ltd. I have held that role for approximately four years.
4. I commenced employment with BMD approximately 21 years ago, having progressed from a trade-qualified construction worker through to senior operational leadership roles. By that I mean that, in summary:
 - (a) I initially worked as a construction worker, steel fixer for BMD on projects in the North Queensland.
 - (b) I subsequently progressed through the roles of foreman, general foreman and superintendent, each of which was focused on the delivery of individual projects.
 - (c) In 2016, I was promoted to Construction Manager for the Queensland and Northern Territory business unit, with responsibility for oversight of multiple projects simultaneously.
 - (d) In approximately 2019, I was promoted to Operations Manager for Queensland and Northern Territory, a role with broader strategic and operational responsibility across the region.
 - (e) In approximately 2022, I was promoted to General Manager for the same region.
5. In my current role, I have organisational responsibility for the overall leadership, performance and growth of the Queensland and Northern Territory infrastructure business unit as well as BMD United States business operations. This includes responsibility for operational governance, strategic growth, profitability, estimating, client engagement, project delivery, commercial performance, safety, and workforce oversight.
6. I currently have approximately 15 direct reports, with a broader workforce of approximately 320 staff reporting through those leaders.

7. While I have worked for BMD for 21 years, that employment has been solely with BMD Constructions Pty Ltd. I have not held roles within other entities within the BMD Group, including BMD Urban, JMac, Urbex or Empower.
8. There may be occasional crossover on projects between BMD Constructions and other BMD Group entities; however, I have not been involved in the operations of those businesses.
9. Where I refer in this statement to “BMD”, I do so based on my knowledge derived from working within BMD Constructions Pty Ltd, and I intend that reference to reflect my understanding of the broader business where relevant.

BMD’s Relationship with Unions

10. In Queensland, BMD’s primary union engagement has traditionally been with the Australian Workers’ Union (**AWU**), consistent with major civil construction coverage.
11. Historically, BMD has not experienced significant industrial issues arising from union engagement and has operated with minimal involvement from the CFMEU across its civil projects.
12. BMD has never entered into a CFMEU Enterprise Agreement in Queensland or the Northern Territory.
13. Prior to 2023–2024, BMD had not experienced sustained or hostile conduct by the CFMEU.
14. In approximately 2023, the CFMEU began to take a more aggressive approach towards BMD, initially in Victoria, and then in Queensland, and to a lesser extent New South Wales.
15. In approximately the last quarter of 2023, possibly in November, it was brought to my attention that a number of BMD civil projects in Victoria were receiving repeated attendances from CFMEU representatives.
16. While I did not have direct operational responsibility for those projects, the conduct was reported to me by a longstanding BMD employee known to me.
17. That conduct included:
 - (a) repeated attendances by groups of approximately five to ten individuals claiming to be responding to alleged “safety issues”;
 - (b) those attendances occurring on multiple consecutive days;
 - (c) CFMEU representatives filming BMD employees and engaging in conduct perceived by BMD staff as intimidating; and
 - (d) video footage later appearing on social media, often in highly edited formats.

18. On 15 December 2023, the CFMEU commenced posting material on Facebook and other social media platforms concerning BMD, including Queensland projects, in a manner that I considered misleading and intended to portray BMD in a negative light.

19. One such post related to the tragic death of a worker on a BMD site.

A copy of that Facebook post is at **Annexure RP-01, page 1** of the Bundle.

20. From approximately December 2023, BMD became the target of an extensive, sustained and highly disruptive campaign by the CFMEU. The precise rationale of this campaign was never communicated to BMD or myself; however, the conduct I observed was poorly planned, strategically unsound, and executed in a manner that demonstrated little regard for lawful process or workforce welfare. Interventions were reactive rather than structured, inconsistent across work sites, and repeatedly escalated without resolution. In my assessment, the campaign appeared calculated to apply pressure to BMD to enter into CFMEU enterprise agreements, rather than to address any genuine or substantiated safety or regulatory compliance concerns.

21. Separate from matters concerning the Centenary Bridge Project, which I address below, the campaign included:

(a) The creation of a website titled “www.bmdtherealstory.com.au”, which displayed edited footage and imagery recorded during CFMEU attendances on BMD sites across Queensland, Victoria and New South Wales. The website identified itself as “Authorised by Z. Smith” and has since been taken down.

Screenshots of the website are at **Annexure RP-02, pages 2-7** of the Bundle.

(b) The use of electronic billboards, including truck-mounted billboards and signage at varying locations nationwide, and near the CFMEU headquarters at Bowen Hills, promoting that website.

Photos of the billboards are at **Annexure RP-03, pages 8-10** of the Bundle.

(c) The distribution of pamphlets by letterbox drops and in-person distribution at public events, including sporting fixtures at Wynnum Manly, Country Choice Stadium in Townsville, and the Gabba, coinciding with events involving teams sponsored by BMD.

Photos of the pamphlets are at **Annexure RP-04, pages 11-13** of the Bundle.

(d) A demonstration on 14 May 2024 outside the Royal International Convention Centre in Brisbane, during a presentation by Mr Scott Power, Chief Executive Officer of BMD (**Mr Power**), which was filmed and posted on CFMEU social media platforms.

The Facebook video that had the URL address <https://www.facebook.com/reel/7535815903164499> has since been taken down.

- (e) Similar conduct to that described at Centenary Bridge, occurring at other projects run by BMD entities.
22. BMD took several steps in responding to this campaign being waged by the CFMEU, to minimise the impact on our workers and families:
- (a) Provided comprehensive training to site staff on their rights and obligations regarding managing right of entry, and on-site support from Mr Steven Lovewell (**Mr Lovewell**) and Mr Grant Benson (**Mr Benson**), external Industrial Relations Advisors I've discussed in more detail below.
 - (b) Personal private security was engaged for some senior members of the business to attend public events and perform roaming monitoring of personal residences.
 - (c) Enhanced security on projects with additional cameras and the provision of body worn cameras.
 - (d) Engaged directly with billboard owners, requesting that they not permit slanderous incorrect information about BMD be published on them.
 - (e) Through its lawyers, it wrote to Michael Ravbar, John Setka and Zach Smith directly concerning their conduct and the conduct of the CFMEU.
 - (f) Through its lawyers, BMD wrote to WorkSafe Victoria and Workplace Health and Safety Queensland to notify of concerns the CFMEU and/or its officers and workers were breaching safety legislation.
23. To the best of my knowledge, BMD had not previously been the subject of such a campaign during my 21 years of employment or during the company's broader 45-year history.

The Centenary Bridge Project

Project Timeline

- 24. My initial involvement in the Centenary Bridge Project occurred during the estimating and pre-contract phase, at the time the tender was being prepared. Tender documents were submitted in approximately late 2022.
- 25. The Department of Transport and Main Roads (**TMR**) confirmed the BMD/Georgiou Joint Venture as preferred contractor in approximately early to mid-2023.
- 26. Site mobilisation occurred approximately four to six weeks thereafter, which was consistent with standard industry practice for a project of this nature.
- 27. The project was forecast to run for approximately four years.
- 28. By the end of Q2 2024, the project was approximately 60 to 70 days behind schedule, which I understand was attributable entirely to the disruptive events described below.

My Involvement and Presence on Site

29. During the initial stages of the project, I attended the site approximately once every six to eight weeks.
30. From approximately January to February 2024, my attendance increased significantly due to escalating industrial interference experienced on the project.
31. From approximately March 2024 until mid-2024, I was present on site almost daily, having regard to the scale of the disruption and concerns relating to the safety and wellbeing of project staff.

CFMEU Attendances and Conduct

Initial Attendances (September – December 2023)

32. The first reported attendances by CFMEU representatives occurred in approximately September 2023. These attendances were informal, non-confrontational, and occurred on the public active transport pathway that passes through the project site.
33. During these initial attendances, CFMEU organisers asked general questions concerning the project and subcontractors.
34. These attendances were recorded in BMD's internal reporting systems.

Escalation (Late 2023 – March 2024)

35. By late 2023, CFMEU representatives began asking targeted questions, including questions relating to:
 - (a) the sourcing of steel;
 - (b) whether steel was Australian-made; and
 - (c) access to detailed engineering documentation.
36. Over time, their presence on site increased, and interactions became more frequent and more pointed in nature.
37. There was nothing concerning the steel being used on the project that gave rise to a safety concern or a suspected contravention of the *Work Health and Safety Act*. Accordingly, there was no requirement for that information to be provided to the CFMEU. Further, the steel in which the CFMEU expressed interest was temporary steel intended solely for use in a gantry crane during the construction phase, rather than the permanent structural steel specified for incorporation into the bridge works.
38. In approximately February 2024, individuals aligned with the CFMEU established a semi-permanent presence in an adjacent car park, erecting tents or marquees. The car park was associated with a gym located on Sinnamon Road, near the Centenary Motorway on ramp.

Photos of the set up used by the CFMEU are at **Annexure RP-05, pages 14-17** of the Bundle.

39. As trucks attempted to deliver steel via the project's main entrance on Sinnamon Road, these individuals positioned themselves in front of the site entrance, obstructed traffic and physically prevented trucks from entering the site. As a result, approximately eight to ten steel delivery attempts were unsuccessful.
40. BMD staff did not provoke confrontation and could not compel entry. For traffic-safety reasons, delivery vehicles were required to leave the area.
41. As a result, steel deliveries could not proceed until additional security measures were later implemented.
42. This disruption had a significant impact on the project and on the surrounding community. I was concerned for the safety of project staff who were required to walk past this group when entering or leaving the site, as well as the broader community impact caused by delivery trucks being stopped and traffic being obstructed.

Engagement with TMR

43. During this period, representatives of the BMD/Georgiou Joint Venture engaged frequently with Mr Jack Ryan (**Mr Ryan**), the TMR Project Representative.
44. Those discussions were focused on project delivery, including matters that may affect the completion date and overall cost of the project.
45. In approximately April 2024 (I do not recall the specific date), a meeting was held involving Mr Bart Mellish MP, Minister for Transport, Ms Julie Mitchell, Deputy Director-General, Mr Power, Mr Jeff Gallus, Executive General Manager of BMD, and myself. That meeting concerned the ongoing attention being received from the CFMEU and the impact of that activity on project delivery.
46. At that meeting, and during various discussions with Mr Ryan, the following matters were addressed:
 - (a) the scale of the CFMEU disruption;
 - (b) its impact on staff welfare;
 - (c) delays to the project;
 - (d) the absence of viable alternatives to adequately protect project staff; and
 - (e) TMR confirmed that its staff had been removed from the project due to safety and wellbeing concerns arising from the hostile CFMEU behaviour and would not return to site until such times as it was deemed safe.
47. TMR advised BMD to implement enhanced security measures to minimise disruption and mitigate the impact on project staff. TMR also advised that it would reimburse security

costs directly attributable to CFMEU-related disruption, provided those costs were legitimate, appropriately evidenced, and certified on a monthly basis.

48. This arrangement was not a “blank cheque”; TMR required transparency and auditability in respect of any such costs.

Engagement of Security

49. As my colleagues in Victoria had been dealing with similar disruption, I consulted with them as to who they had engaged to assist with security on those worksites and whether that contractor had been effective.
50. Through the course of that consultation, I was informed that an individual from the AWU, Ronnie Hayden, had recommended BMD contact Host Group to determine whether their services would be of assistance.
51. In approximately March 2024, I flew to Melbourne and held a lengthy meeting with Mr Gary Samuel (**Mr Samuel**) to understand the services offered around site security and his proposal as to how Host could potentially assist at Centenary Bridge. During that meeting, Mr Samuel quickly identified the challenges faced on such a site, with multiple different access gates to enter, different work areas of the project, and a public thoroughfare which needed to remain open during the construction process. On the back of that meeting, arrangements were made for Mr Samuel to travel up to Brisbane to look at the project.
52. Mr Samuel travelled to site on 26 March 2024, to view the project firsthand, and provide commentary relating to measures that should be implemented as a means of enhancing general site access and security, and limiting disruption by people not actively engaged in the delivery of the project.
53. At around the same time, BMD was also having discussions with Mr Lovewell to provide specific industrial relations assistance. The business had been in contact with Mr Lovewell with respect to providing specific training relevant to managing 'right of entry' issues since January 2023. I understand Mr Lovewell to have been, amongst other things, a former Police Officer and Inspector with the Australian Building and Constructions Commission, who had a great deal of experience prior to starting work as a consultant. I was not involved directly in the conversations with Mr Lovewell initially, though had spent a considerable amount of time with him after his engagement, as BMD ultimately engaged his services to not only provide training but provide onsite assistance and support to BMD personnel when dealing with 'Right of Entry'.
54. The decision to engage the services of Host and Mr Lovewell was centred on supporting our people on the projects and, secondly to try and minimise the disruption and therefore delay being caused by the project. I cannot emphasise enough how worn down our people were from continually dealing with the organisers from the CFMEU.
55. I do not recall specifically what day Host and Mr Lovewell ultimately commenced working on the Centenary Bridge Project, though they had commenced by 23 April 2024. I know this because I was on site at the Project on that day when there was a 'Right of Entry Dispute'. I am in some of the footage captured by Mr Lovewell's body worn camera. Having reviewed that body worn camera footage, I recall that Mr Benson was also on

site and wearing a body worn camera. Mr Benson was engaged through Mr Lovewell. I understand Mr Benson to also be a former Police Officer with a considerable amount of experience dealing with Right of Entry Disputes.

56. Host initially had four (4) security personnel on site. These individuals were sourced from Western Australia and subsequently supplemented and replaced by local personnel.
57. The rationale given to me for sourcing security from interstate in the first instance is that there is less likelihood of pre-existing personal friendships or conflicts between the individuals involved and therefore this enables them to perform their role objectively. This is one of several reasons the support provided by Host, Mr Lovewell and Mr Benson was so valuable. My experience and that of BMD's is in relation to civil construction; we as a business did not have extensive security or industrial dispute experience.
58. There were ultimately 30-40 security/logistics personnel engaged on the project.
59. The support team for the project consisted of:
 - (a) Licenced security guards, who were engaged to provide roaming support for the project, in circumstances where there was a large public pathway that remained open and various entry points to site.
 - (b) Logistics personnel, who were labourers engaged to man the various gates, who were not licensed security guards. Their role was to facilitate the movement of people and plant through the project safely. Often people and plant would need to move from one work area to another and in doing so, crossing the public pathway. The logistics personnel were primarily opening and closing those access gates.
 - (c) Industrial Relations Officers, being a reference to Mr Lovewell and Mr Benson, who largely took the lead in relation to any 'Right of Entry' interactions, while also providing training and upskilling to the project personnel (and personnel within BMD more generally).
60. There were essentially three (3) core escalation events, that I was directly involved in myself:
 - (a) 23 April 2024;
 - (b) 29 April 2024; and
 - (c) 14 May 2024.

23 April 2024

61. On 23 April 2024, I was on site when several members from the CFMEU arrived on site. I did not know their names at the time, though I now know them to be Hayden Turner-Davey (**Mr Turner-Davey**), Dylan Howard (**Mr Howard**) and Matt Vonhoff (**Mr Vonhoff**). Mr Turner-Davey initially attempted to walk onto the project, though had been intercepted by Mr Lovewell, Mr Benson and some members of the Security team. Mr Turner-Davey refused to comply with the project requirement to sign-in and properly articulate the

suspected contravention he was attending for. Mr Howard and Mr Vonhoff subsequently joined the discussion, which was occurring on the footpath directly underneath where the site offices were located. Ultimately, there was a continued dispute between the CFMEU and project representatives. The detail is most accurately captured in the body worn camera footage which is produced.

62. As the dispute was ongoing, Workplace Health and Safety Queensland were called in. I do not recall the two Inspectors' names that attended, but a lengthy conversation proceeded in what was then the allocated Training/Induction Room at the project. The conversation was in essence an attempt to mediate the dispute and I recall offering to those Inspectors that any information the Inspectors required would be provided to them, though the information would not be provided to the CFMEU representatives, given they had not validly exercised 'Right of Entry'.
63. The alleged safety contraventions were expressed only in generalised terms and could not be articulated to any acceptable level of specificity.

Copies of the Entry Notices are at **Annexure RP-06, pages 18-21** of the Bundle.

64. While this conversation/mediation was occurring, a call came through — I don't recall who received the call or whether it was by mobile or radio — that more CFMEU representatives had attended a work area on the other side of the Brisbane River. Mr Benson left the meeting to make his way to that work area.
65. It was subsequently reported to me that additional CFMEU representatives again refused to comply with site safety requirements by failing to sign-in and were positioning themselves in the path of a concrete pump that was attempting to set up on site. I understand the CFMEU representatives asserted that the pad on which the concrete pump was to be established was unsuitable and, on that basis, sought to prevent the set up from proceeding.
66. The concrete pile pour was ultimately cancelled because the CFMEU representatives prevented the concrete pump from being established, resulting in concrete trucks being turned away. Given the limited time concrete can be held in trucks before it begins to set, proceeding with the pour was no longer feasible and would have created serious operational issues.
67. No resolution was reached with matters relating to the events of that day.
68. As no resolution had been achieved, BMD filed a dispute in the Queensland Industrial Relations Commission. The intent was to get a clear ruling on what the CFMEU had to do with respect to stating the suspected contravention and complying with site safety rules and given comments were allegedly made by one of the CFMEU representatives that "we are not going to stop until we break BMD".

A copy of BMD's application is at **Annexure RP-07, pages 22-37** of the Bundle.

69. BMD had always adopted the position that provided a suspected contravention was clearly identified and site rules were complied with; entry would be facilitated.

29 April 2024

70. On 29 April 2024, a further incident occurred in which approximately 10 CFMEU representatives attended the Project. While the circumstances are captured in greater detail in the available body-worn camera footage, in summary, those that attended were intent on gaining entry to the project. A standoff ensued between CFMEU representatives and project staff, which continued until several individuals climbed over perimeter fencing and dispersed throughout the project site.
71. The alleged safety contraventions relied upon were entirely generalised and no particulars were provided or articulated to substantiate or justify entry to the project.
- Copies of the Entry Notices are at **Annexure RP-08, pages 38-47** of the Bundle.
72. Several further CFMEU representatives subsequently appeared within active work areas of the project, having gained access by unknown means. Those individuals deliberately obstructed plant and equipment, including cranes and other rigs, by standing in front of or on them and refusing to move, thereby preventing their operation. This conduct created serious safety risks, including the presence of an unknown number of un-inducted and unaccompanied persons within live work zones, in clear contravention of established site safety requirements.
73. On this occasion, both the Police and Workplace Health and Safety were notified. I am aware that the Police attended site, although I cannot presently recall if Workplace Health and Safety officers attended.
74. The position conveyed by the Police was that they were unable to intervene or act, on the basis that the circumstances involved an ongoing industrial dispute.
75. A decision was then made to cease all work on the project for that day. Once work had stopped, the Police indicated they were satisfied that there was no longer an ongoing industrial dispute, as no work was being performed, and accordingly directed the CFMEU representatives to move on.
76. A further dispute was lodged in the Queensland Industrial Relations Commission.
- A copy of BMD's application is at **Annexure RP-09, pages 48-69** of the Bundle.
77. A conciliation conference was held in the Queensland Industrial Relations Commission, though no agreement was reached to resolve both disputes filed. Consequently, an urgent hearing was held on 3 May 2024. BMD pushed for an urgent interim hearing on the matter as it was concerned the CFMEU would continue to seek to exercise right of entry invalidly and prevent work from occurring on site. Those interim orders were refused by the Queensland Industrial Relations Commission.
- A copy of the decision by Commissioner Pidgeon is at **Annexure RP-10, pages 70-81** of the Bundle.
78. The hearing that was meant to commence on 13 May 2024 was ultimately adjourned.

14 May 2024

79. On 14 May 2024, significant works were underway on the project, namely a concrete pile cap pour for the new bridge. During the pour, 2 CFMEU representatives, Mr Turner-Davey and Jamie Porter (**Mr Porter**), attended the site. They initially remained on the public footpath before producing Right of Entry Notices. Mr Turner-Davey and Mr Porter then declined to complete the mandatory visitor induction process, consistent with the position that had previously been adopted by the CFMEU on the project.
80. Mr Turner-Davey and Mr Porter remained positioned on the public footpath at a point required to be crossed by concrete trucks accessing the project. Traffic control was in place to stop pedestrian movement and provide a safe, unobstructed path for trucks. Notwithstanding these measures, and despite being repeatedly requested to move, Mr Turner-Davey and Mr Porter refused to do so. Their continued presence had the effect of preventing concrete trucks from accessing key areas of the site.
81. At around lunchtime, approximately 30 to 40 individuals arrived at the project, most of whom were wearing CFMEU branded clothing. Several of those individuals stationed themselves in front of Gate 1, the primary access point to the project from Sinnamon Road, with the effect of preventing concrete trucks from entering and leaving the site. As the afternoon progressed, the number of individuals continued to grow, resulting in a large group lining the public footpath from Sinnamon Road through to the site office area, and beyond.
82. Body worn camera footage and CCTV footage are available that record the interactions in detail and constitute a more accurate record of the events than my personal recollection.
83. As a consequence of the CFMEU representatives obstructing access to and from the project, the pile cap concrete pour could not be completed and was required to be cancelled, as further trucks were unable to safely enter or exit the site.
84. This was a critical structural concrete pour that formed part of the new bridge. Such pours are designed to be completed as a continuous operation to ensure a single, monolithic structural element. Interruption of the pour creates the risk of a cold joint, whereby successive concrete pours do not properly bond, potentially affecting the structural performance, durability and long-term integrity of the element. Consequently, the CFMEU interference with the pour led to detailed engineering assessment and remediation works being required to enable the pile cap to be completed in a manner that preserved structural integrity and design requirements for the asset.
85. Due to the continued disruption caused by the CFMEU, Federal Court proceedings were commenced on 15 May 2024 seeking an injunction, which was granted. This injunction provided operational certainty for the project and resolved the ongoing dispute, which had been characterised by CFMEU organisers refusing to comply with reasonable site safety requirements.
86. I'm aware that the CFMEU did attend site after the injunction was granted and that entry was facilitated after those individuals followed the process we had been trying to enforce, namely that:
- (a) they specify what the suspected contravention they were there for;

- (b) they produced State and Federal permits;
- (c) they signed in and completed a visitor induction; and
- (d) they were escorted on site.

87. These were not onerous requirements and consistent with what the law required.

Delays, Financial Impact and Other Effects

88. The conduct of the CFMEU had a material and adverse impact on the delivery of the project. The cumulative effect of that conduct is assessed to have contributed to an overall program delay in the order of 60 – 70 working days. Those delays arose from a range of interrelated events and behaviours, all of which contributed consequential impacts, and can be categorised under the following non-exhaustive headings:

- (a) Critical path delay:
 - (i) Steelwork — Blockade preventing steel deliveries for gantry crane, together with the resultant installation delay — 18 working days.
 - (ii) Pier 1 pile cap concrete pour — Interruption leading to cancellation of the concrete pour, and engineering analysis to allow use of half poured structural element — 19 working days.
 - (iii) Pier 1 pile cap rectification activities — Additional works including concrete remediation and waterproofing to ensure structural integrity of element — 15 working days.
- (b) Direct disruptive delay, all of which is detrimental regardless of critical path relationship:
 - (i) 16 April 2024 — CFMEU organisers unlawfully entering site, sitting under the lifting hooks of site crane, preventing lifting activities — 1 day.
 - (ii) 17 April 2024 — CFMEU organisers unlawfully entering site, and positioning themselves in the exclusion zone of site cranes at abutment a, preventing formwork and reinforcing activities — 1 day.
 - (iii) 23 April 2024 — CFMEU organisers unlawfully entering site, blocking concrete trucks causing foundation pile pour to be cancelled — 1 day.
 - (iv) 29 April 2024 — Approximately 20 CFMEU organisers unlawfully entering site, by way of jumping fences etc — 1 day.
 - (v) 14 May 2024 — Approximately 60 CFMEU organisers and representatives blocking entry and exit gates to the site, causing the stoppage of pier 1 pile cap concrete pour — 1 day.
- (c) Supplier direct disruption impacts:

- (i) Eilbeck — Gantry crane storage impacts due to blockade.
 - (ii) Blue Water Shipping — Steelwork storage and double handling impact due to blockade.
 - (iii) Security and logistics — Direct costs associated with the requirement to engage security and logistics personnel to manage CFMEU behaviour and ensure safe passage for workers and members of the public.
 - (d) Indirect disruption impacts:
 - (i) Regular disruption of work crews leading to decreased productivities site wide.
 - (ii) Anxiety and fear related disruption and unease affecting project staff, leading to decreased effectiveness and productivity.
 - (iii) Supply chain hesitation and reluctance to provide pricing to the project due to sustained industrial relations volatility.
 - (iv) Right of entry disputes and resultant inefficiency caused for site staff managing such instances.
89. Whilst some items listed above are still in the process of retrospective analysis and valuation, the approximate financial impact of the CFMEU conduct is asserted to have cost the project greater than \$12million dollars.
90. Taken as a whole, the evidence demonstrates that the CFMEU's conduct was not isolated, inadvertent, or inconsequential. Rather, it formed a sustained pattern of disruptive behaviour that materially interfered with lawful construction activities, directly impeded critical works, and foreseeably contributed to significant delay and inefficiency in the delivery of the project.
91. By any reasonable assessment, the delays and disruptions identified we a natural and probable consequence of that conduct. They represent real and measurable impacts on program delivery, productivity cost, and workforce wellbeing. Accordingly, the conduct of the CFMEU was the undeniable contributing cause of project delay, and that responsibility cannot be dismissed as incidental, speculative, or attributable to ordinary construction risk.

Events of 5 June 2024

92. In June 2024, a crane operator, Cody Raymond (**Mr Raymond**) alleged that he had been threatened by individuals he believed to be members of the Comanchero Motorcycle Club.
93. Mr Raymond alleged that this incident occurred on the public footpath that passes through the project site and involved Mr Samuel.

94. Following the allegation, I requested that CCTV footage be reviewed to determine whether an incident had occurred within work areas of the project. I was subsequently informed that, based on the CCTV review, the individuals alleged by ~~Mr Samuel~~ Mr Raymond were not observed within the project site, or work areas.
95. In subsequent conversations, I asked Mr Raymond whether there was any assistance that could be provided to him.
96. I informed Mr Raymond that BMD worked closely with an external organisation that provides support services to individuals experiencing safety or personal wellbeing concerns, and the organisation may be able to assist if he wished. He declined the offer of assistance, stating that “it sounds like witness protection” and that he was not interested.
97. No further action was taken by me in relation to that offer.
98. As Mr Raymond was a Georgiou employee, Georgiou progressed the investigation into his allegation; the investigation was not specifically shared, though I understood that there was insufficient evidence to substantiate the allegation.
99. In further enquiries following the matters raised by the crane operator, I spoke with Mr Samuel to ask whether there was any connection between Host and individuals associated with motorcycle clubs or criminal organisations.
100. Mr Samuel advised me that individuals who are social acquaintances of his from Victoria had visited him and they had spent time on the public pedestrian path, not the project site, and they had no role with Host.
101. Mr Samuel provided an email in which he confirmed that Bemir Saracevic (**Mr Saracevic**) and Krstomir Bjelogrljic (**Mr Bjelogrljic**) had no role whatsoever with Host.
- A copy of the email is at **Annexure RP-11, page 82** of the Bundle.
102. I did not have any information, other than Mr Samuel’s response, to confirm or contradict his explanation.
103. I relayed Mr Samuel’s assurance that the individuals identified — Mr Saracevic and Mr Bjelogrljic — had no role whatsoever with Host, to TMR after the matter was raised with Host.
104. I was advised on multiple occasions by project management, and Mr Raymond, that he had raised or reported the allegation to the Queensland Police Service.
105. My understanding is that no evidence has ever been produced to substantiate the alleged bkie involvement with Host Group, nor am I aware of the status, or outcome of any investigation conducted by the Queensland Police Service.

Other Relevant Matters

106. BMD at all times complied with its legal, contractual and regulatory obligations, maintained appropriate and contemporaneous records and unapologetically took all

reasonable and proportionate steps to ensure the safety, welfare and wellbeing of its employees and workforce, as well as the continued delivery of the project during the period in question.

107. BMD's actions were undertaken in good faith, were directed solely at addressing safety, security, and operational concerns, and were not motivated by improper purpose.
108. BMD remains of the position that, where the safety or wellbeing of its workforce is at risk, or where project delivery is deliberately or unnecessarily disrupted by third parties, it is both necessary and entirely appropriate to take reasonable steps to address those risks.
109. In similar circumstances in the future, BMD would take the same or substantially similar course of action, where required, to protect its workforce and to ensure the lawful, safe and orderly delivery of its construction projects.

I affirm the contents of this statement are true.



Signature of Deponent

Brisbane

Place

Date 03/08/2026



Before me (signature of witness)

Damian John Hegarty

Full name of witness (please print)

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



CFMEU - Construction & General

17 May at 18:41 · 🌐



In December 2023, a worker died on an Ipswich BMD site after showing signs of severe heat stress. It was a baking hot summer day and the site had no heat policy, no air-conditioning in the crib room and no cool drinking water for workers. This is what happens when Bad Mad Dangerous put productivity and profits ahead of worker safety.





Internet Archive

Wayback Machine

1 capture

18 Aug 2024

https://www.bmdtherealstory.com.au/job-site-videos

Go

JUL

AUG

SEP

16

2023

2024

2025

About this capture



JMac is part of BMD Group, which is a billion dollar company.

00:00 / 02:02

On a Jmac (a subsidiary of BMD) job site in Queensland CFMEU organisers found utterly unacceptable workplace conditions.

They found:



Worker dies on dangerous BMD site

00:00 / 03:49

In December 2023, a worker died on an Ipswich BMD site after showing signs of severe heat stress. It was a baking hot summer day and the site had no heat policy, no air-conditioning in the crib room and no cool drinking water for workers. This is what happens when Bad Mad Dangerous put productivity and profits ahead of worker safety.

conditions.

- They found:
- no first aid room
 - no eyewash facilities
 - no crib room
 - no drinking water
 - no chemical storage

**BMD BOTCHES
BRIDGE
UPGRADE**

**MORE BMD
PROBLEMS**



INTERNET ARCHIVE

waybackmachine

1 capture

16 Aug 2024

https://www.bmdtherealstory.com.au/jobsite-videos

Go

JUL

AUG

SEP

16

2023

2024

2025

About this capture



00:00 / 07:16

It seems like BMD jobs across the country all have similar problems, no site induction, no permits and out-of-date safety checks.

It isn't just one BMD with a problem it's site all across the county putting workers lives at risk.

A TYPICAL BMD SITE



00:00 / 00:07

The Queensland Government gave BMD a multi-million dollar contract to upgrade the Mount Crosby Bridge in Brisbane's west. As usual, safety procedures weren't adhered to and workers were put at risk. CFMEU organisers found out-of-date safety check lists, powerboards, dodgy fencing and numerous fall from height risks.

MORE CHAOS AT HALL ROAD



INTERNET ARCHIVE

Wayback Machine

1 capture

18 Aug 2024

https://www.bmdtherealstory.com.au/jobsite-videos

Go

JUL

AUG

SEP

16

2023

2024

2025

About this capture



00:00 / 03:43

The Hall Road upgrade site in Victoria is just another typical BMD site. little to no site induction, out-of-date risk assessments, rusty and cracked welding and noncompliant machinery.

All of these issues are potentially deadly to workers yet BMD seems to think that these issues don't matter



00:00 / 02:56

More chaos from The Hall Road upgrade site in Victoria, with even more potentially deadly incidents such as: -

Traffic Management Issue

- No Barriers in High-Risk High Traffic areas
- working / excavating near active gas lines
- little to no risk assessment done for excavating works

**SAFETY CONCERNS
ON CENTENARY
BRIDGE UPGRADE**

INTERNET ARCHIVE

Wayback Machine

1 capture

16 Aug 2024

https://www.bmdtherealstory.com.au/jobsite-videos

Go

JUL

AUG

SEP

16

2023

2024

2025

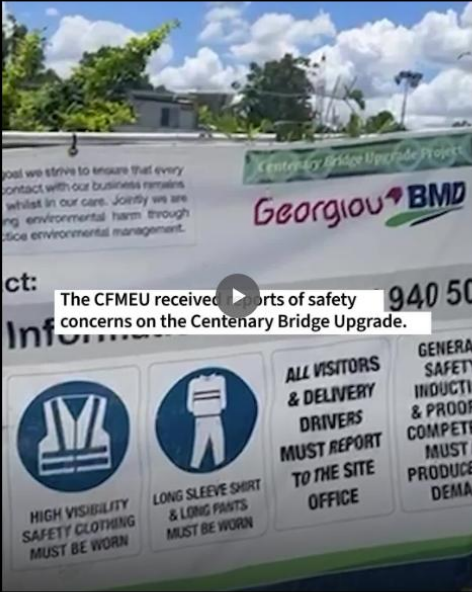
About this capture

risk assessments, rusty and cracked welding and
equipment machinery

All of these issues are potentially deadly to workers yet
BMD seems to think that these issues don't matter

SAFETY CONCERNS ON CENTENARY BRIDGE UPGRADE

The CFMEU received reports of safety concerns on the Centenary Bridge Upgrade.

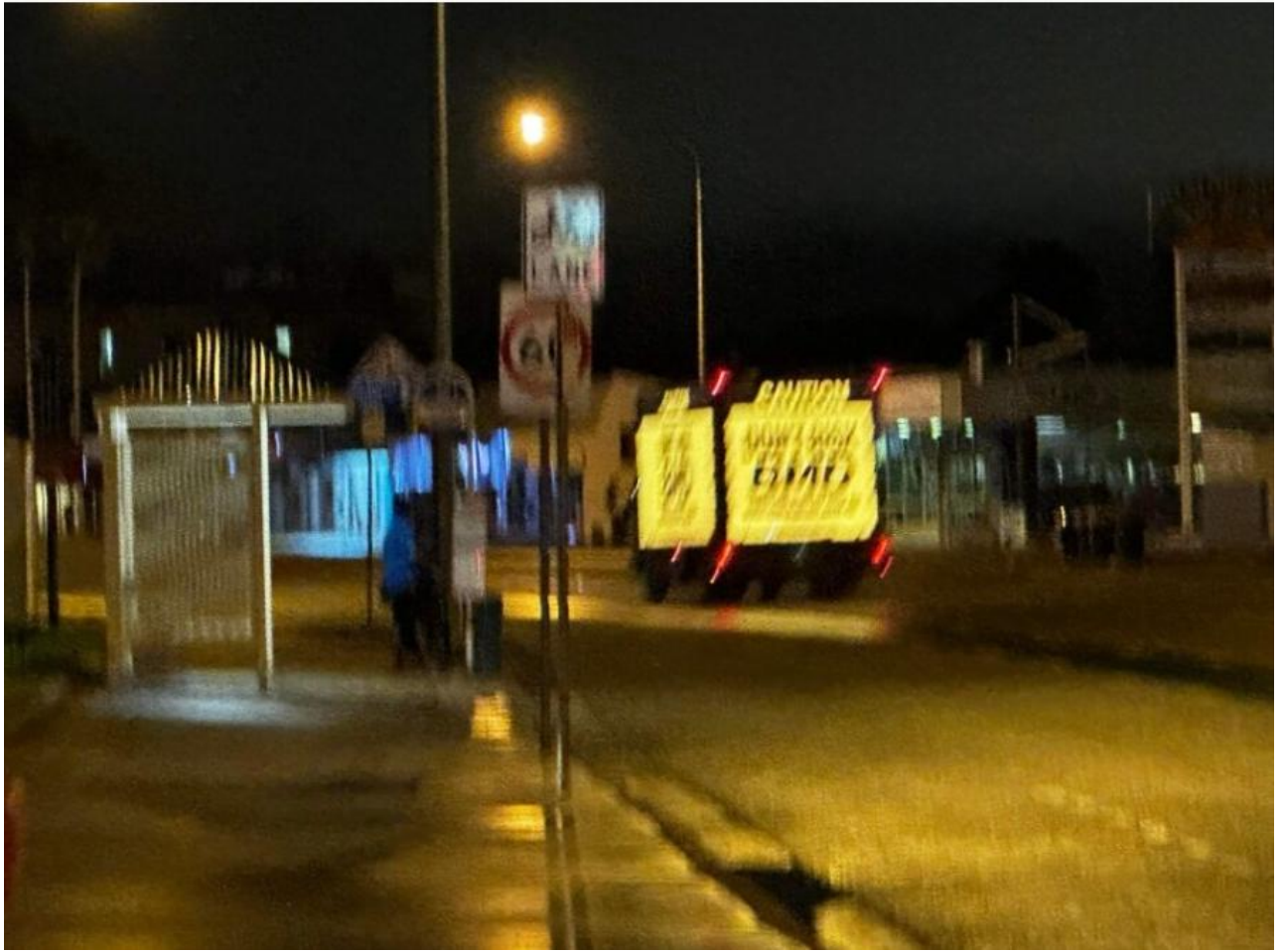


00:00 / 01:48

Full Screen







4:39

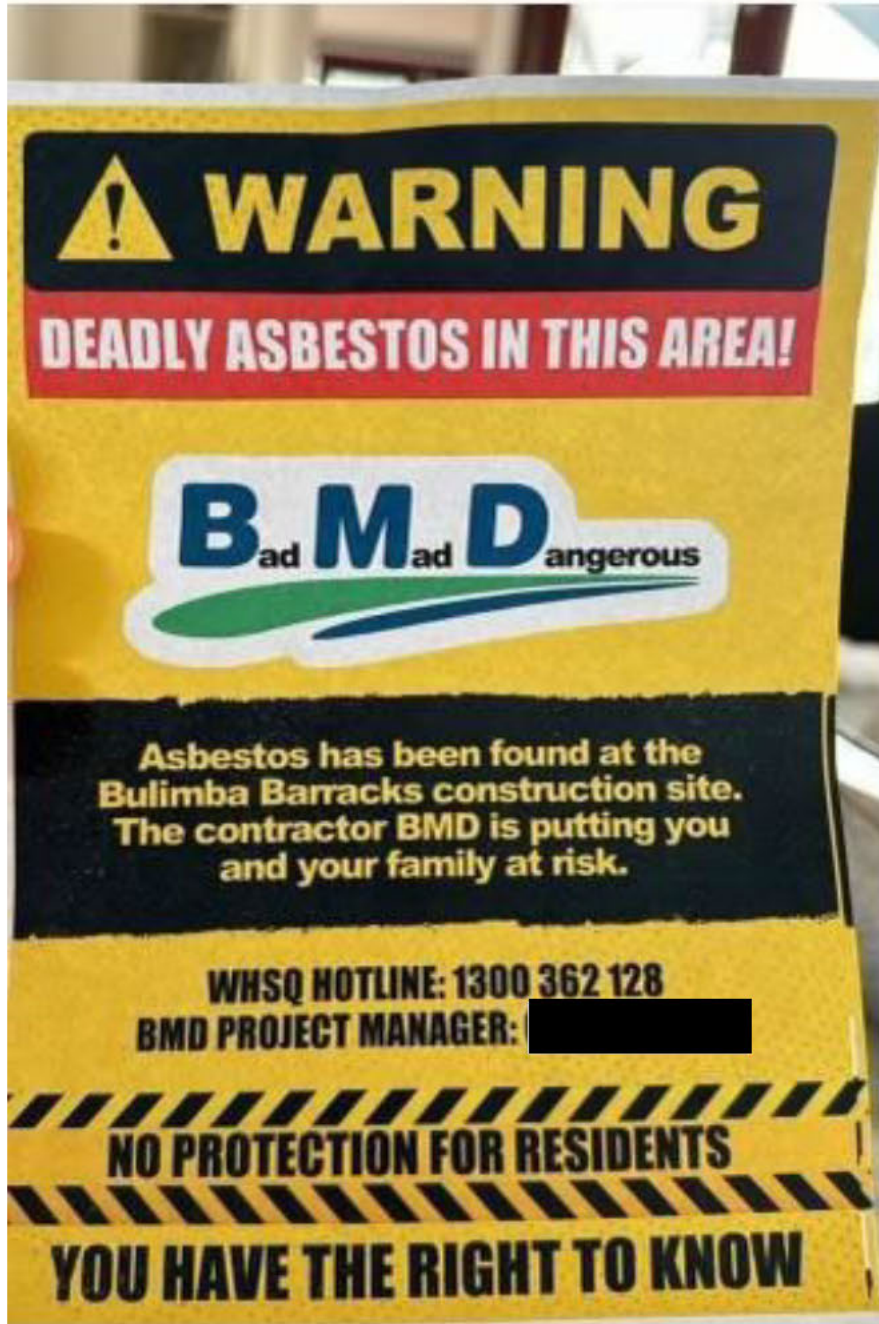
5G



I Love Bulimba & 4171

Mike Goldman · 7 m ·

Just got this in the letterbox. Anyone know what this is all about? Anyone hear anything?



Like

Comment

Send



AllianceCorp Property Experts

Sponsored

CAUTION

BMD

JOBSITES ARE DEADLY

BMD sells itself as a family-friendly Queensland company and a good corporate citizen. But to construction workers, BMD is known as BAD MAD DANGEROUS.

Bad Mad Dangerous is a billion-dollar behemoth, with interests in everything from small residential jobs to big taxpayer-funded civil projects. Despite posting enormous profits, they pay substandard wages and their jobsites are notoriously unsafe for workers.

BMD is cowboy construction company that puts profits ahead of workers lives. Don't trust Bad Mad Dangerous.

SEE FOR
YOURSELF



WWW.BMDTHEREALSTORY.COM.AU

CFMEU

Authorised by: J. Duggan, Queensland, Australia and the New South Wales, 2nd Division of the Workers' Union









WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: EBEN COXName of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy UnionName and Address of Workplace being entered: CENTENARY BRIDGE BMD / GEORGIO JV, JUNDALGODate of Entry or Proposed Entry: 23-05-24**PURPOSE OF ENTRY:**

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act 19 (3)WORKING IN AND AROUND MOBILE PLANTGROUND CONDITIONSREADILY ACCESSABLE DRINKING WATERACCESS AND EGRESS DURING NORMAL WORKING CONDITIONS AND
DURING EMERGENCIESINFORMATION, INSTRUCTIONS, TRAINING AND SUPERVISION PROVIDED TO
WORKERS REGARDING SAFE SYSTEMS OF WORK**Additional – for entry under section 120**

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

Penalties

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


WHS Entry Permit Holder's Signature

No. H 11281

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder:

DEAN MATAS

Name of Union Represented:

Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered:

CENTENARY BRIDGE, BMD/
GEORGIO JV, SWDALGE

Date of Entry or Proposed Entry:

23.4.24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS 19 (3)

• WORKING IN & AROUND MOBILE PLANT

• GROUND CONDITIONS

• READILY ACCESSABLE DRINKING WATER

• ACCESS & EGRESS DURING NORMAL WORKING CONDITIONS
& DURING EMERGENCIES

• INFORMATION, INSTRUCTIONS, TRAINING & SUPERVISION
PROVIDED TO WORKERS REGARDING SAFE SYSTEMS
OF WORK

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

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

No. H 10878

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Changel Turner - Barry

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: 23-4-24

Date of Entry or Proposed Entry: Bond/Georgina St. Centenary bridge upgrade Indalee

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

- WHS act 19 (3) A, C, D, E
- Access/Egress during normal work hours & emergencies
 - Ground Conditions in all Work areas –
 - WHS reg chapter 5 plant & structure
 - 202 (2) (A) (B) - Safe System of Work not Followed
 - Non Compliant structural steel to meet 78 TMR. Fabrication of structural steel
 - Information, instruction, training & supervision provided to workers regarding safe Systems of work

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties
- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 11337

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder:

MATTHEW JOHN VONITOFF

Name of Union Represented:

Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered:

BMD AND GEORGIO
CENTENARY BRIDGE JINDALEE

Date of Entry or Proposed Entry:

23-4-24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS ACT 19 3 (A) (C) (D) (F)

WHS REG CHAPTER 5 PLANT AND STRUCTURE
202 (2) (A) (B), SAFE SYSTEMS OF WORK
NOT BEING FOLLOWED

NOW COMPLIANT STRUCTURAL STEEL
MRTS 78.

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

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

No. H 10841



Matter Number:

WHS 12024/113

Form 73 – Application to deal with a dispute about right of entry

Work Health and Safety Act 2011, sections 142(4)(b)
Industrial Relations (Tribunals) Rules 2011, rule 87



Information

- Please read this form carefully. Please complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the rejection of your form.

For further information please contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au

This is an application under section 142(4)(b) of the *Work Health and Safety Act 2011* to deal with a dispute.

Between

B.M.D Constructions Pty Ltd

and

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

PLEASE NOTE: If there are more than two parties to this application, please complete a **Form 1 – Parties** list and file it with this form.

Particulars of party making application to deal with the dispute

Name:	B.M.D Constructions Pty Ltd		
Title (basis on which the application is made) (choose one of the following)	☐ WHS permit holder ☐ Relevant union ☒ Relevant person conducting a business or undertaking ☐ Other person in relation to whom the WHS entry permit holder has exercised or purported to exercise the right of entry ☐ Another person affected by the exercise or purported exercise of the right of entry by a WHS entry permit holder ☐ The regulator		
Phone number:		Fax number:	n/a
Mobile number:			
Email address:			
Name of contact person:	c/-Damian Hegarty		
	HBA Legal		
Direct phone number of contact person:		Mobile number:	
Email address of contact person:			

Place where dispute exists

Centenary Bridge Upgrade Project, between Sinnamon Road, Jindalee and Kenmore Road, Kenmore

Subject matter of dispute

Please refer to Annexure.

The industrial instrument affected is, OR the industry in which the dispute arose and/or type of work being undertaken at the place where the dispute arose

schedule

Please refer to Annexure.

Preferred location for [mediation/conciliation/arbitration]

Brisbane

Particulars of the other party to the dispute

Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland		
Phone number:		Fax number:	
Email address:			
Name of contact person:	Michael Ravbar		
Direct phone number of contact person:		Mobile number:	
Direct email address of contact person:			

Signature of applicant or representative	
Signature:	
Name:	Damian Hegarty
	HBA Legal
Position/Capacity:	Solicitor for Applicant
Date:	24 / 04 / 2024

Queensland Industrial Relations Commission

B.M.D Constructions Pty Ltd
(Applicant)

-v-

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(CFMEIU)
(First Respondent)

Construction, Forestry and Maritime Employees Union (CFMEU)
(Second Respondent)

Dylan Howard
(Third Respondent)

Hayden Turner-Davy
(Fourth Respondent)

Matthew Vonhoff
(Fifth Respondent)

Dean Mattas
(Sixth Respondent)

Eben Cox
(Seventh Respondent)

Luke Gibson
(Eighth Respondent)

Dean Rielly
(Nineth Respondent)

Annexure to Form 73 – Application to deal with a dispute about right of entry

1. B.M.D Constructions Pty Ltd and Georgiou Group Pty Ltd formed a Joint Venture and were awarded the Centenary Bridge Upgrade project by the Queensland Department of Transport and Main Roads (the Project).
2. The Project involves upgrading the Centenary Motorway crossing over the Brisbane River between Sinnamon Road, Jindalee, and Kenmore Road, Kenmore.

3. There has been a history of attendance by organisers of the First Respondent and Second Respondent at the Project purporting to enter under section 117 of the WHS Act.
4. On 17 April 2024, the following individuals attended the Project and walked on and accessed the workplace, purporting to enter under section 117 of the WHS Act:-
 - a. Dean Rielly; and
 - b. Luke Gibson.
5. On 23 April 2024, the following individuals attended the Project and walked on and accessed the workplace, purporting to enter under section 117 of the WHS Act.
 - a. Hayden Tuner-Davy;
 - b. Dylan Howard; and
 - c. Matthew Vonhoff.
6. Further, on 23 April 2024, another two individuals attended the Project and walked on and accessed the workplace, purporting to enter under section 117 of the WHS Act, namely:-
 - a. Dean Mattas; and
 - b. Eben Cox.
7. According to the Register of WHS Entry Permit Holders, published by the Queensland Industrial Relations Commission, each of Rielly and Gibson hold a State WHS Entry Permit.
8. According to the Register of WHS Entry Permit Holders, published by the Queensland Industrial Relations Commission, each of Turner-Davy, Howard, Vonhoff, Mattas and Cox, hold both a State WHS Entry Permit and a Federal Entry Permit.
9. Those individuals, referred to in paragraphs 4, 5 & 6 above, purported to exercise rights under section 118 of the WHS Act.
10. The Applicant applies to the Commission to deal with the matters in dispute under section 142 of the WHS Act.
11. The Applicant says the matters in dispute include:-
 - a. That the WHS permit holders did not hold a reasonable suspicion of any contravention of the WHS Act or the *Electrical Safety Act 2002* prior to attending

the workplace and have failed to adequately articulate the suspected contravention.

- b. Whether the permit holders have genuinely entered the workplace for the purpose of inquiring into a suspected contravention in circumstances where they refuse to attend the site compound to inspect documents they have requested to sight.
 - c. The permit holders have made misrepresentations about things they are authorised to do when exercising a right under section 118 of the WHS Act, including asserting that as soon as they provide a Notice of Entry, as required by section 119 of the WHS Act, they are entitled to complete, unfettered access to the Project.
 - d. The permit holders refuse to comply with reasonable requests by the Applicant to comply with work health and safety requirements that apply to the workplace, including signing into the Project, to acknowledge that they would be bound to comply with the site safety rules specific to the Project, and breaching exclusion zones.
 - e. The permit holders have purported to exercise their right of entry in a manner that intentionally and unreasonably delays, hinders and/or obstructs the Applicant from carrying out work at the workplace.
12. The Applicant has sought the assistance of Inspectors from Workplace Health and Safety Queensland, though the matters in dispute remain unresolved and the Workplace Health and Safety Queensland Inspectors have refused to direct the permit holders that they are required to comply with the Applicant's work health and safety requirements on site, in accordance with section 128(a) of the WHS Act.
13. During discussions with the Third, Fourth and Fifth Respondents on 23 April 2024, words to the effect "we are not going to stop until we break BMD", were said by one of the Third, Fourth or Fifth Respondents, which consequently causes the Applicant to reasonably suspect that the matters in dispute will continue and/or be repeated by the Third, Fourth, Fifth, Sixth, Seventh, Eighth and/or Ninth Respondent or other permit holders employed by the First Respondent and Second Respondent.
14. The Applicant acknowledges that it is a matter for the Commission to deal with the dispute in any way it thinks fit, including by means of mediation, conciliation or arbitration. The Applicant submits that arbitration is appropriate given the matters in dispute, indication from the permit holders that entry on site can be expected every day, and attempts to

resolve the disputes, with the assistance of Inspectors from Workplace Health and Safety Queensland, have been unsuccessful.

15. The Applicant applies for the following orders:-

- a. that the WHS Entry Permit of the Eighth and Ninth Respondent be revoked;
- b. that the WHS Entry Permit of the Third, Fourth, Fifth, Sixth and Seventh Respondent be suspended for a period of 6 months or alternatively that conditions be imposed on those WHS Entry Permits, requiring:-
 - i. WHS Entry Permit holder to present at the main site office, located on Sinnamoon Road prior to entering a work area on the Project.
 - ii. WHS Entry Permit holder to clearly specify the details of the suspected contravention, including the particular work group affected / specific location where the suspected contravention is occurring.
 - iii. WHS Entry Permit holder, to be escorted by a fully inducted Project Team member, who has been nominated by the Project.
 - iv. WHS Entry Permit holder to comply with all reasonable safety requirements of the Project, specifically:-
 1. Physically signing into the Project as a Visitor, by recording in writing the date/time on which they arrived, their name and signature to acknowledge they have read and understood the site rules (which may be updated from time to time);
 2. At all times, they are to be escorted by a fully inducted Project Team Member, who has been nominated by the Project.
 3. Exclusion zones are to be maintained at all times.
- v. In the event one or more of the conditions is contravened, the Project is entitled to direct the WHS Entry Permit holder to leave the Project. After being directed to leave, based on a contravention of one or more of the conditions imposed, if the WHS Entry Permit holder refuses to leave or otherwise remains on the Project for more than 5 minutes, their presence on site is unlawful.

- c. the First and Second Respondent are required to instruct in writing all organisers who seek to enter the project to comply with the conditions in 5.b i to v herein.
- d. any other order the Commission considers appropriate.



Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024

QUEENSLAND

Information

- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party.
- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union Employees, QLD

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Second Respondent

Name of Party:

Construction, Forestry and Maritime Employees Union

Name of contact person:

Zach Smith

Postal address:

Suburb/Town

Postcode

Phone number:

[REDACTED]

Mobile number:

[REDACTED]

Email address:

[REDACTED]

Party representative [if applicable]

Organisation:

Name of contact person:

Postal address:

Suburb/Town

Postcode

Phone number:

[REDACTED]

Mobile number:

[REDACTED]

Email address:

[REDACTED]



Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024



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First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Third Respondent

Name of Party:

Dylan Howard

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024

QUEENSLAND

Information

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First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Fourth Respondent

Name of Party:

Hayden Turner-Davy

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024



Information

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- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Fifth Respondent

Name of Party:

Matthew Vonhoff

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024

QUEENSLAND

Information

- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party.
- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/ or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Sixth Respondent

Name of Party:

Dean Mattas

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Matter No:

WH/2024/113

Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024

QUEENSLAND

Information

- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party.
- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Seventh Respondent

Name of Party:

Eben Cox

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024

QUEENSLAND

Information

- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party.
- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Eighth Respondent

Name of Party:

Luke Gibson

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Matter No:

WMS / 2024 / 113

Form 1 - Parties List

INDUSTRIAL REGISTRAR

24 APR 2024

QUEENSLAND

Information

- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party.
- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

☒

Additional Respondent/Defendant number:

Ninth Respondent

Name of Party:

Dean Rielly

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:

WHS Entry Permit Holder**NOTICE OF ENTRY**

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Cody Graham BudgeonName of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy UnionName and Address of Workplace being entered: BMD/Georgio St, Centenary
bridge, TindaleeDate of Entry or Proposed Entry: 29.4.24**PURPOSE OF ENTRY:**

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

- WHS 19 (3)
- separation between mobile plant and workers
 - safe systems of work not being followed
 - access and egress
 - Information, instruction, training not provided to workers

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

Penalties

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

WHS Entry Permit Holder's Signature

No. H 11224

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: DEAN MATIAS

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD/GEORGIO JV, CENTENARY
BRIDGE, JINDALEE

Date of Entry or Proposed Entry: 29.4.24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WMSA 19 (3)

• SEPERATION BETWEEN MOBILE PLANT & WORKERS

• PRE START, LOC WORKS & OPERATION REQUIREMENTS

AS PER OPERATORS MANUAL

• ACCESS & EGRESS

• INFORMATION, INSTRUCTION, TRAINING & SUPERVISION

PROVIDED TO WORKERS REGARDING SAFE SYSTEMS

OF WORK

• FALL FROM HEIGHTS

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

WHS Entry Permit Holder's Signature

No. H 10879

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Dylan Howard

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD Georgiou JV

Centenary Bridge

Date of Entry or Proposed Entry: 29.4.24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act sec 19 (3)

Non compliant access egress.

Temp fencing used as edge protection
falls from heights.

WHS Reg chapter 5 Plant and Structure
202 (2)(A)(B)

Steel not compliant to MRFS78

Information, Instruction, training and supervision
provided to workers around safe systems of work.

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18(1)(d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
-S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
-S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 11142

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: EBEN COX

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD, GEORGIOU-CENTENARY BRIDGE

Date of Entry or Proposed Entry: 29-04-24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS ACT 19 (3)

NON COMPLIANT ACCESS GARESS

FALLS FROM HEIGHTS, TEMP FENCE AS EDGE PROTECTION

WHS REG CHAPTER 5, PLANT AND STRUCTURE 202 (2) (A) (B)

INFORMATION, INSTRUCTION, TRAINING AND SUPERVISION PROVIDED TO
WORKERS AROUND SAFE SYSTEMS OF WORK

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 11143

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Margaret Turner-Reyes

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: Emp/Geogrow JV - Centenary
Bridge upgrade

Date of Entry or Proposed Entry: 29.4.24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS Act 19(3)
- Non Compliant structural steel as per MARS 78
- WHS reg chapter 5 plant a structure
- Falls from heights
- Access/Egress Sec 40 reg
- Temp fencing used for edge protection
- Information, instruction, training & Supervision
provided to workers regarding safe systems of work

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

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

No. H 11338

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Hoani Edwards

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD Georgio JV
Centenary Bridge

Date of Entry or Proposed Entry: 29/4/24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS act Sec 19
Non compliant access + egress
Falls from heights
Temp fencing used as edge
protection.
Non compliant- Structural Steel as per
MRTS 78
WHS reg chapter 5 plant and structure.

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 13977

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Jamie R. Barton

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: Centenary Bridge upgrade
Indalee

Date of Entry or Proposed Entry: 29.04.24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

- * WHS Act S19 Primary Duty of Care.
- * WHS Reg S247 Manage risks associated with carrying out construction on a construction site.
- * WHS Reg S40 Provide safe access & egress under normal & emergency conditions.
- * Non compliant structural steel as per MRTS 78

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

Penalties

- S.118 Person who fails to comply with S.18(1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: Joshua Thompson

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD JV centenary
Bridge upgrade

Date of Entry or Proposed Entry: 29/4/24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
- ☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS ACT 2011 s(19) (3) (A-f)
Fall from heights of more than 2 metres in
work areas
Safe systems of work around water areas
not being
First Aid non compliant

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

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

No. H 14010

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: MATTHEW JOHN VONHOFF

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: BMD GEORGIADIS
CENTENARY BRIDGE JINDALEE

Date of Entry or Proposed Entry: 29-4-24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS ACT 19 3 (A)(C)(D)(F)
WHS REG PLANT AND STRUCTURE 202
2 (A)(B) NON COMPLIANT STRUCTURAL STEEL
FALL FROM HEIGHTS NON COMPLIANT EDGE
PROTECTION
NO SEPERATION BETWEEN MOBILE PLANT AND
WORKERS
SAFE SYSTEMS OF WORK NOT BEING FOLLOWED.

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties
- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 10843

WHS Entry Permit Holder NOTICE OF ENTRY

Section 119 Work Health and Safety Act 2011 ("WHS ACT")

Full Name of Entry Permit Holder: TREVOR SINCLAIR

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: CENTENARY BRIDGE BMD

Date of Entry or Proposed Entry: 29-4-24

PURPOSE OF ENTRY:

- ☒ Section 117 WHS Act - Entry to inquire into a suspected contravention of the WHS Act.
☐ Section 120 WHS Act - Entry to inspect records or information held by another person.
☐ Section 121 WHS Act - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117

Details of the suspected contravention to which this notice relates:

WHS 19 (3)

NON COMPLIANT ACCESS AND EGRESS

FALLS FROM HEIGHTS

TEMP FENCING USED AS EDGE PROTECTION

NON COMPLIANT STRUCTURAL STEEL AS PER MRTS 78

WHS REG CHAPTER 5 PLANT AND STRUCTURE

Additional – for entry under section 120

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

Declaration:

- ☒ The above Union is entitled to represent the industrial interests of workers at this workplace.
☒ The provision in the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
☒ The suspected contravention/s relate to or affects workers the union is entitled to represent.

WHS Entry Permit Holder's Signature

Penalties

- S.118 Person who fails to comply with S.18 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
-S.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
-S.145 Persons must not hinder or obstruct WHS entry holder. (100 penalty units)

No. H 11363

Form 73 – Application to deal with a dispute about right of entry

Work Health and Safety Act 2011, sections 142(4)(b)
Industrial Relations (Tribunals) Rules 2011, rule 87



Information

- Please read this form carefully. Please complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the rejection of your form.

For further information please contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au

This is an application under section 142(4)(b) of the *Work Health and Safety Act 2011* to deal with a dispute.

Between

B.M.D Constructions Pty Ltd

and

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

PLEASE NOTE: If there are more than two parties to this application, please complete a **Form 1 – Parties** list and file it with this form.

Particulars of party making application to deal with the dispute

Name:	B.M.D Constructions Pty Ltd		
Title (basis on which the application is made)(choose one of the following)	☐ WHS permit holder ☐ Relevant union ☒ Relevant person conducting a business or undertaking ☐ Other person in relation to whom the WHS entry permit holder has exercised or purported to exercise the right of entry ☐ Another person affected by the exercise or purported exercise of the right of entry by a WHS entry permit holder ☐ The regulator		
Phone number:		Fax number:	n/a
Mobile number:			
Email address:			
Name of contact person:	c/-Damian Hegarty		
	HBA Legal		
Direct phone number of contact person:		Mobile number:	
Email address of contact person:			

Place where dispute exists
Centenary Bridge Upgrade Project, between Sinnamon Road, Jindalee and Kenmore Road, Kenmore

Subject matter of dispute
<i>(must include sufficient detail) 1000 character limit. (Note: If more than 1000 characters are required please attach a schedule)</i>
Please refer to Annexure.

The industrial instrument affected is, OR the industry in which the dispute arose and/or type of work being undertaken at the place where the dispute arose
<i>1000 character limit. (Note: if more than 1000 characters are required please attach a schedule)</i>
Please refer to Annexure.

Preferred location for [mediation/conciliation/arbitration]
Brisbane

Particulars of the other party to the dispute			
Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland		
Phone number:		Fax number:	
Email address:			
Name of contact person:	Michael Ravbar		
Direct phone number of contact person:		Mobile number:	
Direct email address of contact person:			

Signature of applicant or representative	
Signature:	
Name:	Damian Hegarty
	HBA Legal
Position/Capacity:	Solicitor for Applicant
Date:	30 / 04 / 2024

Queensland Industrial Relations Commission

B.M.D Constructions Pty Ltd
(Applicant)

-v-

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(CFMEIU)
(First Respondent)

Construction, Forestry and Maritime Employees Union (CFMEU)
(Second Respondent)

Dylan Howard
(Third Respondent)

Hayden Turner-Davy
(Fourth Respondent)

Matthew Vonhoff
(Fifth Respondent)

Dean Mattas
(Sixth Respondent)

Eben Cox
(Seventh Respondent)

Hoani Edwards
(Eighth Respondent)

Joshua Thompson
(Ninth Respondent)

Cody Budgeon
(Tenth Respondent)

Jamie Porter
(Eleventh Respondent)

Trevor Sinclair
(Twelfth Respondent)

Dean Rielly
(Thirteenth Respondent)

Annexure to Form 73 – Application to deal with a dispute about right of entry

1. B.M.D Constructions Pty Ltd and Georgiou Group Pty Ltd formed a Joint Venture and were awarded the Centenary Bridge Upgrade project by the Queensland Department of Transport and Main Roads (**the Project**).
2. An Application to deal with a dispute about right of entry was filed by the Applicant on 24 April 2024, concerning matters arising from events on 17 and 23 April 2024.
3. The Application dated 24 April 2024 was mentioned before Commissioner Pidgeon on 29 April 2024. During that mention, the Applicant's representative foreshadowed a further Application to deal with a dispute about right of entry would be filed concerning events occurring on site on 29 April 2024.
4. Pursuant to rule 98 of the *Industrial Relations (Tribunals) Rules 2011*, the Applicant applies to have this Application to be joined with the Application dated 24 April 2024 given the commonality of the issues and parties involved.
5. At paragraph 13 of the Application dated 24 April 2024, the Applicant identified that it reasonably suspected that the matters in dispute will continue and/or be repeated by the Third, Fourth, Fifth, Sixth, Seventh, Eighth and/or Ninth Respondent or other permit holders employed by the First Respondent and Second Respondent.
6. On 29 April 2024, the following individuals attended the Project and accessed the workplace, purporting to enter under section 117 of the *Work Health and Safety Act 2011* (**WHS Act**):
 - a. Dylan Howard;
 - b. Hayden Turner-Davy;
 - c. Matthew Vonhoff;
 - d. Dean Mattas;
 - e. Eben Cox;
 - f. Hoani Edwards;
 - g. Joshua Thompson;
 - h. Cody Budgeon;

- i. Jamie Porter; and
 - j. Trevor Sinclair.
- 7. According to the Register of WHS Entry Permit Holders, published by the Queensland Industrial Relations Commission, each of Howard, Turner-Davy, Vonhoff, Mattas, Cox, Edwards, Thompson, Budgeon, Porter and Sinclair hold both a State WHS Entry Permit and a Federal Entry Permit.
- 8. The individuals identified at paragraph 6 herein produced Notices of Entry, which contained generic statements of suspected contraventions they were purporting to enter site to enquire into.
- 9. In addition to the individuals identified at paragraph 6 herein, Dean Rielly and approximately eight (8) other individuals wearing clothing and/or hardhats displaying CFMEU logos entered the project.
- 10. The individuals mentioned in paragraph 9 herein, did not produce any Notices of Entry and did not otherwise identify themselves.
- 11. The Applicant applies to the Commission to deal with the matters in dispute under section 142 of the WHS Act.
- 12. The Applicant says the matters in dispute include:-
 - a. The Applicant submits the permit holders did not genuinely enter the workplace on 29 April 2024 for the purpose of inquiring into a suspected contravention, given that:
 - i. The permit holders' actions while on site do not correlate with inquiring into the suspected contraventions contained on the entry notices.
 - ii. The permit holders and other individuals referred to in paragraph 9 herein were observed to scale fencing to gain access to work areas that were otherwise excluded.
 - iii. The permit holders and other individuals referred to in paragraph 9 herein were observed to be sitting on a crane.
 - iv. During previous discussions with the Third, Fourth and Fifth Respondents on 24 April 2024, words to the effect of "we are not going to stop until we break BMD" were said.

- v. The individuals referred to in paragraph 9 herein did not produce any Notice of Entry as required by section 119 of the WHS Act.
 - b. The permit holders and other individuals referred to in paragraph 9 herein failed and/or refused to comply with reasonable requests by the Applicant to comply with work health and safety requirements that apply to the workplace, including by:
 - i. Refusing to sign into the Project, to acknowledge that they would be bound to comply with the site safety rules specific to the Project;
 - ii. Accessing the workplace and/or restricted areas within the workplace improperly by jumping over fencing in multiple locations, including temporary fencing approximately 1.8 to 2 metres high.
 - iii. Breaching exclusion zones.
 - c. The permit holders and other individuals referred to in paragraph 9 herein have purported to exercise their right of entry in a manner that intentionally and unreasonably delays, hinders and/or obstructs the Applicant from carrying out work at the workplace, including by:
 - i. Verbally and/or physically intimidating site representatives and site security, including by pushing/shoving site security and calling a site representative a "dog";
 - ii. Accessing site improperly by jumping over fencing;
 - iii. Entering a restricted area of the project and sitting on plant and equipment, including a crane.
13. The Applicant contacted Workplace Health and Safety Queensland, though they failed to respond or attend the Project.
14. The Applicant acknowledges that it is a matter for the Commission to deal with the dispute in any way it thinks fit, including by means of mediation, conciliation or arbitration. The Applicant submits that arbitration is appropriate given the matters in dispute, indication from the permit holders that entry on site can be expected every day, and attempts to resolve the disputes, with the assistance of Inspectors from Workplace Health and Safety Queensland, have been unsuccessful.
15. The Respondents' irresponsible actions pose a significant risk to the health and safety of workers and others on the Project, including:-

- a. The psychosocial health and wellbeing of the Applicant's workers;
- b. The physical safety of the Applicant's workers;
- c. The physical and psychosocial health and wellbeing of members of the public and other persons at the Project where exclusion zones around plant are being breached.

16. The Applicant applies for the following interim orders on an urgent basis:-

- a. WHS Entry Permit holders from the First and Second Respondent are not permitted to enter the Project without first obtaining approval from the Commission, by:
 - i. The WHS Entry Permit holder providing the Commission and the Applicant's representative with a Notice of Entry which adequately and appropriately identifies the suspected contravention that is being inquired into; and
 - ii. The Commission and/or Applicant representative is entitled to test the reasonable suspicion of the WHS Entry Permit holder; and
 - iii. The Commission, WHS Entry Permit holder and Applicant's representative will agree the reasonable safety requirements the WHS Entry Permit holder must follow should approval be granted.
- b. Any entry onto the Project by representatives of the First and Second Respondent who have not obtained approval from the Commission is not permitted under the *Work Health and Safety Act 2011*.
- c. The interim orders remain in effect until such time as the substantive disputes have been heard and determined or otherwise resolved.

17. The Applicant applies for the following substantive orders in relation to the Dispute:-

- a. That the WHS Entry Permit of the Third, Forth, Fifth, Sixth, Seventh and Thirteenth Respondent be revoked;
- b. Alternatively, that the WHS Entry Permit of the Third, Fourth, Fifth, Sixth, Seventh and Thirteenth Respondent be suspended for a period of 6 months or alternatively that conditions be imposed on those WHS Entry Permits, requiring:-

- i. The WHS Entry Permit holder to present at the main site office, located on Sinnamon Road, prior to entering a work area on the Project.
- ii. The WHS Entry Permit holder to clearly specify the details of the suspected contravention, including the particular work group affected / specific location where the suspected contravention is occurring.
- iii. The WHS Entry Permit holder to be escorted by a fully inducted Project Team member, who has been nominated by the Project.
- iv. The WHS Entry Permit holder to comply with all reasonable safety requirements of the Project, specifically:-
 - 1. Physically signing into the Project as a Visitor, by recording in writing the date and time on which they arrived, their name and signature to acknowledge they have read and understood the site rules (which may be updated from time to time);
 - 2. At all times, they are to be escorted by a fully inducted Project Team Member, who has been nominated by the Project; and
 - 3. Exclusion zones are to be maintained at all times.
- c. In the event one or more of the conditions is contravened, the Project is entitled to direct the WHS Entry Permit holder to leave the Project. After being directed to leave, based on a contravention of one or more of the conditions imposed, if the WHS Entry Permit holder refuses to leave or otherwise remains on the Project for more than 5 minutes, their presence on site is unlawful.
- d. The WHS Entry Permit of the Eighth, Ninth, Tenth, Eleventh and Twelfth Respondent be suspended for a period of 6 months, or alternatively, that conditions be imposed on those WHS Entry Permits, requiring:-
 - i. The WHS Entry Permit holder to present at the main site office, located on Sinnamon Road prior to entering a work area on the Project.
 - ii. The WHS Entry Permit holder to clearly specify the details of the suspected contravention, including the particular work group affected / specific location where the suspected contravention is occurring.
 - iii. The WHS Entry Permit holder, to be escorted by a fully inducted Project Team member, who has been nominated by the Project.

- iv. The WHS Entry Permit holder to comply with all reasonable safety requirements of the Project, specifically:-
 - 1. Physically signing into the Project as a Visitor, by recording in writing the date/time on which they arrived, their name and signature to acknowledge they have read and understood the site rules (which may be updated from time to time);
 - 2. At all times, they are to be escorted by a fully inducted Project Team Member, who has been nominated by the Project.
 - 3. Exclusion zones are to be maintained at all times.
- v. In the event one or more of the conditions is contravened, the Project is entitled to direct the WHS Entry Permit holder to leave the Project. After being directed to leave, based on a contravention of one or more of the conditions imposed, if the WHS Entry Permit holder refuses to leave or otherwise remains on the Project for more than 5 minutes, their presence on site is unlawful.
- e. The First and Second Respondent are required to instruct in writing all organisers who seek to enter the Project to comply with the conditions in 17(b)(i) to(iv) herein.
- f. Any other order the Commission considers appropriate.



Form 1 - Parties List



Information

- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party.
- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union Employees, QLD

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Second Respondent [fourth etc]

Name of Party:

Construction, Forestry and Maritime Employees Union

Name of contact person:

Zach Smith

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Name of contact person:

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:



Form 1 - Parties List



Information

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- Please read this form carefully and complete all relevant sections.

**First Applicant/Appellant/
or Claimant** B.M.D Constructions Pty Ltd

v

**First Respondent or
Defendant** Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Third Respondent [third/fourth/etc]

Name of Party: Dylan Howard

Name of contact person: c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation: Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person: Michael Ravbar

Postal address:

Suburb/Town

Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List


INDUSTRIAL REGISTRAR
30 APR 2024


Information

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First Applicant/Appellant/
or Claimant B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Fourth Respondent [second/third/fourth etc]

Name of Party: Hayden Turner-Davy

Name of contact person: c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation: Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person: Michael Ravbar

Postal address:

Suburb/Town

Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List



Information

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First Applicant/Appellant/ or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Fifth Respondent [third/fourth etc]

Name of Party:

Matthew Vonhoff

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List


INDUSTRIAL REGISTRAR

30 APR 2024


QUEENSLAND

Information

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First Applicant/Appellant/ or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Sixth Respondent [third/fourth etc]

Name of Party:

Dean Mattas

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List



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- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Seventh Respondent/fourth etc]

Name of Party: Eben Cox

Name of contact person: c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation: Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLI

Name of contact person: Michael Ravbar

Postal address:

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List


INDUSTRIAL REGISTRAR
30 APR 2024


QUEENSLAND

Information

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- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Eighth Respondent [second/third/fourth etc]

Name of Party:

Hoani Edwards

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List



Information

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First Applicant/Appellant/ or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Ninth Respondent [third/fourth etc]

Name of Party:

Joshua Thompson

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List


INDUSTRIAL REGISTRAR

30 APR 2024


QUEENSLAND

Information

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- Please read this form carefully and complete all relevant sections.

**First Applicant/Appellant/
or Claimant**

B.M.D Constructions Pty Ltd

v

**First Respondent or
Defendant**

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLT

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Tenth Respondent [third/fourth etc]

Name of Party:

Cody Budgeon

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLT

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List



30 APR 2024

Information
- Use this form to provide details of any additional named parties to an application/claim. Use a new form for each additional party. - Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/ or Claimant	B.M.D Constructions Pty Ltd
---	-----------------------------

v

First Respondent or Defendant	Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD
--	---

Additional Party Details [use a new form for each additional party]			
☐	Additional Applicant/Appellant/Claimant number:	[second/third/fourth etc]	
☒	Additional Respondent/Defendant number:	Eleventh Respondent/fourth etc]	
Name of Party:	Jamie Porter		
Name of contact person:	c/- representative below		
Postal address:			
	Suburb/Town	Postcode	
Phone number:		Mobile number:	
Email address:			

Party representative [if applicable]			
Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD		
Name of contact person:	Michael Ravbar		
Postal address:			
	Suburb/Town	Postcode	
	Bowen Hills	4006	
Phone number:		Mobile number:	
Email address:			



Form 1 - Parties List



Information

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- Please read this form carefully and complete all relevant sections.

First Applicant/Appellant/
or Claimant

B.M.D Constructions Pty Ltd

v

First Respondent or
Defendant

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD

Additional Party Details [use a new form for each additional party]

☐

Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]

☒

Additional Respondent/Defendant number:

Twelfth Respondent/fourth etc]

Name of Party:

Trevor Sinclair

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLD

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town Bowen Hills

Postcode 4006

Phone number:

Mobile number:

Email address:



Form 1 - Parties List



Information

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- Please read this form carefully and complete all relevant sections.

**First Applicant/Appellant/
or Claimant**

B.M.D Constructions Pty Ltd

v

**First Respondent or
Defendant**

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLT

Additional Party Details (use a new form for each additional party)



Additional Applicant/Appellant/Claimant number:

[second/third/fourth etc]



Additional Respondent/Defendant number:

Thirteenth Respondent

Name of Party:

Dean Rielly

Name of contact person:

c/- representative below

Postal address:

Suburb/Town

Postcode

Phone number:

Mobile number:

Email address:

Party representative [if applicable]

Organisation:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, QLT

Name of contact person:

Michael Ravbar

Postal address:

16 Campbell Street

Suburb/Town

Bowen Hills

Postcode

4006

Phone number:

Mobile number:

Email address:

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *B.M.D Constructions Pty Ltd v Construction, Forestry, Mining, and Energy Union of Employees & Ors* [2024] QIRC 105

PARTIES: **B.M.D Constructions Pty Ltd**
(Applicant)

v

Construction, Forestry, Mining, and Energy Union of Employees
(First Respondent)

and

Construction, Forestry and Maritime Employees Union
(Second Respondent)

and

Dylan Howard
(Third Respondent)

and

Hayden Turney-Davy
(Fourth Respondent)

and

Matthew Vonhoff
(Fifth Respondent)

and

Dean Mattas
(Sixth Respondent)

and

Eben Cox
(Seventh Respondent)

and

Hoani Edwards
(Eighth Respondent)

and

Joshua Thompson
(Ninth Respondent)

and

Cody Budgeon
(Tenth Respondent)

and

Jamie Porter
(Eleventh Respondent)

and

Trevor Sinclair
(Twelfth Respondent)

and

Dean Rielly
(Thirteenth Respondent)

CASE NOS: WHS/2024/113
WHS/2024/114

PROCEEDING: Application to deal with a dispute about right of entry

DELIVERED ON: 3 May 2024

HEARD AT: Brisbane

HEARING DATES:	3 May 2024
MEMBER:	Pidgeon IC
ORDER:	1. The application is dismissed
CATCHWORDS:	WORKPLACE HEALTH AND SAFETY – Dispute about right of entry – Whether interim relief sought should be granted
LEGISLATION:	<i>Industrial Relations (Tribunals) Rules 2011</i> (Qld) r 98 <i>Work Health and Safety Act 2011</i> (Qld) ss 3(1), 117, 118, 119, 128, 142
CASES:	<i>Australian Broadcasting Corporation v O'Neill</i> [2006] HCA 46
APPEARANCES:	Mr D Hegarty for the Applicant Mr E Dalglish for the Respondents

Reasons for Decision

Introduction

- [1] B.M.D Constructions Pty Ltd ('B.M.D') has applied to the Queensland Industrial Relations Commission ('the Commission') to deal with a dispute about the exercise, or purported exercise, of a right of entry by a Work Health and Safety ('WHS') entry permit holder pursuant to s 142(4)(b) of the *Work Health and Safety Act 2011* (Qld) ('WHS Act').
- [2] The Respondents to the application are the Construction, Forestry, Mining, and Energy Union of Employees, Construction, Forestry and Maritime Employees Union (collectively 'the union') and eleven individual right of entry permit holders, Mr Howard, Mr Turney-Davy, Mr Vonhoff, Mr Mattas, Mr Cox, Mr Edwards, Mr Thompson, Mr Budgeon, Mr Porter, Mr Sinclair and Mr Rielly ('the permit holders') who sought entry to B.M.D's premises.
- [3] The relief sought by B.M.D in the interim application for relief was ultimately framed¹ in the following terms:

The Applicant applies for the following interim orders on an urgent basis:-

¹ See Form 73 – Application to deal with a dispute about right of entry dated 30 April 2024.

- a. WHS Entry Permit holders from the First and Second Respondent are not permitted to enter the Project without first obtaining approval from the Commission, by:
 - i. The WHS Entry Permit holder providing the Commission and the Applicant's representative with a Notice of Entry which adequately and appropriately identifies the suspected contravention that is being inquired into; and
 - ii. The Commission and/or Applicant representative is entitled to test the reasonable suspicion of the WHS Entry Permit holder; and
 - iii. The Commission, WHS Entry Permit holder and Applicant's representative will agree the reasonable safety requirements the WHS Entry Permit holder must follow should approval be granted.
- b. Any entry onto the Project by representatives of the First and Second Respondent who have not obtained approval from the Commission is not permitted under the *Work Health and Safety Act 2011*.
- c. The interim orders remain in effect until such time as the substantive disputes have been heard and determined or otherwise resolved.

[4] The Respondents resist the relief sought and seek that the application for urgent interim relief be dismissed.

Relevant statutory framework

- [5] Section 142 of the WHS Act provides that the Commission may deal with a dispute about a right of entry under the WHS Act.
- [6] There was an attempt at conciliation regarding the application for interim orders on 1 May 2024. This was unsuccessful and so I determined to arbitrate the matter pursuant to s 142(2).

Legal Framework

- [7] The test to be applied in considering whether to grant an interlocutory injunction was set out in *Australian Broadcasting Corporation v O'Neill* ('ABC v O'Neill'),² where Gummow and Hayne JJ said:

[65] The relevant principles in Australia are those explained in *Beecham Group Ltd v Bristol Laboratories Pty Ltd*. This Court (Kitto, Taylor, Menzies and Owen JJ) said that on such applications the court addresses itself to two main inquiries and continued:

“The first is whether the plaintiff has made out a prima facie case, in the sense that if the evidence remains as it is there is a probability that at the trial of the action the plaintiff will be held entitled to relief ... The second inquiry is ... whether the inconvenience or injury which the plaintiff would be likely to suffer if an

² [2006] HCA 46, citing *Beecham Group Ltd v Bristol Laboratories Pty Ltd* (1968) 118 CLR 618 ('ABC v O'Neill').

injunction were refused outweighs or is outweighed by the injury which the defendant would suffer if an injunction were granted.”

By using the phrase “prima facie case”, their Honours did not mean that the plaintiff must show that it is more probable than not that at the trial the plaintiff will succeed; it is sufficient that the plaintiff show a sufficient likelihood of success to justify in the circumstances the preservation of the status quo pending the trial. That this was the sense in which the Court was referring to the notion of a prima facie case is apparent from an observation to that effect made by Kitto J in the course of argument. With reference to the first inquiry, the Court continued, in a statement of central importance for this appeal:

“How strong the probability needs to be depends, no doubt, upon the nature of the rights [the plaintiff] asserts and the practical consequences likely to flow from the order he seeks.”³

The Disputes

- [8] The substantive applications in WHS/2024/113 and WHS/2024/114 seek a range of orders including that the WHS entry permit of two individual respondents be revoked, that the WHS entry permits of some other individual respondents be suspended or that a range of conditions be imposed on their permits.
- [9] In summary, the subject matter of the dispute which is the basis of WHS/2024/113 relates to several permit holders who the Applicant says purported to enter the Project under s 117 of the WHS Act, purporting to exercise rights under s 118 of the WHS Act. The Applicant says the matters in dispute include:
- a. That the WHS permit holders did not hold a reasonable suspicion of any contravention of the WHS Act or the Electrical Safety Act 2022 prior to attending the workplace and have failed to adequately articulate the suspected contravention.
 - b. Whether the permit holders have genuinely entered the workplace for the purpose of inquiring into a suspected contravention in circumstances where they refuse to attend the site compound to inspect documents they have requested to sight.
 - c. The permit holders have made misrepresentations about things they are authorised to do when exercising a right under section 118 of the WHS Act, including asserting that as soon as they provide a Notice of Entry, as required by section 119 of the WHS Act, they are entitled to complete, unfettered access to the Project.
 - d. The permit holders refuse to comply with reasonable requests by the Applicant to comply with work health and safety requirements that apply to the workplace, including signing into the Project, to acknowledge that they would be bound to comply with the site safety rules specific to the Project, and breaching exclusion zones.
 - e. The permit holders have purported to exercise their right of entry in a manner that intentionally and unreasonably delays, hinders and/or obstructs the Applicant from carrying out work at the workplace.
- [10] The Applicant submits that on 23 April 2024, one of the third, fourth or fifth respondents said words to the effect, 'we are not going to stop until we break BMD'. The Applicant said

³ *ABC v O'Neill* (n 2) [65] (emphasis added) (citations omitted).

this causes them to reasonably suspect the matters in dispute will continue or be repeated by the individual respondents or other permit holders employed by the first and second respondents.

[11] In summary, the subject matter of WHS/2024/114 arises from attendance on the Project by ten individuals named in the dispute notice on 29 April 2024. The Applicant says that these individual respondents produced Notices of Entry, which contained generic statements of suspected contraventions they were purporting to enter the site to enquire into.

[12] The application further states that in addition to the named individual respondents, Mr Dean Reilly and approximately 8 other individuals wearing clothing and/or hardhats displaying CFMEU logos entered the Project without the production of Notices of Entry and did not otherwise identify themselves.

[13] The Applicant says that the matters in dispute include:

- a. The Applicant submits the permit holders did not genuinely enter the workplace on 29 April 2024 for the purpose of inquiring into a suspected contravention, given that:
 - i. The permit holder's actions while on site do not correlate with inquiring into the suspected contraventions contained on the entry notices.
 - ii. The permit holders and other individuals referred to in paragraph 9 herein were observed to scale fencing to gain access to work areas that were otherwise excluded.
 - iii. The permit holders and other individuals referred to in paragraph 9 herein were observed to be sitting on a crane.
 - iv. During previous discussions with the Third, Fourth and Fifth Respondents on 24 April 2024, words to the effect of 'we are not going to stop until we break BMD' were said.
 - v. The individuals referred to in paragraph 9 herein did not produce any Notice of Entry as required by s 119 of the WHS Act.
- b. The permit holders and other individuals referred to in paragraph 9 herein failed and/or refused to comply with reasonable requests by the Applicant to comply with work health and safety requirements that apply to the workplace, including by:
 - i. Refusing to sign into the Project, to acknowledge that they would be bound to comply with the site safety rules specific to the Project;
 - ii. Accessing the workplace and/or restricted areas within the workplace improperly by jumping over fencing in multiple locations, including temporary fencing approximately 1.8 to 2 metres high.
 - iii. Breaching exclusion zones.
- c. The permit holders and other individuals referred to in paragraph 9 herein have purported to exercise their right of entry in a manner that intentionally and unreasonably delays, hinders and/or obstructs the Applicant from carrying out work at the workplace, including by:

- i. Verbally and/or physically intimidating site representatives and site security, including by pushing/shoving site security and calling a site representative a 'dog';
- ii. Accessing the site improperly by jumping over fencing;
- iii. Entering a restricted area of the Project and sitting on plant and equipment, including a crane.

Submissions before the Commission

- [14] Given the urgent nature of the hearing, I asked the parties to hand up written submissions at the hearing this morning and to speak to those. I asked some questions and the parties were offered an opportunity to reply to each other's oral submissions. While I have set out some of the arguments of the parties below, it is worth noting that I have not attempted to capture every submission made.

Applicant's submissions

- [15] The Applicant says that the actions set out above pose a significant risk to the health and safety of workers, others on the Project and members of the public.

- [16] In written submissions handed up at the hearing this morning, the Applicant states that it is pressing all of the matters summarised above from [9] – [13]. For the purposes of the interim relief sought, the Applicant says it relies upon the following conduct:

- a. The permit holders' refusal to comply with reasonable requests by the applicant to comply with work health and safety requirements that apply to the workplace, including signing into the project, to acknowledge that they would be bound to comply with the site safety rules in respect of the Project, and breaching exclusion zones;
 - i. At all times, the respondents have been informed that signing the visitor register so that the applicant has a record of who is on site together with it serving as a record of the respondents acknowledgement of the site specific safety rules they are to be bound by, is a reasonable safety requirements that needs to be completed prior to any entry to the workplace.
 - ii. The applicant has repeatedly informed the respondents that it would facilitate entry upon the respondents complying with the reasonable safety requirements set out on the visitor sign in register.
 - iii. Rather than comply with the reasonable safety requirements of the applicant, the respondent have barged their way through and past workers at the Project creating a risk of physical and psychological injury for those workers on the Project.
 - iv. Rather than comply with the reasonable safety requirements of the applicant the respondents have scaled retaining walls, climbed fences, entered exclusion zones immediately adjacent to live traffic travelling along the Centenary Highway and interfered with control measures to prevent public access to work areas.
- b. The permit holders have purported to exercise the right of entry in a manner that intentionally and unreasonably delays, hinders and/or obstructs the applicant from carrying out work at the workplace, including acting in an unsafe manner upon entry and acting in a manner that risks the safety and health of the applicant and its workers, including their psychosocial health and safety.

c. The conduct of the respondents also poses a significant risk to public health and safety.

- [17] The Applicant says that even where a WHS entry permit holder has a right to enter a site, which they do not concede regarding any of the entries subject of this dispute, they do not have a licence to behave as they see fit, let alone in an unsafe manner or a manner that hinders or obstructs the operations of the site.
- [18] The Applicant's written and oral submissions set out the reasons why it believes the Commission should make the orders it seeks in the substantive application. Effectively, it states that it will be able to demonstrate that valid grounds exist (in the form of the behaviour it describes above) to support the making of orders.
- [19] The Applicant says that the balance of convenience strongly favours the granting of interim orders. The Applicant notes the 'speedy hearing' listed for 13-15 May. The Applicant also notes that the interim order it seeks 'does not seek to prohibit the exercise of a right of entry, rather, provide clarity of expectations for the Applicant and the Respondents. The Applicant further argues that the granting of interim orders will 'protect the health and safety of both permit holders, members of the public and workers on the Project'. Finally, the Applicant says that interim orders will minimise the effect of delays and cost to the Applicant. The Applicant submits that 'the direct costs associated with ceasing work due to improper conduct of the Respondents is no less than \$237,000 per day.

Respondents' submissions

- [20] The Respondents submit that the orders proposed by the Applicant are without merit and are contrary to law.
- [21] Regarding entry to the Project, the Respondents say that there is no planned right of entry by CFMEU permit holders on site unless a risk to the health and safety of workers is identified and requires entry. Further, the Respondents say that if a risk to the health and safety of workers is identified and permit holders are required to enter the site, they would do so lawfully under ss 117, 118 and 119 of the WHS Act.
- [22] The Respondents point out (and it is not contested) that the parties are waiting for a report by the Inspectors from Workplace Health and Safety Queensland regarding the matters in issue.
- [23] The Respondents submit that permit holders required to comply with the Applicant's work health and safety requirements on site have not been informed of the Applicant's health and safety policy document and have only been provided with a copy by way of Mr Hegarty's affidavit today. The Respondents say that this means it has not been able to review the document in order to consider the request from the PCBU.
- [24] The Respondents submit that there is 'no admissible evidence before the QIRC of any interference on site or with right of entry by the CFMEU'. In support of this submission, the Respondents say that there is no reason why the Applicant's evidence should be accepted. Without setting out all submissions, I note the Respondent's argument that a

consideration of the facts and the relevant law in this matter require a consideration of all circumstances in which the matters in dispute arise.

- [25] Further, the Respondents say that when the substantive matter is to be heard within a short period of time, no interim order should be made because it is not in the public interest having regard to how weak the Applicant's claim is.
- [26] With regard to the Applicant's submissions that it has made 'reasonable requests' of the Respondents to comply with work health and safety requirements to enter the workplace pursuant to s 128 of the WHS Act, the Respondents say that to date no 'reasonable request' has been made to the CFMEU and that no BMD policy has been presented to the CFMEU for its consideration in relation to right of entry and its permit holders.
- [27] The Respondents' written submissions address the purpose of the WHS Act and the relevant sections of the Act.⁴ The Respondents then go on to submit that the substantive applications 'are no more than a scheme to defeat the entry by the CFMEU to *unreasonably hinder or delay the exercise of the statutory rights* by CFMEU permit holders'. The Respondents say that the WHS Act serves a public purpose for providing for minimum workplace health and safety standards for workplaces and that it is not in the public interest to defeat lawful entry by CFMEU permit holders.
- [28] The Respondents submit that in giving effect to the Act's purpose of securing the health and safety of workers and workplaces⁵ the Act confers a right on permit holder to elect to lawfully enter a workplace that would otherwise be deemed trespass. The Respondents submit that the Commission could not make an order that would operate to defeat a statutory purpose where statutory rights are conferred in the public interest.
- [29] The Respondents make submissions about the amending section 128 of the WHS Act and states that it clarifies that a PCBU cannot require a WHS entry permit holder to comply with an occupational health and safety requirement at the site if compliance with that requirement 'would unreasonably hinder or delay the exercise of the statutory rights' conferred by sections 117 and 118 of the WHS Act or would otherwise defeat the exercise of those rights.
- [30] The Respondents says that the Applicant's substantive case seeks the interim and final orders against the CFMEU and the individual permit holders on the basis that permit holders haven't 'signed in' at a workplace despite the fact that: a permit holder has already been identified through their entry notice/permits; the requirement does not apply to all visitors, only permit holders; and the permit holder would need to travel to a location, away from the location at which entry is sought to sign in.
- [31] The Respondents further note that the Applicant seeks the orders on the basis that permit holders must be 'inducted into a workplace' despite the fact that the permit holders have been trained previously in WHS legislation and site safety, or inducted previously or would

⁴ Respondents' written submissions [10]-[12].

⁵ Section 3(1) *WHS Act*.

need to travel to a location away from the location at which entry is sought, to be inducted. The Respondents are also critical of the Applicant's argument that permit holders have entered certain areas to which entry is prohibited, even where the area relates to the permit holder's suspicion of a contravention.

- [32] The Respondents make submissions about the operation of s 128 of the WHS Act from [23]-[31]. I will not set those submissions out here as I have concluded that arguments such as these will be best addressed at the hearing of the substantive matter on 13 May 2024.
- [33] With regard to the Applicant's submissions or content of the dispute notices addressing the notices of entry provided by the permit holders on the dates relevant to the dispute, the Respondents submit that entry notices are not a pre-requisite to a valid entry. Further, the Respondents say that any inadequacies in an entry notice do not stop access to a workplace.

Should the interim orders sought by B.M.D Constructions Pty Ltd be granted?

Prima facie case / genuine dispute between the parties

- [34] The matters set out above clearly demonstrate that there is a dispute between the parties. The facts of the matter and the applicable law are contested. Based on the material available to me, there is clearly a question to be tried. I do not think it is possible or necessary at this stage to comment on the likelihood that the Applicant will be successful in its substantive application. I have expedited the hearing of the substantive applications to deal with disputes WHS/2024/113 and WHS/2024/114 and to that end, I have listed a three day hearing from 13 May 2024.
- [35] I have viewed the CCTV footage and the body worn camera footage presented by the Applicant.⁶ No one depicted in the footage gave evidence at the hearing today. Even if I were willing to make an assessment of that footage in the absence of commentary from those depicted in it, it appears that the real controversy arises from an argument about whether requests regarding work health and safety requirements made of the Respondents pursuant to s 128 of the WHS Act were reasonable or whether the Respondents were properly acting in compliance with the requirements imposed on permit holders by ss 117, 118 and 119 of the WHS Act. All of these matters will be addressed at the hearing commencing on 13 May 2024.

Balance of convenience

- [36] I find that the balance of convenience does not support making the urgent interim orders sought by the Applicant.

⁶ DJH1 Body worn camera footage from 23 April 2024; DJH3 Body worn camera footage; DJH4 CCTV camera footage from 29 April 2024; DJH6 Chronology of body worn camera and CCTV camera footage.

- [37] Firstly, while there were events at the Project on 23 April 2024 and 29 April 2024 that gave rise to the dispute notices filed by the Applicant, as at the time of the hearing this morning, there has been no further attendance at the Project by any of the Respondents.
- [38] Secondly, I have expedited the hearing of the substantive matters and it will commence in ten days from now.
- [39] Thirdly, the orders sought relate to *all* permit holders employed by the First and Second Respondents. I do not think that this is warranted in circumstances where the First and Second Respondent employ many people who are permit holders and I have no information before me as to who these people are or what actions they have taken that should give rise to a serious condition being imposed on them.
- [40] Fourthly, I see no practical need or utility for the orders which are sought. The legislative scheme provides for the Applicant to raise a dispute about right of entry. This is open to the Applicant at any time in the coming days prior to the hearing commencing on 13 May 2024.
- [41] I also note that the parties await a report by Inspectors from the Workplace Health and Safety Regulator regarding some of the matters in issue. I have no other information about that process and I am unable to comment on what effect, if any, it may have on the parties' positions regarding the substantive disputes.
- [42] There is some question in my mind as to whether the orders sought are actually orders I can make; however I do not need to consider that matter as I am not making the orders. I am concerned that the orders sought pre-empt a situation where a permit holder does not comply with the Act. Further, the interim orders ask the Commission to determine and supervise all activities of permit holders employed by the First and Second Respondent as they relate to the Project. The interim order sought also seeks that the Commission involve itself in a tripartite process to determine health and safety requirements for each exercise of a notice of entry. It seems to me that the interim orders sought are impractical, virtually unworkable and unsustainable.
- [43] Further to that, the Applicant seeks an order that no permit holder employed by the First and Second Respondents can enter the Project without approval from the Commission. I understand that the Applicant cites a health and safety risk as a significant basis for the interim orders. However, the Respondents also cite the health and safety risks which emerge when permit holders are unable to enter the Project to inquire into a suspected contravention of the Act.
- [44] Finally, the parties currently have a listing for a conciliation conference on Thursday 9 May 2024 before Commissioner Gazenbeek. It is a matter for the parties whether they wish to go ahead with this conference, however I make two observations: the first is that if further disputes arise at the Project, they could form the basis of discussions on 9 May 2024 (or be joined to the matters I am hearing on 13 May 2024 pursuant to

rule 98 of the *Industrial Relations (Tribunals) Rules 2011* (Qld). The second observation is that if the parties are genuine in their desire to explore BMD's health and safety policy for the Project and how that policy might provide for a 'reasonable request' made of a permit holder by BMD, these are matters which may be discussed at the conciliation conference or future report back conferences. Those discussions may occur concurrently with any arbitration of the matters before me.

Order

[45] The application is dismissed.

From: Gary Samuel (HOST) <[REDACTED]>
Sent: Wednesday, 14 August 2024 11:37 AM
To: Rob Pickard; Steve Thomas
Subject: Response

Gents,

This is my position given what I believe is a smear campaign against my company . I do not want to in any way compromise BMD or its management with this issue and questions that have come to me from an ABC news reporter direct.

Please let me know if this impacts BMD in anyway before I send it. I can only assume the CFMEU is behind this and are now trying to create a false narrative and disinformation to distract the public and officials and put doubt in BMD about my company and the services we provide.

My response.

Bemir Saracevic and Krstomir Bjelogrljic have no role whatsoever with Host. There has been no payment to Wisepath and we don't know who they are. Any suggestion otherwise is utterly untrue and is consistent with ongoing smear campaigns by those who have recently been exposed for their own ethical, compliance and legal failings.

We are aware of recent revelations of the CMFEU having been infiltrated by alleged criminal syndicates. By comparison, we have had a constructive working relationship with the Australian Workers Union (AWU) on our building sites for many years.

We are aware of an ongoing turf war between the CMFEU and the AWU for members, and influence over the building industry in various Australian states, which explains why some people are now trying to smear legitimate building interests in Queensland.

We will continue to stand against union intimidation, thuggery and smear tactics.”