



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURTS**

**TUESDAY, 18 AUGUST 2026
AT 10.00 AM**

DAY 42

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms G Feely – Counsel Assisting
Mr C Murdoch KC – BMD Group, BMD Witnesses
Mr D de Jersey KC – Counsel for the State of Queensland
Ms S Amos – Counsel for the State of Queensland
Mr C O'Grady KC – Counsel for the CFMEU Administration
Ms A Hughes – Counsel for the CFMEU Administration
Mr B Kidston – Counsel for SMEC Australia
Ms K Hillard – Counsel for The Honourable Grace Grace MP
Ms L Cullen – Legal Team Assisting
Mr Garry Grant – Witness
Mr Robert Pickard – Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Deal with appearances. Mr Gisonda, you continue to appear with Ms Feely as counsel assisting?

5

MR GISONDA: Yes, Commissioner.

COMMISSIONER: Mr Murdoch, you continue to appear for the BMD Group and the BMD witnesses?

10

MR MURDOCH: Yes, may it please the Commission.

COMMISSIONER: Mr de Jersey, you continue to appear as counsel for the State of Queensland with Ms Amos?

15

MR DE JERSEY: Yes, Commissioner.

COMMISSIONER: Mr O'Grady, you continue to appear as counsel for the administrator with Ms Hughes?

20

MR O'GRADY: Yes, Commissioner.

COMMISSIONER: Mr Jennings, you continue to appear as counsel for - oh, not there. Just you, Mr Kidston, for SMEC Australia.

25

MR KIDSTON: That's so, Commissioner, thank you.

COMMISSIONER: And Ms Hillard, you appear as counsel for the Honourable Grace Grace MP?

30

MS HILLARD: Yes, thank you, Commissioner.

COMMISSIONER: Very well. Mr Gisonda, what are we doing this morning and this week?

35

MR GISONDA: Thank you, Commissioner. We will continue to examine now as a more specific - a more specific example, illustrative example of the conduct that was occurring in relation to transport projects in the State of Queensland to which the BPIC policy applied, that project being the Centenary Bridge, and we will hear this week from senior personnel from the joint venture, the joint venture consisting of BMD and Georgiou, as well as a witness from the Department of Transport and Main Roads who was involved in the project, and the contract administrator, Mr Kidston's client, for that project.

40

45 Before continuing on with the evidence, can I do a couple of things. First of all, can I just answer some questions that you had raised in the last hearing, Commissioner, one being whether - you might recall that on page 11 of the BPIC bundle 4, there was

a letter of 10 December 2020 that was sent to the Deputy Prime Minister, who was the relevant Minister for Infrastructure, about the KRAs being applied in relation to Centenary Bridge. The KRAs, you will recall, is the conduit through which the BPIC policy was introduced, and you asked whether before the Federal Government
5 received that letter on 10 December there was any evidence of consultation between the State of Queensland and the Federal Government about the policy.

We can't find any evidence at the moment of any communications that took place between the State of Queensland and the Federal Government before the State of
10 Queensland Government approved in September 2020 the BPIC policy and the KRAs being used for the introduction of the BPIC policy, and it appears that the plan of the State Government was to approve the policy first and then seek to consult with the Australian Government, with the aim of gathering their support for that policy.

15 You then asked whether - you will recall there was a commitment of the Federal Government of \$112 million to the Centenary Bridge Upgrade, and there was a circa \$54 million increase in the cost of Centenary Bridge. You'll recall that the joint venture submitted a revised tender and there was that uplift, which included costs which they attributed to BPIC, and you queried whether the Australian Government
20 did end up funding half of that additional cost. And in November 2023, the Australian Government did commit an additional \$27 million to the project.

COMMISSIONER: Which year was that, sorry?

25 **MR GISONDA:** That was November 2023.

COMMISSIONER: So it went from about 225 or so. There was 20 million the Queensland Government had put in as a scoping study, then there's 225, which is about - I could be wrong about that; might have been 220. That got it to just under
30 250, and then there was another 50-odd that got it to just under 300 million.

MR GISONDA: Yes. So the Australian Government contribution in November 2023 was \$139 million by that stage. The anticipated cost - this is at page 276 of bundle 4 - in November of 2022, when it was noted that a request for additional
35 funding from the Australian Government would be made, it was expected at that point that the funding increase would bring the project's total revised budget to 298 million.

COMMISSIONER: And I think you mentioned at the last hearings there was some
40 significance to that because it was under the 300 million that the BPIC+ -

MR GISONDA: Yes. BPIC+ kicked in at \$300 million. And then, finally, the other question you asked was about a worker on the site, a crane operator by the name of Cody Raymond, who was referred to in an email from Mr Leigh Hahn, and you
45 queried whether Mr Raymond was made a CFMEU delegate in response to some of the disruption on site, particularly when they were - they were interrupting the delivery of steel in early 2024. Now, whether he was made a delegate because of

those events or not is unclear, but what I can tell you is that there were initially three crane drivers who were employed on the site in as early as October 2023: Paul Arcadiou, Jason Smith and Cody Raymond. Cody - they were all paid an HSR allowance. The first two were AWU members, and it appears that Mr Cody
5 Raymond was a CFMEU member. The date that Mr Raymond became a delegate on the site was 6 March 2024.

You might recall in that email that was in evidence from Mr Leigh Hahn, he identified that Mr - he had no evidence presented to him at least that Mr Raymond
10 was voted up by the workers on site. It's not clear whether - it's not clear who would have been entitled to vote for him to be a delegate, because as I say, at that stage it appeared that there were only a limited number of crane drivers on site, two of whom were AWU members. And on 15 May 2024, when BMD contained an urgent
15 injunction against the CFMEU and various of its officers, the CFMEU were making arrangements to ensure that all relevant people within its organisation were notified of the terms of the injunction, and they were able to identify that Mr Raymond was one such delegate on site, and so that he was someone to whom the terms of the injunction needed to be provided.

But as I say, there doesn't appear to be much evidence, if any, about the
20 circumstances in which Mr Raymond was made a CFMEU delegate on the site and whether it was linked to some of the activity that was occurring on site. You'll recall that where we left off at the last hearing, Commissioner, was members of the CFMEU or persons associated with the CFMEU were blocking the - were blocking a
25 truck from entering the site on 14 May, and the police were called and the police gave a move-on direction that was ignored. And as a consequence, the truck was moved on and the delivery couldn't take place on that day.

COMMISSIONER: That's the concrete pour.

MR GISONDA: The concrete pour. And can I just provide your Honour with a document that adds a little bit more context to the events of that day. If I could have brought up on the screen, please, document CBU-32. And as we're waiting for it to be brought up, it's a letter from the CFMEU, in particular Mr Ravbar, to the
35 Commissioner of Queensland Police at the time, Mr Gollschewski. And in that letter, which is dated 10 May, Mr Ravbar refers to the memorandum of understanding, which is between Queensland Police and Workplace Health and Safety. That memorandum of understanding you've seen before, Commissioner. It's exhibit SLS-7. It was introduced through Ms Stacey Schinnerl's evidence.

COMMISSIONER: There was various versions of that, weren't there? I think there were at least two in evidence.

MR GISONDA: This particular one that's in evidence is dated 20 April 2022, and
45 it's that version that Mr Ravbar refers to. It's on the screen now, Commissioner, and you'll see that he refers to that memorandum of understanding. He refers to a video that was provided to the police as well, and I'll play you a short bit of that video in a

moment, just so you have the context. And what he says under Unlawful Police Conduct is that he urges the Commissioner to watch the video because it reveals the manner in which representatives of the Queensland Police Service dealt with an attempted exercise of entry rights under the Work Health and Safety Act.

5

He says that that video shows the QPS breaching or coming perilously close to breaching the legislative provisions, including the Fair Work Act and the Work Health and Safety Act. Those are effectively provisions that prevent somebody from exercising their rights under the Fair Work Act or the Work Health and Safety Act.

10 And he says:

"The union is currently considering its position in relation to the potential breaches, and specifically the union is assessing whether it is necessary to commence litigation regarding the potential breaches. Your response to this correspondence will have a significant bearing upon that assessment."

15

He then refers to the MOU under the heading Inappropriate Police Conduct. He says that that MOU is embedded within the Queensland Police Service operational procedures, and he then says:

20

"Leaving to one side a debate about whether the QPS acted unlawfully, I am sure that we can agree that the QPS acted inappropriately. That is because the QPS appeared to have ignored the MOU."

25 And then over the page he identifies five separate features of that MOU that he says were contravened - my word - and he says that he is not aware of:

"Any, let alone any valid explanation for the QPS ignoring the MOU."

30 He then says - this is just going down the page a bit:

"With respect, had the QPS followed the MOU, the outcome could have been very different."

35 And then the next paragraph after that, he calls on the QPS to confirm by return correspondence that it remains committed to the MOU and it will take steps to ensure that in future its officers will strictly comply with the MOU.

40 **COMMISSIONER:** The letter's headed Dutton Park, so it relates to something at Cross River Rail, does it?

45 **MR GISONDA:** Yes, it does. So the circumstances are these: there was an incident on 3 May at the Dutton Park site of the Cross River Rail project. It involved Mr Vonhoff and others attempting to enter site pursuant to a section 117. The police were there and the police then moved them on. And perhaps I'll play the video that accompanied this letter, just for context. I'm not seeking to make a point that either Mr Vonhoff or the police or someone from Cross River Rail at this point acted

unlawfully or inappropriately; it's just the context so you then see how this letter came about. So that would be CBU-33, please.

(Video played).

5

MR GISONDA: So, Commissioner, just to remind you, at that point in time, there was protected industrial action taking place on the Cross River Rail site. That was an attempted entry on what the CFMEU believed to be the site office for the Cross River Rail project, at least in relation to Dutton Park. You would've seen there that
10 there was what appeared to be a move-on from Queensland Police, and that's all context for this letter, which is sent by, as I say, Mr Ravbar to the Commissioner of Police four days -

15

COMMISSIONER: Mr Ingham, I think you said before.

MR GISONDA: Sorry if I said Mr Ingham; it's Mr Ravbar - four days before the incident that we looked at last in last week's hearing - the week before last's hearing.

20

COMMISSIONER: So the incident was 3 May, the letter is 10 May, and the incident of the concrete pour was 14 May.

25

MR GISONDA: 14 May, yes. And so the high-pressure situation that - let's just start with police. The police might have issues in relation to understanding or navigating workplace rules and procedures. It might have resourcing issues. But it also has, at least by this point, potential legal issues as well, that is to say, they have the union saying that certain actions by the police may constitute either inappropriate police conduct or unlawful police conduct, and the CFMEU is, at that point, reserving its rights about what action it would take against the police.

30

So that's the, as I say, high-pressure situation and context in which the police found itself. We've already looked at the high-pressure situation that the joint venture found itself. It's important context, in my submission, for the engagement of security and other related personnel on the site by the joint venture, and in particular BMD, because as I also showed you at the last hearing week, BMD were the subject of a
35 nationally coordinated campaign by the CFMEU against the company and its people. And we're going to look at in more detail this week some of the things that happened to the people associated with BMD, particularly those who were at the senior echelons of the company, BMD. I felt that there was a little bit of confusion or uncertainty about precisely how the site looked, based on last week, so -

40

COMMISSIONER: Is this letter and the video in evidence?

45

MR GISONDA: No. I can tender that, Commissioner. And if you were to accept the tender, it would be CBU-32 and CBU-33.

COMMISSIONER: So the letter will be CBU-32?

MR GISONDA: Yes.

COMMISSIONER: Letter - sorry, is there any objection to tender of the letter or the video? Letter, 10 May 2024 from Mr Michael Ravbar to the Commissioner of the Queensland Police Service re right of entry by CFMEU officials at Dutton Park on 3 May 2024 will be CBU-32.

<EXHIBIT CBU-32 LETTER 10/5/2024 FROM MR MICHAEL RAVBAR TO COMMISSIONER OF QUEENSLAND POLICE SERVICE RE RIGHT OF ENTRY BY CFMEU OFFICIALS AT DUTTON PARK ON 3/5/2024

COMMISSIONER: And is it police body-worn camera footage?

MR GISONDA: No, it appears to be body-worn footage of Mr Vonhoff, it appears.

COMMISSIONER: Body-worn camera footage of Mr - is it Matthew?

MR GISONDA: Matthew, yes.

COMMISSIONER: Mr Matthew Vonhoff, 3 May 2024 at the site office to Dutton Park Cross River Rail construction site showing attempted right of entry will be CBU-33.

<EXHIBIT CBU-33 BODY-WORN CAMERA FOOTAGE OF MR MATTHEW VONHOFF 3/5/2024 AT SITE OFFICE TO DUTTON PARK CROSS RIVER RAIL CONSTRUCTION SITE SHOWING ATTEMPTED RIGHT OF ENTRY

MR GISONDA: Now, as I was saying, Commissioner, I just felt that there was a little bit of a lack of clarity or certainty about precisely how the site was - how it looked in mid-2024. Do you have there, Commissioner - and I will have it brought up on the screen - two folders of additional documents. And I'm looking at document 71 in particular, and you'll see that on the screen. That's the Centenary Bridge project site in June of 2024, and you'll see there on the right-hand side, that's the Centenary Motorway, and on the left-hand side, you will see a whole lot of construction activity. That's the site itself, and this is just before one hits the Brisbane River there. So do you see that, Commissioner?

COMMISSIONER: Mmm.

MR GISONDA: And then over the page, do you see where it says Site Entrance, there on the bottom right-hand side? That's where the truck was trying to enter on 14 May. And you'll see there, just to the left of that, what's called here, at least on this document, a shared bike path, and you would've seen in some of the interactions between the police and union officials, you saw people coming along on their bikes. So that's the shared bike path. And as you follow the shared bike path up a little bit, you come to where the site office was at that point. And you'll also then see the

identification of Sinnamon Road, which you would have heard a bit about last week, and the gym car park, just off Sinnamon Road, which is where we heard the CFMEU were camping out for a period of time.

5 And if you go over the page, you'll see an identification of where the motorway ramp is. So that's the ramp to get onto the Centenary Motorway, and you'll see just in that picture how very quickly, if you don't have free passage of a truck at that point, there will quickly be a bank-up of traffic trying to get onto the Centenary Motorway. And then over the page, you'll just see how the shared bike path continues to go up the
10 side of the entirety of the construction site. And then over the page again, you'll see there a crossing over the shared bike path which then takes you into a driveway, and that was - you saw some videos last week on that driveway of where some of the activity was occurring between the union and some of the personnel on site. And then on the last page of this visual aid, that driveway takes you down to the site, the
15 rest of the site, which is on the embankment of the river there.

And then at document 72, these are just some street views. So you're looking up Sinnamon Road towards the project site. And then perhaps if we go to the fourth page, you'll see there, Commissioner, that that's where the particular activity on 14
20 May took place, and again, that's another - you'll see where the green ute is. That's really the only ability for a car to enter the Centenary Motorway from that road. And so because of the banking-up of traffic, something has to give in order to ensure the free passage of traffic at that site. So perhaps if I can tender document 71, which is the aerial shots of Centenary Bridge project site in June 2024.

25

COMMISSIONER: You don't want to tender the whole bundle?

MR GISONDA: No.

30 **COMMISSIONER:** Is there any objection? What was the date again?

MR GISONDA: It's June 2024. 3 June, in fact. And that will be CBU-34.

35 **COMMISSIONER:** Six pages of - or six photographs - six marked photographs of Centenary Bridge construction site, 3 June 2024, will be CBU-34.

<EXHIBIT CBU-34 SIX MARKED PHOTOGRAPHS OF CENTENARY BRIDGE CONSTRUCTION SITE, 3/6/2024

40 **COMMISSIONER:** And five marked photographs of entrance to Centenary Bridge construction site at Sinnamon Road will be CBU-35.

<EXHIBIT CBU-35 FIVE MARKED PHOTOGRAPHS OF ENTRANCE TO CENTENARY BRIDGE CONSTRUCTION SITE AT SINNAMON ROAD

45

MR GISONDA: Thank you, Commissioner. And then if I could then, just to round out this visual assistance, if I could play CBU-29, which was tendered in the last

hearing week, please. From the 25-second mark, if possible. The audio will start in a second.

(Video played).

5

MR GISONDA: So, Commissioner, there, that's where the protest took place, not on this day - sorry, it is on this day, 14 May. That's where they were stopping the pour from happening, where on the map we saw the site entrance arrow. And they're now walking up the shared bike path. So if we can keep playing.

10

(Video played).

MR GISONDA: And just pause there for a moment. And then see that's the site office, Commissioner. And then keep going.

15

(Video played).

MR GISONDA: Stop it there. And then this is where we saw on the map the crossing, and where - those security guards there at the gate, that's the driveway that then goes down to the further part of the site on the embankment of the river. So that's the shared path. Along the right-hand side of the entirety of the path is the construction site. A little bit into the path, you come across the site office, and then as you continue to walk up, there's this crossing that takes you down to the site on the embankment of the river.

25

So I hope that with those visual aids and that video, you, Commissioner, now have a better feel of the layout and organisation of the site as it stood in the middle of 2024 when these events were taking place. And so with that background, I might then call our first witness, which is Mr Gary Grant from BMD, please.

30

COMMISSIONER: Is Mr Grant in the hearing room? Mr Grant, would you come forward into the witness box, please.

<GARY ALEXANDER GRANT, AFFIRMED

35

<EXAMINATION BY MR GISONDA

COMMISSIONER: Thank you, Mr Grant. Please take a seat. Mr Gisonda.

40

MR GISONDA: Thank you, Commissioner, and thank you, Mr Grant, for your attendance today. Can I confirm with you that you affirmed a witness statement on 12 August 2026 in answer to a notice that was issued to you by this Commission of Inquiry?

45

MR GRANT: Correct.

MR GISONDA: And that statement is 164 paragraphs long and 14 pages long, and it is accompanied by a bundle of exhibits which is 383 pages long, consisting of 43 individual exhibits. Does that sound right?

5 **MR GRANT:** Correct, yes.

MR GISONDA: And have you had an opportunity to read that statement again recently?

10 **MR GRANT:** Yes.

MR GISONDA: And is it true and correct?

15 **MR GRANT:** Yes.

MR GISONDA: I tender the statement, Commissioner.

COMMISSIONER: Are there any objections? No. Do you have a middle name, Mr Grant?

20 **MR GRANT:** Alexander.

COMMISSIONER: Witness statement of Gary Alexander Grant, 12 August 2026, 14 pages, 164 paragraphs with 43 annexures will be exhibit GAG-1.

25 **<EXHIBIT GAG-1 WITNESS STATEMENT OF GARY ALEXANDER GRANT, 12/8/2026, 14 PAGES, 164 PARAGRAPHS WITH 43 ANNEXURES**

30 **MR GISONDA:** Thank you, Commissioner. And Mr Grant, could I just ask you, just looking at the first page of your statement if it assists, are you able to tell the Commissioner, just in brief terms, a bit about your experience in the construction industry, please?

35 **MR GRANT:** Yep. So I've been with BMD 23 years. I started as a labourer and worked my way through the supervision ranks up to superintendent of multiple sites and then currently as a regional construction manager.

COMMISSIONER: A regional what, sorry?

40 **MR GRANT:** Construction manager.

MR GISONDA: And could you tell the Commissioner, please, what does the role of regional construction manager involve?

45 **MR GRANT:** So it involves looking after multiple projects, up to five or six projects, whereby the project director and project management team report to myself.

MR GISONDA: And can I ask you to confirm whether one of those projects that you worked on was the Deception Bay Interchange Upgrade Project?

MR GRANT: Correct.

5

MR GISONDA: And can you tell the Commissioner a little bit about what that project was?

10 **MR GRANT:** So it was a duplication on and off ramps of the Bruce Highway at Burpengary, the Deception Bay Road exit, with multiple bridges over the motorway and over some creeks and stuff, and pedestrian footpaths, bridges, et cetera.

15 **MR GISONDA:** And you say that - this is at paragraph 10 of your statement - that the beginning of construction works on that project began in about 2019; is that right?

MR GRANT: That's correct.

20 **MR GISONDA:** And the dealings that you had with the CFMEU on site were pleasant or uneventful, at least at the beginning; is that right?

MR GRANT: That's correct.

25 **MR GISONDA:** And you then say that in the last 12 months of that project, BMD started to have more regular visits on site where delegates would turn up and attempt to shut down the site for various work health and safety reasons; is that right?

MR GRANT: That's correct.

30 **COMMISSIONER:** Not delegates. He says organisers, I think.

MR GRANT: Organisers, yes.

35 **MR GISONDA:** Paragraph 10, it says:

"In the last 12 months of the Deception Bay project, BMD had more regular visit on site where delegates would turn up."

40 Whether they were delegates or organisers, people associated with the CFMEU?

MR GRANT: Correct.

MR GISONDA: And do you recall broadly when that last 12-month period was?

45 **MR GRANT:** It would have been the end of 2023.

MR GISONDA: And one of the other projects that you worked on was the Mount Crosby Bridge Project?

MR GRANT: That's correct, yes.

5

MR GISONDA: And can you tell the Commissioner a little bit about that project?

MR GRANT: So that project was a bridge over the weir at the Mount Crosby Water Treatment Plant. So it used to flood further down the river, so this was an attempt to get the traffic around when Colleges Crossing used to flood.

10

MR GISONDA: And do you recall what activity you experienced from the union in relation to that project?

MR GRANT: We had some visits out there during the day and at night, and they would consist of right of entries with multiple people at multiple times.

15

MR GISONDA: And at paragraph 25 of your statement on page 2, you say that on 1 March 2024, BMD received a site visit on the Mount Crosby Bridge Project from the CFMEU and ETU at 2.30 in the morning, and that caused the site to be shut down and a pavement pour to be cancelled; is that right?

20

MR GRANT: That's correct.

MR GISONDA: And you say that there was another occasion - this is at paragraph 27 - on that project where Mr Dean Mattas said to you that he would not let a truck drive down a driveway, and on another occasion, you asked him, "What's the problem? Why is all this happening?" And Mr Mattas said, "BMD are very slow to pick up the phone, so someone needs to ring and talk to us." Do you remember those incidents happening?

30

MR GRANT: I do, yes.

MR GISONDA: And is it fair to say that in late 2023 and early 2024, there was some overlap in the works, temporal overlap between the works happening on the Deception Bay Project and the Mount Crosby Bridge Project?

35

MR GRANT: That's correct, and I was across both.

MR GISONDA: You were across both. And it was at around that time that you observed an escalation in union interest and activity on the sites; is that right?

40

MR GRANT: Yes.

MR GISONDA: And this was at or around the time that activity started to increase or attention started to increase on the Centenary Bridge project; is that right?

45

MR GRANT: That's also correct, yes.

MR GISONDA: And were you aware that also at around this time, there appeared to be a social media campaign that was being run against BMD by the CFMEU?

5

MR GRANT: Yes, I do recall.

MR GISONDA: And as part of that campaign, BMD was described as bad, mad and dangerous?

10

MR GRANT: Correct.

MR GISONDA: And what involvement did you have on the Centenary Bridge project?

15

MR GRANT: So I was not involved in the first couple of months, but I recently moved into the regional construction manager role, which - that project then became a part of the remit of that role. So I started getting involved in that job and I was the regional construction manager for that project as well.

20

MR GISONDA: And do you recall roughly when that change in your responsibilities took place?

MR GRANT: I think it was around - it was early 2024.

25

MR GISONDA: Now, full disclosure, Mr Grant: I'm going to show you a video, and this is probably a video that should have been played to Mr Weston when he gave evidence.

30

MR GRANT: That's okay.

MR GISONDA: But I'm going to play it to you and see if you can assist us with identifying the personnel on the video.

35

MR GRANT: Mmm-hmm.

MR GISONDA: So this would be CBU-31.

(Video played).

40

MR GISONDA: So just looking at that video, Mr Grant, and perhaps if we can go to page 162 of the bundle of documents that accompany your statement, and you'll see there that you've received here - or you're one of the people who's received an email from Quinn Murray, and you recall that when this project was underway - and I know it's still underway, but at least in 2024, that whenever there was an incident involving someone from a union, whether it be the CFMEU or otherwise, that there was a report given by someone about what had happened?

45

MR GRANT: That's correct.

5 **MR GISONDA:** And you'll see here that the report is that the CFMEU, being Luke Gibson and Dean Rielly, had entered the site by a KPI traffic controller. That's the first sentence there. Can you tell the Commissioner what ATP means?

MR GRANT: Active transport path, which is the shared path that you had in your earlier drawing.

10 **MR GISONDA:** Shared path.

MR GRANT: Yes.

15 **MR GISONDA:** And so they've entered the site via that path, and it was facilitated by a KPI traffic controller. Does that mean - do we take that to mean that there's a traffic controller who's monitoring each of the gates that take you into the site, and one of those traffic controllers has let Mr Gibson and Mr Rielly into the site?

20 **MR GRANT:** That's correct.

MR GISONDA: And had you met Mr Gibson or Mr Rielly before?

25 **MR GRANT:** Not Mr Gibson, but Mr Rielly, yes.

MR GISONDA: And so you would have seen on that video the reference to Gibbo and Luke causing dramas. You're not able to assist the Commission as to whether that was in fact Luke Gibson or not?

30 **MR GRANT:** That was not Luke Gibson next to Dean Rielly in the video.

MR GISONDA: No. That was Dean Rielly who was speaking to the policeman.

35 **MR GRANT:** Yes. Correct.

MR GISONDA: But he referred to someone on the other - somewhere else on the site causing dramas, and that reference first was Gibbo and then it was Luke.

40 **MR GRANT:** Yes.

MR GISONDA: But you can't assist the Commissioner as to whether Luke Gibson was in fact causing dramas on site or not?

45 **MR GRANT:** I can, and he was, and I'd - I will recognise Luke in a video.

MR GISONDA: And how are you able to say that he was causing drama on the site?

MR GRANT: Because of this email.

MR GISONDA: Okay.

5 **MR GRANT:** Yep.

MR GISONDA: I tender that video. That's from 17 April 2024, Commissioner.

10 **COMMISSIONER:** Is that police -

MR GISONDA: It's police body-worn footage, yes.

COMMISSIONER: Whereabouts on the site was it?

15 **MR GRANT:** This is about two-thirds of the way across the path, right in front of the gates that you would have seen in earlier videos where officials were standing in front of the concrete trucks. So the shared path is just to the right of screen here.

20 **MR GISONDA:** So I think what he means - tell me if this is correct, Mr Grant - is when I played you a little earlier the clip of Mr Ingham walking down with the policeman, just as they pulled up there, Commissioner, is where they are here in this video.

25 **MR GRANT:** That's correct.

COMMISSIONER: Are there any objections? Police body-worn footage of conversation between Mr Dean Rielly and member of the QPS near the bike path at the Centenary Bridge construction site, 17 April 2024, at approximately 11 am, will be CBU-31.

30 **<EXHIBIT CBU-31 POLICE BODY-WORN FOOTAGE OF CONVERSATION BETWEEN MR DEAN RIELLY AND MEMBER OF QPS NEAR BIKE PATH AT CENTENARY BRIDGE CONSTRUCTION SITE, 17/4/2024, AT APPROXIMATELY 11 AM**

35 **MR GISONDA:** Thank you, Commissioner. Now, you give evidence, Mr Grant, that on 15 May, BMD filed an application in the Federal Court against the CFMEU and a number of CFMEU officials -

40 **COMMISSIONER:** What was the date again, sorry?

MR GISONDA: 15 May. And you were involved, were you, in - you were someone who put together an affidavit for the purpose of that proceedings?

45 **MR GRANT:** I was, yes.

MR GISONDA: And an interim injunction, short-term injunction, was granted by the Federal Court on 15 May; is that right?

MR GRANT: That's correct.

5

MR GISONDA: And on 23 May, there was a further hearing, and the injunction continued from that day; is that correct?

MR GRANT: That's correct.

10

MR GISONDA: And is the proceeding still on foot between BMD and the CFMEU and various of its officers?

MR GRANT: Yes.

15

MR GISONDA: Now, you put into evidence the affidavits that you filed as part of that proceeding, and at page three hundred and - perhaps if I can take you to page 307 of the bundle of documents accompanying your statement, that's the order that the court made on 23 May 2024; is that right?

20

MR GRANT: It is, yes.

MR GISONDA: And you'll see over the page at 308 that the court ordered injunctive relief in favour of BMD against each of the respondents, and that included the union itself and various of its key officials, including Mr Howard and Mr Turner-Davey; is that correct?

25

MR GRANT: That is correct.

MR GISONDA: And at page 304 of the bundle, those were the named people that the - the individuals who were named as respondents to the proceeding; is that right?

30

MR GRANT: That's right.

MR GISONDA: And they are people that you had evidence had attempted or had entered the site and caused disruption?

35

MR GRANT: Correct.

MR GISONDA: And then could I take you, please, to page 332 of your statement. You'll see there that is an email from a man by the name of Grant Killen to Queensland Police. Do you know who Grant Killen was?

40

MR GRANT: Yes.

45

MR GISONDA: And just tell the Commissioner what his role was?

MR GRANT: Grant supplied some security for us on the project.

5 **MR GISONDA:** And you'll see on this email what he's doing is he's asking for special duties assistance from Queensland Police to assist with a critical contract pour that was happening - I think it was scheduled to occur later that week. Are you able to assist the Commissioner with explaining what special duties means?

MR GRANT: Not really, no.

10 **MR GISONDA:** That's okay if you're not. We'll ask Mr Killen for some more detail about that. But you're aware, aren't you, that what the police said - and this is at page 331, the bottom of 331 - that special duties was not supported by Queensland Police for the contract pour - sorry, the concrete pour, but instead what would happen is the police would monitor the site via nearby live traffic cameras, and that's at page 330.
15 If we could just go to page 330, please, and the email at the top of that page. There's an email from a senior constable of Queensland Police to you explaining that QPS would be monitoring the sites remotely via nearby live traffic cameras. Do you remember receiving that information?

20 **MR GRANT:** I do, yes.

MR GISONDA: And that gave you some comfort, did it, that the police might be able to assist to a certain extent with facilitating the concrete pour; is that right?

25 **MR GRANT:** Yes, it did.

MR GISONDA: But is it your understanding that there was not an active large-scale police presence on site to actively facilitate the concrete pour; is that right?

30 **MR GRANT:** There was not, and that's correct.

MR GISONDA: Are you in a position to tell the Commissioner, based on your observations, the impact that some of the CFMEU's activities had on workers on site, whether that be a physical impact or a mental impact?

35 **MR GRANT:** Yeah. So a lot of our personnel on site, either young, old, male, female, and people were at a point where they didn't want to come to work any more, because this - the stuff that we were receiving from the CFMEU was every day, sometimes multiple visits per day. Until we started with the injunction, for example,
40 and had some relief and the police were supportive, it was very hard to try and support our people trying to come to work and put up with that every day.

MR GISONDA: I've no further questions for this witness, Commissioner.

45 **COMMISSIONER:** Are there any applications to cross-examine Mr Grant?

MR GISONDA: No, Commissioner.

COMMISSIONER: All right. Mr Grant, thank you very much for coming and giving evidence here today. You're excused.

5 **<THE WITNESS WAS RELEASED**

MR GISONDA: Thank you, Commissioner. I now call Mr Robert Pickard.

10 **COMMISSIONER:** Is Mr Pickard in the hearing room? No? He might be outside.
Mr Pickard, please come forward into the witness box. Please remain standing.

<ROBERT COLIN PICKARD, AFFIRMED

<EXAMINATION BY MR GISONDA

15 **COMMISSIONER:** Please take a seat, Mr Pickard. Mr Gisonda.

20 **MR GISONDA:** Thank you, Commissioner, and thank you, Mr Pickard, for making
yourself available today. Could I ask you, please, to confirm your full name and
occupation, please, for the Commissioner?

MR PICKARD: Robert Colin Pickard. General manager of BMD Constructions,
Queensland/Northern Territory.

25 **MR GISONDA:** And on 3 August 2026, in response to a notice from this
Commission, you affirmed a statement that's 15 pages long, containing 109
paragraphs; is that correct?

30 **MR PICKARD:** Correct.

MR GISONDA: And accompanying that statement is a bundle of documents that's
82 pages long and consists of 11 annexures; is that right?

35 **MR PICKARD:** Correct.

MR GISONDA: Have you had an opportunity to read your statement again
recently?

40 **MR PICKARD:** Yes.

MR GISONDA: And is it true and correct?

MR PICKARD: Yes.

45 **MR GISONDA:** I tender that statement, Commissioner.

COMMISSIONER: Are there any objections? No. Witness statement of Robert Colin Pickard, 3 August 2026, 15 pages, 109 paragraphs with 11 annexures will be exhibit RCP-1.

5 **<EXHIBIT RCP-1 WITNESS STATEMENT OF ROBERT COLIN PICKARD,
3/8/2026, 15 PAGES, 109 PARAGRAPHS WITH 11 ANNEXURES**

MR GISONDA: Thank you, Commissioner. Mr Pickard, could I begin, please, by asking you to tell the Commissioner a little bit about your experience in the construction industry, please.

MR PICKARD: Sure. I started in the construction industry as a blue-collar worker, trade-based worker. Started working with BMD in 2005 as a leading hand. Worked my way through the project delivery and supervisory ranks. Moved into a construction management role, followed by operations management, followed by the general management role around about four years ago.

MR GISONDA: And your current role is general manager, Queensland and Northern Territory.

MR PICKARD: Correct.

MR GISONDA: Could you tell the Commissioner, please, a little bit about what that role involves?

MR PICKARD: So my role is accountable for the overall operational governance and performance of the Queensland/Northern Territory business unit across all facets of that operation: client relations, pre-contracts, work delivery, workforce oversight.

MR GISONDA: And you have approximately 15 direct reports; is that right?

MR PICKARD: Approximately, yeah.

MR GISONDA: Approximately. And you say at paragraph 6 of your statement that there's a broader workforce of approximately 320 who report through those leaders into you; is that right?

MR PICKARD: Correct.

COMMISSIONER: Is Mr Grant - I don't know if you saw him. Just came to give evidence. He's a regional construction manager. Is he one of your 15 direct reports?

MR PICKARD: No. He reports to the operations manager.

MR GISONDA: And can I ask, who do you report to?

MR PICKARD: Gerard Keynes, who is the general manager for Queensland - sorry, for Northern Region BMD, which encapsulates oversight over Queensland, Northern Territory and Western Australia.

5 **MR GISONDA:** Thank you. Now, Mr Pickard, pursuant to our terms of reference, we are looking at the Centenary Bridge project. And so can I ask you, please, to explain to the Commissioner what your roles and responsibilities were with respect to that project in particular?

10 **MR PICKARD:** Sure. Oversight throughout the pre-contract phase, which was the estimating phase of the project, and then on to delivery, just the overall governance of the project more generally.

MR GISONDA: At paragraph 20 and 21 of your statement, which is on page 3, you
15 refer to - and in particular at the first sentence of paragraph 20, that from approximately the end of 2023, BMD became the target of an extensive, sustained and highly disruptive campaign by the CFMEU. What did you know at the time, if anything, about what was motivating the CFMEU when it came to BMD?

20 **MR PICKARD:** Nothing.

MR GISONDA: And did you know for a fact that the CFMEU were undertaking a targeted campaign against BMD, or was it just rumour and conjecture from your
25 perspective?

MR PICKARD: Rumour and conjecture.

MR GISONDA: And I'm not sure if you had an opportunity to listen to or if you've
30 been told about the evidence in the last hearing week. And tell me if you haven't, which is perfectly fine. But did you have an opportunity to hear any of the evidence from the last hearing week?

MR PICKARD: I was overseas for work. I saw little bits and pieces.

35 **MR GISONDA:** So some of that evidence was that there was in fact a targeted campaign by BMD - sorry, by the CFMEU against BMD. It involved disruptions on sites, and it involved pamphlets being put into letter boxes. It involved social media. It involved advertising. Based on what you saw and what you experienced, it doesn't
40 surprise you now to learn that there was in fact a targeted campaign by the union against BMD?

MR PICKARD: No, it doesn't.

45 **MR GISONDA:** And what sort of impact did that campaign, or at least the things that the CFMEU were doing to BMD, have on the staff of BMD, to your observation?

MR PICKARD: I would assert that there was an enormous strain applied to our staff as a result of the behaviour.

5 **MR GISONDA:** Did you see any particular examples of the way that that strain manifested itself on some of your workers?

10 **MR PICKARD:** I think an example would be I believe that one of our staff members, Ben Weston, has appeared before the Commission before. I think he, as I understand it, did a reasonable job of articulating the strain that was placed upon himself. I would say that that strain was very consistent amongst other staff members within the business, all the way up to the board of directors.

15 **MR GISONDA:** And you don't say that there was anything unique in relation to Mr Weston's experience; you think what he experienced, others experienced as well?

MR PICKARD: Yes, I do.

20 **MR GISONDA:** Now, some of the other evidence that we heard in the previous week was that there was little that appeared to be available to BMD by way of external assistance. For example, the ABCC had been wound up by 2024. You were aware of that, weren't you?

MR PICKARD: Yes.

25 **MR GISONDA:** And it appeared that there was little that the Queensland Police were able to practically do to assist BMD. You were aware of that as well at the time?

30 **MR PICKARD:** Yes.

MR GISONDA: And what were your observations or what were you told about the ability of Workplace Health and Safety Queensland to assist BMD with what it was experiencing on Centenary Bridge?

35 **MR PICKARD:** I don't recall being told anything in particular about Workplace Health and Safety. My view was formed based on, I would assert, a lack of willingness to help.

40 **MR GISONDA:** At paragraph 22 of your statement, you describe some of the steps that BMD took in responding to the CFMEU's campaign. Subparagraph (a), you say that BMD:

"...provided comprehensive training to site staff on their rights and obligations."

45 And is that something that you organised, or did someone else organise that training?

MR PICKARD: It was organised throughout the business. I had - I had - certainly had an understanding that that was occurring, yes, but it was across several members of our team.

5 **MR GISONDA:** And in particular, BMD engaged the support of Mr Lovewell and Mr Grant Benson, who were external IR advisers; is that right?

MR PICKARD: Correct.

10 **MR GISONDA:** And their particular role or task on site was to assist with managing or navigating attempts by the CFMEU to utilise their right-of-entry entitlements; is that right?

MR PICKARD: Correct.

15 **MR GISONDA:** And then subparagraph (b):

"Personal private security was engaged for some senior members of the business to attend public events and perform roaming monitoring of personal residences."

20 Was there a concern that some senior members of BMD were under personal attack because of the campaign of the CFMEU against BMD?

25 **MR PICKARD:** We performed, I guess you would say, a risk assessment of the situation as it stood and the events that were occurring around our projects and more publicly and considered it necessary to undertake some of those steps, yes.

MR GISONDA: Subparagraph (c) talks about:

30 "Enhanced security on projects with additional cameras and the provision of body-worn cameras."

35 And we've seen the output of some of that in the evidence before this Commission. You also - this is the business - at subparagraph (d), attempted to have some of the advertising, at least insofar as it was incorrect, about BMD, be taken down; is that right?

MR PICKARD: Correct.

40 **MR GISONDA:** And was it your experience that some of the advertising that was being put out about BMD by the CFMEU was inaccurate, in your opinion?

MR PICKARD: Correct.

45 **MR GISONDA:** And then in - and so you would say, would you, that there was something that might resemble a misinformation campaign being waged against BMD by the CFMEU?

MR PICKARD: Correct. Slanderous.

5 **MR GISONDA:** Slanderous. And then at page 7, page 49 - sorry, paragraph 49 onwards, you reference or you deal with the need to engage security personnel on the project. And can I just ask you, did BMD engage - just focusing on Queensland at the moment, did BMD engage security personnel on just the Centenary Bridge project site in Queensland or other Queensland sites as well?

10 **MR PICKARD:** Various Queensland sites.

MR GISONDA: And you say at paragraph 49 that your colleagues in Victoria - that is, BMD colleagues in Victoria - had been dealing with similar disruption at that time, which I take it to be late '23, early '24; is that right?

15 **MR PICKARD:** Correct.

MR GISONDA: And you consulted them, did you, as to how they were dealing with the disruption that was occurring on those Victorian sites?

20 **MR PICKARD:** Correct.

MR GISONDA: And you were told, you say at paragraph 50, that an individual from the AWU, Ronnie Hayden, had recommended the engagement of what was
25 known as the Host Group; is that right?

MR PICKARD: Correct.

MR GISONDA: And Ronnie Hayden - did you know who Ronnie Hayden was?
30

MR PICKARD: I know who he was. I don't know him personally.

MR GISONDA: Did you know that he was the - or at least now is the secretary of the AWU in Victoria?
35

MR PICKARD: Correct.

MR GISONDA: And you had hadn't heard of the Host Group before or hadn't had a reason to use the Host Group before; is that right?
40

MR PICKARD: No, I hadn't.

MR GISONDA: Is it fair to say that up until the CFMEU's campaign against BMD, there hadn't been a need, at least as far as you understood it, for BMD to engage
45 private security on its construction sites?

MR PICKARD: Correct.

MR GISONDA: At least private security at a scale that subsequently you thought was needed on Centenary Bridge?

5 **MR PICKARD:** Correct.

MR GISONDA: And at paragraph 51, you say that you flew down to Melbourne and held a meeting with a man by the name of Gary Samuel, who you understood to be the operator or owner of the Host Group; is that right? And he then talked you
10 through some of the services he was able to offer.

MR PICKARD: Correct.

MR GISONDA: And we've now seen some of the videos of the attempts by the
15 CFMEU to disrupt the site, but boiling it all down was a core service offering that he was able to provide BMD was to assist with the physical management of CFMEU personnel trying to enter site?

20 **MR PICKARD:** Correct.

MR GISONDA: And could I just play a video that was tendered on the last occasion, which is CBU-14, please, from about 5:55, minute 5:55. So this video's already in evidence, Mr Pickard.

25 (Video played).

MR GISONDA: Thank you, Mr Operator. Now, Mr Pickard, that was Mr Samuel, was it, that was on the screen?

30 **MR PICKARD:** Correct.

MR GISONDA: And there was a reference - that footage was taken on 29 April 2024, and you might have seen that when he made the call, he made the call to someone by the name of Rob. Would that have been you or someone else?
35

MR PICKARD: I believe it would've been me.

MR GISONDA: And it's not evident on that video, but later on, after there was some discussion about whether the CFMEU might be permitted to come onto the site
40 pursuant to some sort of compromise arrangement that the police had tried to broker, BMD instead decided or the joint venture instead to shut down the site on 29 April rather than have the CFMEU enter the site without complying with entry protocols. Was that a decision that you would have made, or would you be part of a team that would make a team that looked at that?
45

MR PICKARD: The team just would've looked at it, but it would've been my decision.

MR GISONDA: Okay. And he made a reference to, I think, many layers above and speaking to the bosses. Is the demarcation this, that as far as managing personnel and managing any confrontations on site, that was the preserve of the security staff.

5 When it came to more commercial or operational decisions, that was yourself and your team making that decision. Is that right?

MR PICKARD: Correct.

10 **MR GISONDA:** And just before we leave Host and Mr Samuel, as you would know, there was an incident on 5 June at the project where a crane driver alleged that he'd been confronted by a member of an outlaw motorbike gang, and that led to some reporting, I think, by the ABC. Do you remember that happening in about August of 2024?

15

MR PICKARD: Correct.

MR GISONDA: And that was a - at about this time, you say that there was a lot of misinformation - just putting that incident to one side, but trying to understand the context, there was quite a bit of misinformation, would you say, out in the marketplace about BMD and its people? Is that fair?

20

MR PICKARD: Correct.

25 **MR GISONDA:** And you say, just dealing with that incident in your evidence, that at - from page 13, at paragraph 92 onwards - and in fact, I might just ask to you clarify something, and I'm grateful to your counsel for picking this up. But just at paragraph 92, you say:

30 "In June 2024, there was a crane operator, Mr Raymond, who alleged that he'd been threatened by individuals he believed to be members of the Comanchero motorcycle club, and Mr Raymond alleged that this incident occurred on the public footpath that passes through the project site and involved Mr Samuel."

35 And at paragraph 94 you say:

"Following the allegation, I requested that CCTV footage be reviewed to determine whether an incident had occurred within work areas of the project, and I was subsequently informed that, based on the CCTV review, the individuals alleged by Mr Samuel were not observed within the project site, or work areas."

40

I wonder whether the reference to Mr Samuel should instead be read as a reference to Mr Raymond, that is, the individuals alleged by Mr Raymond were not observed within the project site. Does that sound right?

45

MR PICKARD: Correct.

MR GISONDA: So should we correct your statement, then, just to delete the reference to Samuel and replace it with a reference to Raymond?

MR PICKARD: Yes.

5

MR GISONDA: And that CCTV footage which BMD was able to provide us, which I think you say in your evidence shows that this incident - whatever happened in this incident occurred on the - not on the project site or not in a work area. If we could just play clip 22, please.

10

(Video played).

MR GISONDA: So just looking at that footage, that is - what we can see there is a gate that takes you onto the site, but where these people are standing is - that's the active transport path, is it, where people can walk and ride their bikes? Is that right?

15

MR PICKARD: Correct.

MR GISONDA: And you say in your statement that you then spoke to Mr Samuel about what he knew about this incident, if anything, and he in fact said that the people who were involved in that incident were social acquaintances of his. Is that what he told you?

20

MR PICKARD: Correct.

25

MR GISONDA: But you didn't know who the people were or what reason they had to be on that path that day?

MR PICKARD: Correct.

30

MR GISONDA: But you did know that there was a concerted campaign against BMD by at least the CFMEU; is that right?

MR PICKARD: Correct.

35

MR GISONDA: And just to round that out, you say that you were - or perhaps you can confirm this: you were satisfied that there was no link between Host, the Host Group, and/or Mr Samuel on the one hand and the Comancheros on the other; is that right?

40

MR PICKARD: Correct.

MR GISONDA: And the allegation that these people might have been involved with the Comancheros came from - did it come from Mr Raymond or did it come from the ABC when they wrote their story?

45

MR PICKARD: Mr Raymond.

MR GISONDA: Okay. But in any event, Host continued to remain on site until, I think, early or mid-2025; is that right, providing security guards?

5 **MR PICKARD:** Correct.

MR GISONDA: And that continued to happen without incident, as far as you're aware?

10 **MR PICKARD:** Correct.

MR GISONDA: Thank you. And were you aware that there were allegations of people who were working on the site being followed as they walked back to their cars of an evening? Are you aware of those allegations?

15 **MR PICKARD:** I was aware of that.

MR GISONDA: And were you aware of allegations that some people who were involved in the project might have had their cars being tracked as they went home?

20 **MR PICKARD:** I was aware.

MR GISONDA: And were you aware also of allegations that people's pets might have been poisoned?

25 **MR PICKARD:** Correct.

MR GISONDA: And I'll ask you the same question I asked Mr Grant: what sort of impact did some of this conduct have on people working for BMD on the Centenary Bridge project?

30 **MR PICKARD:** It was immensely stressful. All of the circumstances that you just highlighted weren't necessarily individuals that worked on the Centenary Bridge project. They were all people that worked for BMD or were direct suppliers and
35 subcontractors to BMD. Those which were involved in the Centenary Bridge project, it was enormously stressful for all of them.

MR GISONDA: Just so we understand your evidence, are you saying that there was an a negative impact not only on those workers who were on the site but also, if I can describe it this way, people who had an association or an arrangement with BMD
40 more broadly?

MR PICKARD: Correct.

45 **MR GISONDA:** And I think you say or you have said that BMD's passionate about protecting its people and the welfare of its workers. That's something that BMD really prides itself on; is that right?

MR PICKARD: That's correct.

MR GISONDA: Is that a convenient time, Commissioner, for a short break?

5

COMMISSIONER: Yes. Yes, Mr Gisonda. What do you want to do with this clip 22? Is that in evidence already?

MR GISONDA: No. I should tender that, Commissioner.

10

COMMISSIONER: Is that CCTV footage?

MR GISONDA: Well, I think if you see down the bottom, it says BMD-3, so I think that's BMD CCTV footage, and that can be CBU - I forget - 36.

15

COMMISSIONER: What is it showing? What's the incident? Have those persons been identified?

MR GISONDA: No. I think it's just - I think it can be described as incident on shared pathway on 5 June, it looks like.

20

COMMISSIONER: Is there any objection? Incident on shared pathway at Centenary Bridge construction site captured by BMD CCTV footage, 5 June 2024, approximately 12.40 pm, will be CBU-36.

25

<EXHIBIT CBU-36 INCIDENT ON SHARED PATHWAY AT CENTENARY BRIDGE CONSTRUCTION SITE CAPTURED BY BMD CCTV FOOTAGE, 5/6/2024, APPROXIMATELY 12.40 PM

MR GISONDA: Thank you, Commissioner.

30

COMMISSIONER: We'll adjourn - is there anything else? We'll adjourn till quarter to 12.

<THE HEARING ADJOURNED AT 11.34 AM

35

<THE HEARING RESUMED AT 11.48 AM

COMMISSIONER: Yes, Mr Gisonda.

40

MR GISONDA: Thank you, Commissioner. Could I then ask you, please, to look at paragraph 88 of your statement, which is on page 12. In your statement, this part in particular, you talk about some of the material and adverse impacts on the delivery of the project that the conduct of the CFMEU had. You describe the cumulative effect of that conduct being assessed to have contributed to an overall program delay in the order of 60 to 70 working days; is that right?

45

MR PICKARD: Approximately, yes.

5 **MR GISONDA:** And there was a critical path delay, which is at subparagraph (a), and then direct disruptive delay in subparagraph (b). And then subparagraph (c), there was supplier direct disruption impacts, and in subparagraph (d), indirect disruption impacts. Is that how you would broadly characterise the four types of delays and impacts?

10 **MR PICKARD:** Correct.

MR GISONDA: And in paragraph 89 of your statement, you say that whilst there's still retrospective analysis going on, that the approximate financial impact of the CFMEU conduct is greater than \$12 million. That's on the Centenary Bridge project; is that right?

15 **MR PICKARD:** Correct. That's subject to a full retrospective analysis.

MR GISONDA: Yes. And is that something that's still being worked out - and I don't want to trespass too much into what's happening in the Federal Court, but is that something that's being ventilated in the Federal Court proceedings? Do you know that, or is that not something that you're across?

MR PICKARD: It's being looked at currently.

25 **MR GISONDA:** And just in terms of the security that was procured for senior officers of BMD, are you able to just describe in just a little bit more detail what that sort of security involved?

30 **MR PICKARD:** Yes. So the detail that was arranged at that point in time was through a local company, quite competent and experienced in that exact type of security provision.

COMMISSIONER: Did you say experienced or inexperienced?

35 **MR PICKARD:** Experienced. It involved the escorting of some of the exec figures to particular events. It involved the - I guess covert surveillance would probably be the best way to describe some of the activities that they carried out on a daily basis, 24 hours a day, for a significant period of time.

40 **MR GISONDA:** And were you the recipient of some of that service?

MR PICKARD: Correct.

45 **MR GISONDA:** And how did that make you and those around you feel, having to engage that sort of protection?

MR PICKARD: Annoyed.

COMMISSIONER: Sorry, what did you say then, Mr Pickard?

MR PICKARD: Annoyed.

5

MR GISONDA: What are you able to say about the behaviour of the CFMEU since it's gone into administration? So it went into administration in August of 2024. Was there a change in the behaviour that you saw from the CFMEU after that point?

10 **MR PICKARD:** That's correct.

MR GISONDA: And are you able to give the Commissioner any more detail about how you - how that behaviour might have changed?

15 **MR PICKARD:** It's no longer as adversarial or confrontational and seems to be a little more consistent with what you would expect.

MR GISONDA: And would you say that it more aligns with the sort of behaviour that BMD is accustomed to seeing from the AWU, for example?

20

MR PICKARD: Correct.

MR GISONDA: Now, could I just turn back to that event on 5 June for a moment. So I just want to play to you clip 26, please.

25

(Video played).

MR GISONDA: Could we then play clip 28, please.

30 (Video played).

MR GISONDA: And then clip 29.

COMMISSIONER: Looks pretty similar to clip 22, which went in as CBU-36.

35

MR GISONDA: Yes. So 27 was the lead-up to it. 28 was the same. And then if I can play clip 29.

COMMISSIONER: 28 was the same as 22?

40

MR GISONDA: Yes.

(Video played).

45 **MR GISONDA:** Now, in that first clip, was that yourself and another gentleman who was walking up the path before that group of four came into the vision?

MR PICKARD: Correct.

MR GISONDA: And did you know that you were in the vicinity of where that incident had taken place at the time?

5

MR PICKARD: (Indistinct).

MR GISONDA: At that point you didn't know.

10 **MR PICKARD:** No.

COMMISSIONER: Sorry, I didn't know what the question - I missed the question.

15 **MR GISONDA:** Did he know that he was in the vicinity of where the incident had happened at that time. And you say that at that time you didn't know; is that right?

MR PICKARD: Correct.

20 **MR GISONDA:** So did you witness the incident itself happening, or no?

MR PICKARD: No.

MR GISONDA: And you don't know what the incident was about?

25 **MR PICKARD:** I don't.

MR GISONDA: And you didn't know that it was about to happen?

30 **MR PICKARD:** No.

MR GISONDA: And in the last clip, when they walk off, you're not to be seen in the footage. Had you continued to walk up that shared path, had you?

35 **MR PICKARD:** Correct.

MR GISONDA: Perhaps if we just go back a bit, just so we understand exactly what happened. So could I just play clip 1, please.

40 (Video played).

MR GISONDA: Now, crossing the road there, you would have seen the highlighted square, two people. Do you recall whether on that day - it was yourself and the other gentleman - you started off at that car park and then crossed the road onto Sinnamon Road there? Do you remember doing that?

45

MR PICKARD: Sorry?

MR GISONDA: Do you remember - so we've seen footage of you walking down the shared path. I'm asking whether in the lead-up to that you started at the car park there on Sinnamon Road and crossed the road there.

5 **MR PICKARD:** I - yeah, I believe that's where we were, yes.

MR GISONDA: Okay. And just where you're coming out of that car park, is that the car park to the shopping village that's there on Sinnamon Road?

10 **MR PICKARD:** Yes, it is.

MR GISONDA: And is that where you would normally park if you were travelling to the site?

15 **MR PICKARD:** Just behind there, or on the side of the road, anywhere up around Sinnamon Road, we would park.

MR GISONDA: Okay. But you'd say there's nothing out of the ordinary, the fact that you're seen coming out of the car park there at that time, because around that
20 spot is where you would park your car?

MR PICKARD: Correct.

MR GISONDA: And so then if we just play clip 2, please.

25 (Video played).

MR GISONDA: Is that the normal way to come up from the car park to the site, that is, you need to cross the road and walk up the path and then cross Sinnamon Road
30 again in order to enter the site precinct; is that right?

MR PICKARD: Correct.

MR GISONDA: And is that because there's no footpath on the other side of the
35 road, or you cross a creek or something? Is that right?

MR PICKARD: I believe the footpath terminates before the creek, yes.

MR GISONDA: Okay. If we then look at clip 3, please.

40 (Video played).

MR GISONDA: And that was a bit difficult to see, but that's the four - what appears to be those four men crossing the road coming out of that same car park. Did you
45 know that they were in the car park shortly after you were?

MR PICKARD: No.

MR GISONDA: And so you don't know - you're not able to tell the Commissioner what they were doing in that car park?

5 **MR PICKARD:** No.

MR GISONDA: Okay. And then if we just look at clip 4, please.

(Video played).

10

MR GISONDA: Now, you'd say there's nothing unusual in the fact that those four men also came up the same side of Sinnamon Road that you did, because you say that that's the only way that you can walk up Sinnamon Road is to cross the road, come up the footpath and then cross the road back; is that right?

15

MR PICKARD: Correct.

MR GISONDA: And is it your evidence that you didn't know they were essentially following you from the car park onto the site precinct?

20

MR PICKARD: No, I didn't.

MR GISONDA: You didn't know. Okay. Could I just play clip 5. Just following this through. Could I ask you this question. So just want to -

25

(Video played).

MR GISONDA: Now, the question we have for you about that footage is it appears as though, despite the lights going green on two occasions, you and your companion didn't cross the road. Is that what happened on that day?

30

MR PICKARD: It would appear so.

MR GISONDA: And can I ask you why you didn't cross the road when you had the opportunity, but you waited for about a minute before crossing?

35

MR PICKARD: I'm unsure. Unless - might've been a red man. I'm not sure. A red "no cross".

40 **MR GISONDA:** If we then look at clip 5A, please. This is the same footage again.

(Video played).

45 **MR GISONDA:** Could I ask you, did you not cross the road when you had two opportunities to do so because you were waiting for the group of four to catch up to you?

MR PICKARD: No.

MR GISONDA: Now, if we then look at clip 6, please.

5 (Video played).

MR GISONDA: And where those two groups have walked past, that's one of the entrances to the construction site, is it, there on Sinnamon Road. Is that -

10 **MR PICKARD:** Correct.

MR GISONDA: Yes, thank you. And if we just look at clip 7, please.

(Video played).

15

MR GISONDA: That's the same - some of that footage, just showed down. Do you accept that you and the man you were walking with waved to a worker on the site?

MR PICKARD: Correct.

20

MR GISONDA: And do you know who that worker was?

MR PICKARD: One of the security guards, or gatekeepers.

25 **COMMISSIONER:** I missed that last bit, sorry, Mr Pickard.

MR PICKARD: One of the security or logistics personnel.

MR GISONDA: But you don't know who it is?

30

MR PICKARD: No, I don't.

MR GISONDA: And then if we then play clip 8, please.

35 (Video played).

MR GISONDA: Did you see there that the other security guard waved his hand to the group as they walked past? Did you see that?

40 **MR PICKARD:** I saw he made a gesture, yes.

MR GISONDA: And the person that he was - just going back to that group, please. Sorry, if you're able to just play that clip again.

45 (Video played).

MR GISONDA: The man in orange hi-vis, was that Mr Gary Samuel?

MR PICKARD: I believe it is, yes.

MR GISONDA: Then if we go to clip 9, please.

5

(Video played).

MR GISONDA: Now, in order to reach that part of the shared path, have you walked past the site office, is that right, or the entrance to the site office?

10

MR PICKARD: The entrance, yes.

MR GISONDA: And you would've noticed - or you might have noticed in that video there that whereas in the earlier footage you were carrying a plastic bag, you're no longer carrying a plastic bag. Do you remember what you did with that bag?

15

MR PICKARD: I don't.

MR GISONDA: And the man you were with in the earlier footage had been wearing a black jacket, but he's no longer wearing a black jacket. Do you know what he did with the jacket he was wearing?

20

MR PICKARD: I don't.

MR GISONDA: Are you able to explain why - well, is it possible that you might have dropped your jacket and your plastic bag off at the site office?

25

MR PICKARD: No. I would say, if anything, he must have left his jacket under the gantry.

30

MR GISONDA: And what about your plastic bag? Could that have been the same?

MR PICKARD: Probably the same, yeah.

MR GISONDA: And how long do you think it would take you to leave that, to leave your bag and your jacket under the gantry?

35

MR PICKARD: It would've been on the walk through.

MR GISONDA: Can we then play clip 10, please.

40

(Video played).

MR GISONDA: As you and the other man approached the gate, did the man you were with point to the area where Mr Raymond was working?

45

MR PICKARD: I'm not sure.

MR GISONDA: And then if we look at clip 11 and just look at that bit of the vision in slow motion.

5 (Video played).

MR GISONDA: Sorry, and if I can just ask that question again: did he point to the area where Mr Raymond was working?

10 **MR PICKARD:** Mr Raymond was working in that area, yes, I believe.

MR GISONDA: So all you can say is that he was pointing to the area in which Mr Raymond was working?

15 **MR PICKARD:** Correct.

MR GISONDA: And after he did that, did the man you were with then look behind him to see where the group of four men were? Did you see that?

20 **MR PICKARD:** I didn't notice that.

MR GISONDA: Okay. If we can just look at clip 12, please.

(Video played).

25 **MR GISONDA:** Do you now see that that's what he did?

MR PICKARD: I saw that he looked behind him, yes.

30 **MR GISONDA:** Okay. And then when the two of you approached the traffic controller, who was near the gate, I want to ask you whether the man you were with pointed back towards the group of four who were coming up the path. Did you notice that in the clip that I showed you?

35 **MR PICKARD:** No, I didn't.

MR GISONDA: If we can just look at clip 13, please.

(Video played).

40 **MR GISONDA:** Did you see that, that he pointed back towards the path where you'd just come from?

MR PICKARD: Correct.
45

MR GISONDA: And then I want to ask you whether, as you were talking to the traffic controller, you motioned to the group of four that they could now proceed to the gate. Did you do that on that day?

5 **MR PICKARD:** No.

MR GISONDA: If we just look at the clip a bit slower. So clip 15, please.

(Video played).

10

MR GISONDA: So now having looked at that footage, what do you say to the suggestion that you beckoned to the group of men that they could now come up the path?

15 **MR PICKARD:** No, I didn't.

MR GISONDA: Could we then look at clip 16.

(Video played).

20

MR GISONDA: Did you notice in that clip that the moment that you moved on with the traffic controller, the traffic controller put his stop sign up. Did you notice that?

MR PICKARD: No, I didn't.

25

MR GISONDA: If we could just look at it a bit closer, clip 17.

(Video played).

30 **MR GISONDA:** So your evidence is that you didn't motion for the group of four to approach the gate once you left with the track controller; is that right?

MR PICKARD: Correct.

35 **MR GISONDA:** And you say - well, and then let me ask you this: did the traffic controller almost immediately put his stop sign up because you told him to ensure no one walked to where these four men were about to have an altercation?

MR PICKARD: No.

40

MR GISONDA: Can we then play clip 18, please.

(Video played).

45 **MR GISONDA:** And then clip 19, please.

(Video played).

MR GISONDA: So do you say that you didn't witness that altercation as it took place?

5 **MR PICKARD:** No.

MR GISONDA: And you didn't hear him say, among other things, "Don't call the police"?

10 **MR PICKARD:** No.

MR GISONDA: Then if we could just watch clip 20, please.

COMMISSIONER: Which clip is this, sorry?

15

MR GISONDA: Clip 20.

(Video played).

20 **MR GISONDA:** Do you know why, immediately after they walked off, the traffic controller put his stop sign down?

MR PICKARD: No.

25 **MR GISONDA:** Do you then know where those men walked to, after they continued to walk up the bike path?

MR PICKARD: No.

30 **MR GISONDA:** Do you know where you were at this stage?

MR PICKARD: At that stage, no.

MR GISONDA: If you then look at clip 21, please.

35

(Video played).

40 **MR GISONDA:** Were you aware that about three or so minutes after that incident, they then walked off the site, or walked off from the vicinity of the site? Were you aware of that?

MR PICKARD: No.

45 **MR GISONDA:** Commissioner, I might tender those 21 clips. So they could be numbered CBU-37 - CBU-36 to CBU-57.

COMMISSIONER: We've already had a CBU-36.

MR GISONDA: CBU-37, sorry, to CBU-58. Or alternatively you could just accept the tender as just one exhibit number in 21 parts. That might be easier.

5 **COMMISSIONER:** It might be easier. But you haven't dealt with clip 26 and 28 in that tender.

MR GISONDA: No. Just up to 21.

10 **COMMISSIONER:** Up to 21. Is there any objection? How did we describe CBU-36?

MR GISONDA: BMD CCTV footage taken at about 12.30 on 5 June 2024.

15 **COMMISSIONER:** Sorry, say that last bit?

MR GISONDA: 5 June 2024.

20 **COMMISSIONER:** I think we described 36 as being an incident on a bike path, but clips 1 to 21 are much broader than that, aren't they?

MR GISONDA: Yes.

25 **COMMISSIONER:** BMD CCTV footage, clips 1 to 21, showing lead-up to and incident at bike path and exit from Centenary Bridge construction site from approximately 12.30 to about 12.50 pm, 5 June 2024, will be CBU-37.

30 **<EXHIBIT CBU37 BMD CCTV FOOTAGE, CLIPS 1 TO 21, SHOWING LEAD-UP TO AND INCIDENT AT BIKE PATH AND EXIT FROM CENTENARY BRIDGE CONSTRUCTION SITE FROM APPROXIMATELY 12.30 TO ABOUT 12.50 PM, 5/6/2024**

35 **MR GISONDA:** Thank you. Can I then bring up document 69, please, in the extra documents. This is a newspaper article that was published in the ABC on 22 August 2024, and the allegation in this article was that two men had visited the site, and that was the former national president, he's described as, of the Comancheros, being Bemir Saracevic - Bemir also going by the name Benji, according to the article - and someone described as his business partner, being Krstomir Bjelogrljic, who also had the nickname, according to this article, KB. Do you know whether either Bemir
40 Saracevic or Krstomir Bjelogrljic were present on the site that day?

MR PICKARD: I don't.

45 **MR GISONDA:** Can I then - I'll tender that article, Commissioner.

COMMISSIONER: Is there any objection? An ABC News article by Josh Robinson, headed Federal Government Orders Investigation After ABC Uncovers

Alleged Biek Threats Towards CFMEU over Taxpayer-Funded Project, dated 22 August 2024, 12.46 pm, will be CBU-38.

5 <EXHIBIT CBU-38 ABC NEWS ARTICLE BY JOSH ROBINSON HEADED
FEDERAL GOVERNMENT ORDERS INVESTIGATION AFTER ABC
UNCOVERS ALLEGED BIKIE THREATS TOWARDS CFMEU OVER
TAXPAYER-FUNDED PROJECT, DATED 22/8/2024, 12.46 PM

10 COMMISSIONER: Is that the right exhibit number, or do you want to call it -

MR GISONDA: CBU-38, yes. Then can I ask you to look at document 74, please. Now, that's a picture again of Mr Saracevic, but you don't recognise that man; is that correct?

15 MR PICKARD: I don't know the man.

COMMISSIONER: Sorry, I just missed your answer, sorry. I didn't hear your answer.

20 MR PICKARD: I don't know the man.

MR GISONDA: And then if we go to the next page, on the left-hand side is Mr Krstomir Bjelogrljic. Do you recognise him?

25 MR PICKARD: I don't know the man.

MR GISONDA: And then the next page, that's a man by the name of Mark Ahern. Do you recognise him?

30 MR PICKARD: No, I don't.

MR GISONDA: I tender that document, Commissioner, which is a picture of Bemir Saracevic, Krstomir Bjelogrljic and Mark Ahern.

35 COMMISSIONER: Sorry, you want to tender that, do you?

MR GISONDA: Yes.

40 COMMISSIONER: Are there any objections? Photographs of Bemir Saracevic, Krstomir Bjelogrljic and - Alan Meehan?

MR GISONDA: Mark Ahern.

45 COMMISSIONER: Oh, Mark Ahern. Mark Ahern - will be exhibit CBU-39.

<EXHIBIT CBU-39 PHOTOGRAPHS OF BEMIR SARACEVIC, KRSTOMIR
BJELOGRLJIC AND MARK AHERN

MR GISONDA: If we then go to document 5, please.

COMMISSIONER: In these additional documents?

5

MR GISONDA: Yes. This is a booking form produced by Virgin Australia for the morning of 5 June, and it shows that at the top of the page, Mr Bjelogrljic, Mr Saracevic and Mr Mark Ahern all travelled on the same flight. And you'll see under Flight, the next heading there, that they flew up at 9.10 am from Melbourne and arrived at 11.20 am in Brisbane, on flight VA 319. And then further down the page, under Pre-Reserved Seats, you'll see they all sat together on the way up, seats 14A to 14C.

COMMISSIONER: So where do you see that? I can't see that.

15

MR GISONDA: See under the heading Pre-Reserved Seats, which is just past the halfway -

COMMISSIONER: Yes.

20

MR GISONDA: It's highlighted on the screen, Commissioner.

COMMISSIONER: How do you know the three of them sat in those seats? I don't follow.

25

MR GISONDA: Because this is a booking form for those three people for three seats on the flight up and three seats on the way back.

COMMISSIONER: Oh, I see. That's three on the way back. Sorry. I didn't get that.

30

MR GISONDA: Yes. And then over the page - we don't need to go into the detail here, but what it shows is that photographs of Bemir Saracevic, Krstomir Bjelogrljic was the person who paid for all three flights at a cost of \$2,310. We are told -

COMMISSIONER: Where do I see that?

MR GISONDA: See in the middle of the page - you should see a redaction there.

COMMISSIONER: Yes.

40

MR GISONDA: So that's the credit card. Next to the redaction - sorry, six entries above that, do you see the reference to AUD 2310.21? That's the cost of the booking. It's highlighted on the screen.

COMMISSIONER: Yes, I can see it. Yes.

45

5 **MR GISONDA:** And the redacted section is - we can provide you, Commissioner, with an unredacted copy, but in accordance with NPO-1, the redacted detail is the address of Mr Bjelogrljic. Did Mr Samuel tell you that on that day, Mr Saracevic, Mr Bjelogrljic and Mr Ahern were travelling up to Brisbane to visit the Centenary Bridge site?

MR PICKARD: No.

10 **MR GISONDA:** And if we just go to document 38, Commissioner.

COMMISSIONER: What do you want to do with that document?

MR GISONDA: Sorry, I'll tender that, Commissioner.

15 **COMMISSIONER:** Are there any objections? Virgin Australia business records of flights taken to and from - from Melbourne to Brisbane and from Brisbane to Melbourne on 5 June 2024 by Mr Kris Bjelogrljic, Mr Bemir Saracevic and Mr Mark Ahern, will be CBU -

20 **MR GISONDA:** 39?

COMMISSIONER: 40.

MR GISONDA: 40.

25

<EXHIBIT CBU-40 VIRGIN AUSTRALIA BUSINESS RECORDS OF FLIGHTS TAKEN FROM MELBOURNE TO BRISBANE AND FROM BRISBANE TO MELBOURNE ON 5/6/2024 BY MR KRIS BJELOGRLJIC, MR BEMIR SARACEVIC AND MR MARK AHERN

30

MR GISONDA: Then document 38, Commissioner, this is a bank statement from Mr Krstomir Bjelogrljic. And over the page, on 5 June, the first entry, you see a transfer into his account from Mr Saracevic for a plane ticket in the amount of \$750. And then the last entry on that page, on 10 June, there's another \$750 being transferred into his account, this time by Mr M.J. Ahern. And just a little further up on 7 June, you'll see an entry for VA In-Flight Food on 5 June. So that's a purchase of food on a Virgin Australia flight. And then there's also on 5 June a purchase from McDonald's at the Melbourne Airport. But again, Mr Pickard, your evidence is that you didn't know about any of this taking place?

40

MR PICKARD: No.

MR GISONDA: I tender that statement, Commissioner.

45 **COMMISSIONER:** Are there any objections? Bank record, National Australia Bank record, Mr Krstomir Bjelogrljic, from 20 April 2024 to 19 June 2024, will be exhibit CBU-41.

**<EXHIBIT CBU-41 PARTIAL NATIONAL AUSTRALIA BANK RECORD,
MR KRSTOMIR BJELOGRLIC, FROM 20/4/2024 TO 19/6/2024**

5 **COMMISSIONER:** I think I should rename that exhibit "partial" NAB record during that period.

MR GISONDA: And then document 44, Commissioner, is a bank statement for Mr Ahern. And over the page, there's an entry on 9 June, payment for plane ticket, \$750
10 to Mr Kris Bjelogrlc. So I tender that partial statement of Mr Ahern.

COMMISSIONER: No objections? Partial Bendigo Bank statement for M.J. Ahern, 11 March 2024 to 10 June 2024, will be CBU-42.

15 **<EXHIBIT CBU-42 PARTIAL BENDIGO BANK STATEMENT FOR M.J. AHERN, 11/3/2024 TO 10/6/2024**

MR GISONDA: And then document 43, Commissioner, this is a company extract for a company now known as EB Solutions, but previously known as EB Pro
20 Painting. And you'll see on the second page there, Commissioner, of this company search - sorry, on the second page - the previous director at the bottom of the page was Mr Bemir Saracevic of this company, and the director now, which is above that, is Mr Saracevic's wife. And then if we go to document 47, please -

25 **COMMISSIONER:** Do you want to tender this one?

MR GISONDA: I'll tender, yes, the company search or ASIC extract of EB Solutions Pty Ltd.

30 **COMMISSIONER:** Company extract for - there's no objections, I take it? Company extract for EB Solutions Pty Ltd will be CBU-43.

<EXHIBIT CBU-43 COMPANY EXTRACT FOR EB SOLUTIONS PTY LTD

35 **MR GISONDA:** Yes. And then document 47, the entry just before 7 June, there's a transfer of \$750 to Mr K. Bjelogrlc. And if we just go to the top of the page, this is the bank account of EB Pro Painting. So I tender that statement, Commissioner.

COMMISSIONER: No objections? Partial ANZ Banking record for EB Pro
40 Painting Pty Ltd for the period 3 June 2024 to 2 July 2024 will be CBU-44.

<EXHIBIT CBU-44 PARTIAL ANZ BANKING RECORD FOR EB PRO PAINTING PTY LTD FOR PERIOD 3/6/2024 TO 2/7/2024

45 **MR GISONDA:** I see the time, Commissioner. Is that a convenient time for the break?

COMMISSIONER: Yes. Do you want to cut the lunch break short, or are you happy to come back at 2?

MR GISONDA: 2 is fine.

COMMISSIONER: We'll adjourn till 2 pm.

<THE HEARING ADJOURNED AT 12.50 PM

<THE HEARING RESUMED AT 2.10 PM

COMMISSIONER: Yes, Mr Gisonda.

MR GISONDA: Thank you, Commissioner. Could I bring up document 79, please. This is a newspaper article from 2017 that describes Mr Mark Ahern, one of the three travellers from Melbourne to Brisbane -

COMMISSIONER: My documents go up to 78. At least on the index they do. Oh no, hang on. There's more here. Sorry. The index wasn't updated. I've got 79 here. Sorry.

MR GISONDA: In this newspaper article, Mr Mark Ahern, who's one of the travellers from Melbourne to Brisbane on 5 June 2024, is described as the former treasurer of the Comanchero bikie gang. Mr Pickard, did Mr Samuel ever tell you that he had an affiliation with members of the Comanchero bikie gang?

MR PICKARD: No.

COMMISSIONER: Who's "he"? Mr Samuel or Mr Ahern?

MR GISONDA: Mr Samuel.

COMMISSIONER: Is the answer still no?

MR GISONDA: He didn't tell you that he planned on bringing the former treasurer of the Comanchero bikie gang to the Centenary Bridge site?

MR PICKARD: No.

MR GISONDA: I tender that article, Commissioner.

COMMISSIONER: There's no objection, is there? ABC News report by Karen Percy entitled Ex-Comanchero Mark Ahern Jailed over Kittens Strip Club Fire in Caulfield South, Friday 20 October 2017, 9.27 am, updated 10.03 am, will be CBU-45.

**<EXHIBIT CBU-45 ABC NEWS REPORT BY KAREN PERCY ENTITLED
EX-COMANCHERO MARK AHERN JAILED OVER KITTENS STRIP
CLUB FIRE IN CAULFIELD SOUTH, FRIDAY 20/10/2017, 9.27 AM,
UPDATED 10.03 AM**

5

MR GISONDA: I'll just go to document 78, please. Actually, 77, sorry. Yes, that one. This is the telephone data that tracks the movements of Mr Saracevic, Mr Bjelogrljic and Mr Ahern on that day, just to try to piece together what they were doing at the site and when they were there exactly. So, Commissioner, do you see there there's a pink arrow, a red arrow and a dark-blue arrow. The pink arrow is Mr Ahern's movements, Mr Saracevic's - red is Mr Saracevic's movements, and dark blue is Mr Bjelogrljic's movements. Do you follow that?

15

COMMISSIONER: I see that, yes.

MR GISONDA: So this is in Melbourne, and you'll see that early in the morning, at about 7 am, they ping in respective locations in Melbourne and south-east Melbourne, and by about 7.30 or thereabouts, they all end up pinging at the Tullamarine Airport. Do you see that? And do you remember, Commissioner, that from the Virgin flight records, they left - departed Melbourne at I think 10 past 9 and arrived in Brisbane at 20 past 11. Do you remember that?

COMMISSIONER: Mmm.

MR GISONDA: So then over the page, you can see the three of them pinging at about 20 to to quarter to 12, or one of them is even at 20 past 11 in the morning, but at around the time that they land, their phones start pinging at Brisbane. And do you then see, Commissioner, that as they travel along, they appear to go straight from the airport to the Centenary Bridge project site, where they ping at around 12.17 pm. Do you see that?

COMMISSIONER: And that tender before lunch was of clips 1 to 21, which went from about 12.30 or so till about 12.50.

MR GISONDA: Yes. And so it appears that what happens is they go to the Melbourne Airport, they fly up to Brisbane and then go straight from the Brisbane Airport to the Centenary Bridge project site. And then over the page, they continue to give off signals from between 12.17 to a bit after 1 o'clock at the Centenary Bridge site. And then moving along, there are some telephone activity at around a spot that's called the Hunter & Scout Cafe. Do you see that, Commissioner?

COMMISSIONER: Mmm.

MR GISONDA: Perhaps I'll take this opportunity to just show you something. If you go back to document 47, this is Mr Saracevic's EB Pro Painting bank statement, and do you see on 5 June, there's a transaction at LS Hunter & Scout in Graceville?

COMMISSIONER: Yes. This has been marked at CBU-44.

MR GISONDA: Yes.

5 **COMMISSIONER:** Yes.

MR GISONDA: And then if you go to document 39 -

10 **COMMISSIONER:** So the inference is Mr Bjelogrljic bought lunch. Is that -

MR GISONDA: Mr Saracevic.

COMMISSIONER: Oh yes, I see. Yes, I see.

15 **MR GISONDA:** And then if you look at document 39, which is on the screen, that's a tax invoice for the Hunter & Scout Cafe, and it appears to show - and this is just inferential now, Commissioner, but it appears to show three separate meals, which are paid for at 2.12 pm. Do you see 2.12 towards the top of the invoice there?

20 **COMMISSIONER:** Yes.

MR GISONDA: And what the data shows, I'm going to submit to you, Commissioner, is that at this stage, it was just Mr Ahern, Mr Bjelogrljic and Mr Saracevic who had left the Centenary Bridge site and had now gone out for a meal.
25 But perhaps I'll ask you, Mr Pickard: you never dined with either Mr Bjelogrljic, Mr Saracevic or Mr Ahern that day?

MR PICKARD: No.

30 **MR GISONDA:** So I might just tender this document first, Commissioner. This is document 39.

COMMISSIONER: The tax invoice?

35 **MR GISONDA:** Yes.

COMMISSIONER: There's no objection? Tax invoice Hunter & Scout Cafe, 5 June 2024, 2.12 pm, will be CBU-46.

40 **<EXHIBIT CBU-46 TAX INVOICE HUNTER & SCOUT CAFE, 5/6/2024, 2.12 PM**

MR GISONDA: So then back at document 77, Commissioner, page 2 and then page 3. So you see then the telephone activity at Hunter & Scout Cafe, or thereabouts, I
45 should say. And then you'll see on the right-hand side of that map, it appears that they are in and around Fortitude Valley for perhaps around 45 minutes or thereabouts, 45 minutes to an hour. Do you see that, Commissioner?

COMMISSIONER: Mmm.

5 **MR GISONDA:** And then over the page again, they then appear to go to the airport,
and their respective telephones send off activity in the vicinity of the Brisbane
Airport. You may recall from the Virgin flight records that their flight was at 4.55.
Scheduled to be 4.55, I should say. And so that's consistent with the data there, that
they are at the Brisbane Airport in advance of the flight departing. And then over the
10 page, their data, or their phones, sorry, emit data at around the time that they were
due to land at Melbourne Airport.

So what this appears to show, Commissioner, is that these three men from
Melbourne flew out of Melbourne a bit after 9 o'clock in the morning on 5 June.
They arrived at Brisbane at around 11.30 on that same morning, went straight to the
15 Centenary Bridge site, were at the Centenary Bridge bridge for about half an hour,
then went and had a meal at the Hunter & Scout Cafe, and then went from there to
the airport, via a stop in around the Fortitude Valley. And so can I tender that
document, please.

20 **COMMISSIONER:** Are there any objections? How do I describe these documents?

MR GISONDA: Cell tower records for Mr Ahern, Mr Bjelogrljic, Mr Saracevic on 5
June.

25 **COMMISSIONER:** All right. Cell tower location data records for Mark Ahern,
Krstomir Bjelogrljic and Bemir Saracevic, 5 June 2024, will be CBU-47.

30 **<EXHIBIT CBU-47 CELL TOWER LOCATION DATA RECORDS FOR
MARK AHERN, KRSTOMIR BJELOGRLJIC AND BEMIR SARACEVIC,
5/6/2024**

MR GISONDA: 47, yes. And then document 78, this is Mr Samuel's cell - cell
tower location data for Mr Samuel. You will see at 4.33 am he's in South Bank. And
we know that at the time, Commissioner, Mr Samuel had accommodation in South
35 Bank in Brisbane. And so it appears that he goes to the Centenary Bridge project site
at about 5.30 am, and he's there for approximately four to four and a half hours. Do
you see that, Commissioner?

40 **COMMISSIONER:** Yes.

MR GISONDA: And then over the page, at 10 am, he appears to then drive to
Fisherman Island, which is where BMD's head office is located. Do you see that?

45 **COMMISSIONER:** Yes.

MR GISONDA: And it appears that he's there for about 40 minutes. And then over
the page, he then pings at the Brisbane Airport at about 10 to 12. And just pausing

there, that's at about the same time that the three men from Melbourne are also pinging data at the Brisbane Airport.

5 **COMMISSIONER:** So are you going to want me to infer that Mr Samuel picked those three men up and drove them to the Centenary Bridge site?

10 **MR GISONDA:** Yes. Yes, and so then going to the next page, at the same time as the other three men he goes from the airport to the Centenary Bridge site. And that's not surprising, because we then know that he was at the site at the same time as the other three, because he was walking with them along the bike path. Then what appears to be the case is that he stays at the Centenary Bridge project site for a little while - that's over the page - probably for about - until about 2.40. And then onto the next page. He appears to go from the Centenary Bridge site back to South Bank, which is where his apartment is located. So we might infer he went back to his room.

15 And then the next page, it appears that from there, he goes back to - or his phone then pings off data again back at Fisherman Island, which is the location of BMD's head office. So perhaps, Mr Pickard, I'll ask you: did Mr Samuel ever come to BMD's head office at any time?

20 **MR PICKARD:** Yes, he did.

MR GISONDA: And do you recall him being -

25 **COMMISSIONER:** Sorry, I missed the answer, sorry.

MR PICKARD: Yes, he did.

30 **MR GISONDA:** And do you recall him being at BMD's head office on that day?

MR PICKARD: I believe he was in the afternoon, yeah.

MR GISONDA: So you don't recall him being there in the morning, but you do recall him being there in the afternoon?

35 **MR PICKARD:** Yes.

MR GISONDA: I tender that document, Commissioner.

40 **COMMISSIONER:** No objections? Cell tower location data, Gary Samuel, 5 June 2024, will be CBU-48.

45 **<EXHIBIT CBU-48 CELL TOWER LOCATION DATA, GARY SAMUEL, 5/6/2024**

MR GISONDA: Yes. Then at document 76, this is the cell tower records for Mr Pickard and Mr Thomas. And could I just ask you, Mr Pickard: the man that you're walking down the shared path with in that footage, was that Steve Thomas?

5 **MR PICKARD:** Yes, it was.

MR GISONDA: And this first page shows that at about 8.30, both Mr Pickard and Mr Thomas were at BMD's head office for about three hours. And you'd say, wouldn't you, Mr Pickard, that that's not unusual, that the two of you would often be
10 working out of the head office in the morning?

MR PICKARD: Correct.

MR GISONDA: But is it your evidence that you don't recall having any discussions
15 with Mr Samuel that morning at BMD's head office?

MR PICKARD: No, I don't.

MR GISONDA: And then from - on the next page, two of them, Commissioner,
20 you'll see go to the Centenary Bridge project site.

COMMISSIONER: Could you just remind me the role that Mr Steve Thomas had within the organisation?

25 **MR PICKARD:** Steve is the general manager for HR.

COMMISSIONER: GM HR. Thank you.

MR GISONDA: So on this page, Commissioner, they both go to the Centenary
30 Bridge project site. And then over the page again, it appears that both of them are there until a bit after 2 o'clock. You'll see there's a ping at 2.08 for Mr Pickard and a ping at 2.02 for Mr Thomas. And then perhaps via a detour, potentially, but it doesn't matter, but they both then go back to BMD's head office. It appears they're both there at about 3.20 or thereabouts. Do you see that, Commissioner?

35 **COMMISSIONER:** It's interesting that Mr Samuel and Mr Thomas and Mr Pickard all seem to leave the head office at the same time, between 11.14 and 11.24.

MR GISONDA: Do you remember, Mr Pickard, whether you drove out with Mr
40 Thomas together, or did you take separate cars that day, or you don't remember?

MR PICKARD: We travelled together, I think.

MR GISONDA: And just to confirm, now that you've seen this data, do you
45 remember leaving the head office at about the same time as Mr Samuel left?

MR PICKARD: No, I don't recall in relation to Mr Samuel.

MR GISONDA: And was it normal for to you go out to the site - this is now June '24 - it was normal for you and Mr Thomas to go out to the site from time to time?

5 **MR PICKARD:** We visited the site regularly.

MR GISONDA: So the fact that the two of you were there on site at any given time is not unusual in and of itself; is that fair?

10 **MR PICKARD:** Correct.

MR GISONDA: I tender that document, Commissioner.

15 **COMMISSIONER:** No objections? Cell tower location data, Steve Thomas and Rob Pickard, 5 June 2024 will be CBU-49.

<EXHIBIT CBU-49 CELL TOWER LOCATION DATA, STEVE THOMAS AND ROB PICKARD, 5/6/2024

20 **MR GISONDA:** Can I then go to document 75, Commissioner. So again using those phone records, looking at who called and texted who on that day, you accept, don't you, Mr Pickard, that you would be in - at around this time, mid-2024, you'd be in regular contact with Mr Samuel; is that right?

25 **MR PICKARD:** Correct.

MR GISONDA: And do you say you've ever spoken to - have you ever spoken to - sorry, I withdraw that. Have you ever spoken to Mr Saracevic on the phone before?

30

MR PICKARD: No.

MR GISONDA: Have you ever spoken to Mr Bjelogrljic on the phone before?

35 **MR PICKARD:** No.

MR GISONDA: Have you ever spoken to Mr Ahern on the phone before?

40 **MR PICKARD:** No.

MR GISONDA: And on this day, Commissioner, you'll see early in the morning, it begins with text messages from Mr Samuel to Mr Thomas. Do you see that at 5.29 am, Commissioner?

45 **COMMISSIONER:** Yes.

MR GISONDA: And then at 5.30 am, Mr Pickard has a nine-minute call to Mr Samuel. You don't recall what that phone call was about, do you, Mr Pickard?

MR PICKARD: No, I don't.

5

MR GISONDA: And then you see from 6.24 to 6.27, you see the - two of the men from Melbourne, Mr Ahern and Mr Saracevic, are texting each other, and they continue to text each other that morning. But can I just ask you, Mr Pickard: the phone call at 7.30 am, do you remember having a 15-minute phone call with Mr Thomas that morning?

10

MR PICKARD: No, I don't.

MR GISONDA: And so you'll see then over the page, Commissioner, do you see text messages where Mr Saracevic and Mr Samuel are in text communication with each other?

15

COMMISSIONER: Both actual text messages and attempted text messages.

MR GISONDA: Yes. And the activity stops at 7.47 am, when Mr Thomas has a seven-minute phone call with Gary Samuel. Do you see that?

20

COMMISSIONER: Yes.

MR GISONDA: And then there's no data at all until 11.15 am. And do you see from 11.15 am to 11.27 am, there's - Mr Samuel attempts to text Mr Saracevic, and it's not delivered. And you can infer from that, Commissioner, that that's because Mr Saracevic's phone is still on flight mode.

25

COMMISSIONER: Yes.

30

MR GISONDA: And then at 11.30 Mr Samuel does get through to Mr Saracevic by text message. And then you'll see over the page at 11.32 he texts Mr Saracevic again, and then at 11.35 am he has a 22-second phone call with Mr Saracevic. Do you see that?

35

COMMISSIONER: Yes.

MR GISONDA: And then at 11.49 am, there's a one-minute-and-16-second phone call between Mr Saracevic and Mr Samuel. And that, in my submission, Commissioner, is consistent with someone trying to organise with someone else their location to pick them up from the airport.

40

COMMISSIONER: And they start travelling towards the Centenary Bridge project site around that time.

45

MR GISONDA: Yes. At exactly that time, they start moving away from the airport. And then Mr Pickard has a 48-second phone call with Mr Samuel. Do you remember calling Mr Samuel as you were on your way or about to depart to go to the Centenary Bridge site that day, Mr Pickard?

5

MR PICKARD: No, I don't.

MR GISONDA: And then you'll see at about 12.20 - this is about 10 or so minutes, Commissioner, before you see them emerge on the CCTV outside of that shopping centre car park - Mr Samuel tries to call Mr Thomas. Mr Thomas tries to call Mr Samuel. There's then a text message from Mr Thomas to Mr Samuel. Samuel then tries to call Mr Pickard. Thomas then calls Mr Samuel for 69 seconds. Then Mr Pickard attempts to call Mr Samuel, and then Mr Pickard texts Mr Samuel. Do you see those messages and attempted phone calls and phone calls, Commissioner?

15

COMMISSIONER: And you're going to say that I should infer this was all happening somewhere around the precincts of the car park near the Centenary Bridge site?

MR GISONDA: Yes. Yes. Well, we know from the telephone data that they at this time have arrived at the Centenary Bridge site, and we know that at least about 10 minutes later, they all emerge from the car park area. So can I ask you, Mr Pickard: when you were in the car park or about to enter the car park, were you trying to communicate with Gary Samuel at that time?

25

MR PICKARD: I don't recall.

MR GISONDA: Do you know whether Mr Thomas was trying to communicate with Mr Samuel?

30

MR PICKARD: I don't recall.

MR GISONDA: And then you'll see, Commissioner, that for the duration of the CCTV footage that we've seen, there's no communications between any of these people. And at 12.58, Mr Samuel tries to call Mr Pickard, and then Mr Samuel calls Mr Thomas for 10 seconds. Do you recall, Mr Pickard, that about half an hour later, just before 1 o'clock, you receive from Mr Samuel an attempted phone call?

35

MR PICKARD: I don't recall.

40

MR GISONDA: And then you'll see at 1.38, Mr Saracevic calls Mr Samuel for a minute and 15 seconds. And again, Commissioner, that's consistent with Mr Saracevic, Mr Bjelogrljic and Mr Ahern now having gone their separate way from Mr Samuel.

45

COMMISSIONER: They're at lunch by now.

MR GISONDA: You would assume so, yes, or about to have lunch. And then do you remember at 1.38, Mr Gareth Davie from Georgiou calling you for 16 seconds, Mr Pickard?

5 **MR PICKARD:** No, I don't recall.

MR GISONDA: Then you'll see at 2.30, Mr Ahern texts Mr Samuel and attempts to call Mr Samuel. That's at 2.30, Commissioner. And then at 2.30 also, Mr Saracevic tries to call and text Mr Samuel. And then at 2.30, you see a five-minute phone call,
10 Commissioner, between Mr Samuel and Mr Thomas.

COMMISSIONER: Yes.

MR GISONDA: And again, we have an attempted phone call from Mr Ahern to Mr Samuel. And then over the page, again, there's more attempted phone calls and then an actual phone call involving Mr Saracevic and Mr Ahern with Mr Samuel. And at 2.37, Mr Samuel calls Mr Thomas for about five minutes. And at 2.43, Mr Pickard has a 12-minute phone call with Mr Davie. Do you remember having a 12-minute
15 phone call with Mr Davie, Mr Pickard, on the afternoon of 5 June?

20 **MR PICKARD:** I don't recall.

COMMISSIONER: Just remind me who Mr Davie is? Sorry, I'm just trying to keep track of who's who in the zoo.
25

MR GISONDA: Mr Davie is one of the - is an employee of Georgiou, who's also working on the project, and he'll give evidence, probably tomorrow.

COMMISSIONER: What role did he have?
30

MR PICKARD: He was the project director.

COMMISSIONER: He was what, sorry?

35 **MR PICKARD:** The project director.

COMMISSIONER: Thank you.

MR GISONDA: He replaced Leigh Hahn. And then at 3.06, there's an attempted
40 phone call between yourself, Mr Pickard, and Quinn Murray. And there's then a two-minute phone call and a text message between Mr Thomas and Mr Samuel.

COMMISSIONER: Sorry to keep asking this. I've forgotten who Mr Quinn Murray is as well.
45

MR PICKARD: Quinn I believe at that point in time might have the project manager on the job, or a construction manager, if you will.

COMMISSIONER: Project manager for BMD or for Georgiou?

MR PICKARD: For the joint venture. He's employed by Georgiou, as is Gareth.

MR GISONDA: And then the text messages are between Mr Samuel and Mr Thomas. Sorry, there's then a 15-minute phone call between Mr Pickard and Mr Murray at 4.20 pm. Do you remember having a 15-minute phone call with Mr Murray and Mr Pickard?

MR PICKARD: I don't recall.

MR GISONDA: And then the text messages between - there's text messages from Mr Samuel to Mr Thomas at 4.59. Do you see that, Commissioner?

COMMISSIONER: Yes.

MR GISONDA: And then there appears to be no other communications between Mr Samuel and either Mr Thomas or Mr Pickard, which is consistent with them both being at BMD's head office at the same time. And then there's a 32-minute phone call between Mr Pickard and Mr Davie. Do you recall having a half-hour conversation with Mr Davie, Mr Pickard?

MR PICKARD: No, I don't.

MR GISONDA: And then do you recall having a 30-minute conversation with Mr Thomas at 9 pm that night?

MR PICKARD: I don't recall.

MR GISONDA: And then at 9.43, you'll see, Commissioner, Mr Mark Ahern's speaking to Mr Gary Samuel for another eight minutes. So you don't recall conversations on that afternoon or evening about locating the CCTV of the incident?

MR PICKARD: Yes, I requested that of the team after Mr Raymond reported the incident to me.

COMMISSIONER: After who reported the incident to you, sorry?

MR PICKARD: Mr Raymond.

MR GISONDA: I might tender that document, Commissioner.

COMMISSIONER: How do I describe -

MR GISONDA: Log of phone communications between -

COMMISSIONER: It's really involving all six of Rob Pickard, Steve Thomas, Gary Samuel, and the three others?

5 **MR GISONDA:** Yes. To be clear, there's no evidence of Mr Pickard or Mr Thomas ever communicating directly with Mr Saracevic, Mr Bjelogrljic or Mr Ahern. The common link between Mr Pickard and Mr Thomas on the one hand and the three other men on the other is Mr Samuel. They all are in communication with Mr Samuel.

10 **COMMISSIONER:** Say that last bit again.

MR GISONDA: They are all in communication with Mr Samuel.

15 **COMMISSIONER:** Are there any objections? Telephone contact log for six persons, being Rob Pickard, Steve Thomas, Gary Samuel, Bemir Saracevic, Krstomir Bjelogrljic, Mark Ahern, 5 June 2024, will be CBU-50.

20 **<EXHIBIT CBU-50 TELEPHONE CONTACT LOG FOR SIX PERSONS, BEING ROB PICKARD, STEVE THOMAS, GARY SAMUEL, BEMIR SARACEVIC, KRSTOMIR BJELOGRLJIC, MARK Ahern, 5/6/2024**

MR GISONDA: I'll now go to document 33. I think you've already said, Mr Pickard, but Mr Raymond put in a complaint that day, didn't he, about the incident?

25 **MR PICKARD:** Yes.

30 **MR GISONDA:** And this, Commissioner, is a draft statement taken by Georgiou, who conducted an investigation into the incident. And at page 2, paragraph 3, he says on - and I should say, Commissioner, just going back a page, the date of the interview is 13 June 2024. Do you see that?

COMMISSIONER: Yes.

35 **MR GISONDA:** Now, that's eight days after the fact, but at document 10 - I might actually tender document 10 first. Document 10 is a text message that Mr Raymond sent to Mr Davie on 7 June. Do you see that?

COMMISSIONER: Yes, I've got that.

40 **MR GISONDA:** So even though it's an email from Mr Davie to others within Georgiou, what Mr Davie's done here is put in an email the text of a text message he'd received from Cody Raymond. And so I just point that out, Commissioner, so you know that this is an account from Mr Raymond one or two days after the fact. But when we now go to the statement at document 33, this statement is consistent
45 with the text message that he sent. So they've taken a text message that was sent on the 7th and then turned it into a statement for Mr Raymond to consider and then sign on 13 June. Do you follow that, Commissioner?

COMMISSIONER: Yes, I do.

5 **MR GISONDA:** And I'm going to use this version on the 13th, because it's got a little bit more detail, and it's got paragraph numbers. But as I say, it's consistent with what he said in his text message on the 7th.

COMMISSIONER: Do you want to tender the text message from the 7th?

10 **MR GISONDA:** Yes.

COMMISSIONER: Well, it isn't actually a text message, is it? It's Mr Davie sending on what he'd received from Mr Raymond to Mr Bekkers and Mr - Ms - I don't know - someone Scott.

15 **MR GISONDA:** Yes. So - that's correct. It's an email that sets out the text. We also have the text, but you only see the first few sentences of the screenshot of the text, and we'll come to that shortly, but this is all of the text that was included in the text message.

20 **COMMISSIONER:** Are there any objections? Email Gareth Davie to Jonty Bekkers and Courtney Scott, Friday 7 June 2024, 10.13 am, apparently enclosing text message previously sent by Cody Raymond, CBU-51.

25 **<EXHIBIT CBU-51 EMAIL GARETH DAVIE TO JONTY BEKKERS AND COURTNEY SCOTT, FRIDAY 7/6/2024, 10.13 AM, APPARENTLY ENCLOSING TEXT MESSAGE PREVIOUSLY SENT BY CODY RAYMOND**

30 **MR GISONDA:** So at this statement of Mr Raymond, over the page at page 2, paragraph 3, he says:

35 "On 5 June at circa 12.30 pm, I witnessed 4 men standing on the shared bike path adjacent to the Centenary Project Site about 39 metres away (referencing my knowledge of crane radius)."

And I should just say, Commissioner, Mr Raymond didn't have the benefit of the CCTV; as I understand, has never seen the CCTV. Then over the page:

40 "I was positioned in the crane. At the time, I was hooked onto a load."

Then moving on to paragraph 5:

"I witnessed Ben O'Brien being spoken to through the fence."

45 And you will remember from the footage, Commissioner, that there was originally another worker who went to the fence and was then sent away to get someone. So he says:

"I witnessed Ben O'Brien being spoken to through the fence by a guy in a black shirt and running shoes on."

5 He says the man was using strong Arab gestures and was pacing back and forth. And we saw that in the footage, that he was going backwards and forwards. Then at paragraph 6, he says:

10 "I grabbed my hand piece for my two-way radio and asked Ben, 'Who are they?' He responded, 'They asked for you.'"

So just pausing there, it seems that they've come onto - they've arrived at the site, they've walked up to the shared path and then appear to have gone straight to the gate and asked for Mr Cody Raymond.

15 **COMMISSIONER:** This is according to Mr Raymond and the other evidence you've got?

20 **MR GISONDA:** Yes. So the other evidence we've got is that they've come up, flown up to Brisbane and gone straight from the airport to the project site. And then we see the first time they come onto the area surrounding the project site, they go straight to the gate and ask for someone. And the evidence now from Mr Raymond is that they came and asked for Mr Raymond. Then at paragraph 7:

25 "I quickly grabbed my hard hat from the coat hangers and started walking towards the four men."

Then at paragraph 8 he says:

30 "As I was approaching the perimeter fence, the man in the black shirt and sneakers was identified and clarified that he definitely looked of Middle-Eastern descent."

I think what he's trying to say is that he had dark features. And alongside him was three other men:

35 "...one of whom I had encountered on the 30th of May in a discussion which became heated, at the same location."

40 That man, Commissioner, is Mr Samuel, and so we'll look at what happened on 30 May a bit later. Then at paragraph 9:

"I now had a brief knowledge of what everything was about. The man in the black shirt was yelling, 'Brother, brother,' in an accent."

45 And just pausing there, because of the traffic noise, we can hardly hear anything about what was said in the interaction, but one thing you could hear was Mr

Saracevic calling him "brother" at one point. You remember that in a caption. Anyway, so he says:

"The man in the black shirt was yelling, 'Brother, brother,' in a foreign accent."

Then at paragraph 10 - sorry, continuing in paragraph 9:

"I addressed him and greeted him, 'Hello brus.' He followed the conversation with an aggressive, 'Why the fuck are you threatening my men?'"

And then at paragraph 10:

"I began to respond but at the same time I started my commute to meet them face to face, without a perimeter fence between us. He mirrored my paces alongside the perimeter fence until I reached the gate, of which I removed the chain, padlock and opened the gate to proceed. Then the respect of not having to converse through a meshed fence panel."

So you saw all that in the footage. As he was walking up to the gate, he started to be spoken to by Mr Saracevic, and then Mr Cody Raymond opens the gate and then closes the gate behind him so that they can speak out on the path together. At paragraph 11, he just said that he assumed that he was about to encounter a potentially dangerous altercation, because of the body language and violent behavioural traits. Paragraph 12, he says he positioned himself so that he could protect himself if anything violent were to happen. He said:

"I felt like they were ready to roll or gang bash me."

He says at that time he was not afraid; he just wanted to protect himself. Then at paragraph 13 he says:

"The man in the black shirt was attempting to be verbally intimidating. His questions were about an altercation I had with his acquaintance (Gary Samuel - Host) standing close by on 30 May. The man in the black shirt stated that I had threatened him and called him a goose. He further stated that 'this is my company' referring to the security/logistical relations firm (hired by BMD). I have since done research and confirmed that the man in the black shirt (allegedly Benji - president of the Comancheros) is an owner of Host."

Whether that's - I think you can put that point to one side, Commissioner, that he was able to confirm through research that Benji was the owner of Host. Then at 14 he says:

"I responded with 'I threatened him, did I?' I singled out the acquaintance (of whom I understand his name is Gary) and asked him, 'Did you feel threatened, mate?' He declined to respond at first, so I requested that he answered, 'Go on, did you feel threatened?' He responded with, 'Cody, yes'. And I said, 'What a joke.'"

So just pausing there, he says that Mr Saracevic says - complained that Mr Raymond had threatened Mr Samuel on 30 May. And then at paragraph 15, he says:

5 "The man in the black shirt became extremely aggressive and aggravated and asked, 'Do you know who the fuck I am?' I responded with, 'Um no.' He responded proudly, 'Benji from the Comos.' I responded with a laugh and a 'what' as I didn't imagine a person of that affiliation would disclose that in a public workplace area. I had never met Benji or known of him before his interaction."

10

And at paragraph 16:

"I asked him again, 'Hold up, who are you?' He responded, 'Benji from the Comos.' I asked, 'Where from?' He responded with, 'Melbourne. Ring your fuckin' lads, do
15 your fucking homework.' He continued talking. He stated, 'I'm up here to deal with you.'"

Then just pausing there, it's fair to say on the evidence that we've seen that at least on 7 June, Mr Raymond wouldn't have any reason to know who this man was, that his
20 name was Mr Saracevic, that he goes by the name Benji, and that he's from Melbourne, or that he had at least a publicised association with the Comancheros.

MR O'GRADY: Sorry to interrupt my learned friend, but could I ask the operator to scroll through the letter so that we can see what my learned friend is reading from.

25

MR GISONDA: Sorry, paragraph 16. So I was just saying, pausing there, he's saying things that it's difficult to see how he would know those things unless that's in fact what in fact was said in that conversation.

30 **MR PICKARD:** Excuse me, Mr Gisonda. Can I request to go to the bathroom really, really quickly?

MR GISONDA: Of course.

35 **MR PICKARD:** Does that mess anything up?

MR GISONDA: No. Of course.

MR PICKARD: I'm just going to pop.

40

COMMISSIONER: We'll adjourn for five minutes. Is that enough time? Five minutes. We'll come back at 10 past.

45

<THE HEARING ADJOURNED AT 3.06 PM

<THE HEARING RESUMED AT 3.12 PM

COMMISSIONER: Mr Pickard, any time you need a break, just call out.

MR PICKARD: Sorry?

5 **COMMISSIONER:** Any time you need a break, just call out.

MR PICKARD: Thank you.

10 **MR GISONDA:** And sorry, I should just clarify, Commissioner, in fact, the text message which we will come to was sent by Mr Raymond on 5 June at 4.32, so he sent it about - a bit under four hours after the event actually happened. So back at paragraph 17:

15 "I responded, 'How are you going to deal with me?'"
He says:

"He responded with, 'I'll fuckin' burn your house down cunt and kill your kids, brother. I fuckin' know where you live, brother.' I responded with, 'Go for it, mate. I don't even know what the fuck you're here for or what justifies you saying that.'"

Then at paragraph 18:

25 "I imagined he wanted me to react. I didn't. I turned and started removing the padlock and chain to enter the site again. Having my family and children threatened, I needed to take myself away from the violent, aggressive situation. He mirrored my footsteps outside the perimeter fencing as I entered and re-dummy locked the gate. He was verbally abusive, calling me a fuckin' dog and that I shouldn't call the fuckin' police."

30 And you can hear that in the footage, Commissioner. He says, "Don't call the police." Then he says:

35 "I was shaken up by the threat on my family but responded to his constant verbal abuse. I exclaimed, 'This is a fucken joke, what a waste of my fucken time.'"

40 And then he says at paragraph 20 that he pondered the experience for five minutes or so with colleagues and that they were evidently shaken up also, and that Mr Arcadiou and Mr O'Brien immediately rushed over to check in with him. And then at 21 he says:

45 "I started walking back towards the gate as the four men had left. I was intending to assist Mr Scott of Universal Cranes with two lifts so he could have his lunch. As I was walking across the shared path again to the Abutment A area, the four men approached again."

If I can just pause there, Mr Pickard, walking across the shared path to the Abutment A area, is that the same location where the interaction occurs on the CCTV, or is it a different area?

5 **MR PICKARD:** It's a similar area.

MR GISONDA: Similar area. So he says he crossed the path and the four men approached again. And what we do know, Commissioner, is that they've walked off but then come back. And he says the same man in the black shirt was still displaying
10 violent, aggressive behaviour. He threatened me again, saying, 'I know where you live, you fucken dog. I'm going to burn your house down, cunt. Brother, brother.'"

At 23:

15 "I approached the fence as he said that and responded with, 'Don't call me brother, and you have no fucken idea.'"

Then just moving on to 27, he says at the bottom of the page:

20 "I noticed two men, a very tall man and a shorter structured man, of whom I had known both of them to be hierarchy assets."

And RP is Mr Pickard and ST is Mr Thomas, according to the legend at the start of this document, Commissioner. But he calls them hierarchy assets to the project. He
25 says:

"I approached them quickly and explained what had just happened and that they should do background checks on the security firm they hire because I was just threatened by a man that claims he's a Comanchero from Melbourne and this is his
30 security firm. Neither man responded to that, which I found strange, given I'd mentioned a known outlawed bkie organisation, but instead praised my work with the install of the box girder gantry rails and instead asked me what the earthworks on the western side of the shared path was."

35 And he says:

"I answered, 'It's the shared bike path which will tie into the new footbridge.' I pointed to the bridge and left the conversation. Mr Pickard later apologised once he knew what had happened, saying it now made sense to him why I appeared abrupt."
40

Could I just ask you, Mr Pickard, so that's Mr Raymond's version as to - he says you were there at the site, which you've agreed you were, with Mr Thomas. He then says that he approached you and explained what had happened and that he said you should do background checks on the security firm you hire, because he'd just been
45 threatened by a man who says he's a Comanchero from Melbourne and that this is his security firm, and that you didn't respond but you instead praised his work about the

installation of the box girder gantry rail. Do you remember having any conversation with Mr Raymond shortly after this incident on site?

5 **MR PICKARD:** Yes, I remember a conversation with Mr Raymond. He approached and made a comment along the lines similar to what he said here, right, about he'd just been accosted by a so-called member of an outlaw motorcycle club. I think he said the Comancheros.

10 **MR GISONDA:** Yes.

MR PICKARD: When that was first said to me - I didn't talk about box girders or anything like that. I've never had a conversation with him about steel girders. I said, "Well, hang on a minute. What are you talking about?" Because it was - sorry, just got hit with it. He then went on to explain it a little bit more. I said well, we'll look
15 into that, no problem, and then I asked around the earthworks for the embankment at that point in time, because we were supposed to be switching the accesses for the project.

20 **MR GISONDA:** That's the earthworks on the western side, is it?

MR PICKARD: Yeah.

MR GISONDA: Yes. So you agree that - just so we understand what you agree with and what you don't agree with, you agree you had a conversation. You agree that he
25 said something along the lines of he'd been accosted by someone who said he was a bikie or a Comanchero. And then you said, "What are you talking about?" And then you said you'd have it investigated and then you went and spoke about the earthworks on the western side. Is that -

30 **MR PICKARD:** Correct.

MR GISONDA: Then what Mr Raymond says at paragraph 32 is he's asked whether there's anything at all that he can think of that he might have done that would result in the threats on 5 June, and at paragraph 32, he says:

35 "No, just doesn't make sense to me. In the meeting the day after the 5th of June, Mr Samuel tried to make the link between me being a union member and the Comancheros going after me, noting CFMEU are allegedly affiliated with a rival bikie group. Benji..."

40 That would be Mr Saracevic:

"...called me a dog, which I understand to mean snitch. Mr Samuel stated there was an assumption that someone on site was sending the CFMEU information which
45 assisted them in the recent union issues on the Centenary site. I didn't send any info. In this same meeting..."

So that's the meeting on 6 June, Commissioner:

"...Mr Samuel said, 'Your name gets dropped a lot.' And this was also mentioned in conversation between Mr Samuel and Benji in the 5th June 2024 altercation."

5

And just in relation to that meeting on 6 June with Mr Samuel, were you also present in that meeting with Mr Raymond and Mr Samuel, the day after?

MR PICKARD: Yes, I was, as was Gareth Davie.

10

MR GISONDA: So we'll just come back to that. Just at paragraph 33 onwards, Mr Raymond talks about what happened on 30 May. I might come back to what happened on 30 May, but I think it's fair to say, Commissioner, that Mr Raymond and Mr Samuel have different versions as to what happened on 30 May. I think Mr Raymond's version is that he was a lot more - it was a lot more uneventful, whereas Mr Samuel's version is that Mr Raymond was a lot more aggressive. But it might make more sense if I take to you Mr Samuel's version first before looking at Mr Raymond's version. And then at paragraph 41 he then deals with the meeting on 6 June, so that's the day after, and he says with RP, that's Mr Pickard; GS, that's Mr Samuel; G. Davie, that's Mr Gareth Davie; and Mr Raymond. So, Mr Pickard, you agree that it was the four of you in the meeting; is that right?

15

20

MR PICKARD: Correct.

25

MR GISONDA: And he says it was to discuss what had happened and that he walked out after about 20 minutes being frustrated. At paragraph 42 he says:

"Later Gareth Davie told me that Mr Samuel said, 'I get these threats to me all the time. I've been told on this project that they are going to burn down my house, fuck my wife, kill my kids.' I told Mr Davie that is not comparable since he runs a security firm and I am in construction and questioned Mr Davie as to why Mr Samuel said this when I was out of the room. Seemed strange to me."

30

And perhaps I'll just pause there. Once Mr Raymond left the room, do you remember Mr Samuel saying something like that?

35

MR PICKARD: I remember there was a brief conversation following that with Gareth. I don't recall the content of that conversation.

40

MR GISONDA: Then at paragraph 43:

"In a separate conversation I had with RP on 6 June he summarised his understanding of the CFMEU bikie affiliation (Bandidos) and Host bikie affiliations (Comancheros). My observation is Mr Pickard knew about there being a Comancheros/Host connection before the 5 June 2024 took place."

45

I'll just take this in steps. Did you have a separate conversation with Mr Raymond on 6 June?

MR PICKARD: I don't recall that conversation, no.

MR GISONDA: So does that mean that you don't recall saying that you understood there was - the CFMEU were affiliated to the Bandidos? Just pausing there, is that something that you recall saying to Mr Raymond?

MR PICKARD: No, I don't.

MR GISONDA: What about that you understood Host had affiliations with the Comancheros?

MR PICKARD: No, I don't.

MR GISONDA: Then at paragraph 44, he says Mr Pickard, with Mr Davie, Mr GK, which I believe is Mr Kenny, ST, that's Mr Thomas, and SD, being Mr Donald, Sean Donald, the general manager of Georgiou:

"...offered 12 months of security protection on my house. 'Just let me know,' he said. This was offered on 6 June after the normal 2 pm meeting they all attend on site. This conversation took place on the grass in front of nearby gym (Jindalee Fitness). GK, Mr Kenny, had been walking with me to Mr Kenny's car."

Do you remember there being a meeting or a discussion in the afternoon of 6 June with Mr Donald, Mr Thomas, Mr Kenny and Mr Davie present?

MR PICKARD: Yes.

MR GISONDA: And did you offer 12 months of security protection on his house?

MR PICKARD: No, I don't believe that to be the case. What was discussed that day, Cody was understandably upset. I advised him that we worked with a company who looked after - it was particularly in the domestic violence space, but they did provide support services and security services for people in that space and that I was more than happy to put those guys in touch with each other and see where that went.

MR GISONDA: And that was Concentric Concepts, is that you right, that you had in mind?

MR PICKARD: Correct.

MR GISONDA: That's Mr Grant Killen's company?

MR PICKARD: Correct.

MR GISONDA: Then he says at paragraph 45:

5 "Before the 2 pm meeting on 6 June, I spoke to Mr Pickard one on one. I said to Mr Pickard he needs to check on Bob, BMD employee whose heart rate has been up for the last two days according to his smart watch reading. I said, 'Make sure he's okay.' Mr Pickard said he was going to talk to Host to make sure this won't happen again. Mr Pickard said he would leverage the amount of work he gives Host in order to squash this. (I recorded this covertly on my phone.)"

10 Do you remember having another one-on-one conversation with Mr Raymond before the 2 pm meeting on that afternoon?

MR PICKARD: I remember a conversation with Mr Raymond and Mr Kenny, yes. I don't recall the content of that conversation.

15 **MR GISONDA:** So you can't recall whether you said that you were going to talk to Host to make sure this didn't happen again?

20 **MR PICKARD:** It is conceivable that I would have said something to that effect, yes.

MR GISONDA: And is it conceivable that you might have said that you would leverage the amount of work you give Host in order to squash this?

25 **MR PICKARD:** I don't believe I would've used those words, no. I don't use the word "leverage".

30 **MR GISONDA:** And least as far as you were concerned, the only work that Host was doing for BMD, at least that you had involvement with, was security work on Centenary Bridge, the Centenary Bridge site. And were there other sites in Brisbane as well?

MR PICKARD: Yes, there was other sites.

35 **MR GISONDA:** Then he says at paragraph 46:

40 "Mr Pickard said in a separate conversation where Mr Kenny was present on 6 June 2024, 'I'm gonna make some calls and let them know you're one of my men now - is that okay?' This interaction took place between the meetings referenced above. Mr Pickard said he can relate because his wife and kids are in the same boat. Mr Pickard said the other night that his wife said she shouldn't feel scared living in their own house."

45 Do you recall saying to Mr Raymond that you were going to make some calls and let them know that you're one - that Mr Raymond was one of your men now?

MR PICKARD: No, I don't recall those words, but I definitely recall making a reference to him about the way my own family was feeling at that point in time and that it was unacceptable for any wife or other family members to be feeling that way, including himself.

5

MR GISONDA: And is that a reference to what you were talking about before, which was that some security assessment threats had been done on various senior people within BMD as a result of the campaign by the CFMEU against BMD?

10 **MR PICKARD:** In part, yes.

MR GISONDA: When you say "in part", what else was there that led to fears on your part about - well, the fears that - sorry, what else was there that led either yourself or your family to feel fearful or threatened?

15

MR PICKARD: I believe, based on what was making its way to the newspapers and television channels at that point in time, that informed a certain sense of concern within my family.

20 **MR GISONDA:** Had you had much to do with Mr Raymond before 5 June 2024?

MR PICKARD: No.

MR GISONDA: Did you know who he was before 5 June?

25

MR PICKARD: Yes.

MR GISONDA: Can I just show you - and sorry, I should tender that. That's a draft statement, Commissioner. There's a signed statement, which we'll come to later, but this draft statement contains more material in it, so I want to tender that.

30

COMMISSIONER: What do we do with the draft if there's a - is Mr Raymond going to come forward and adopt this?

35 **MR GISONDA:** We present this as a record of what Mr Raymond said to Mr Baker on 13 June 2024.

COMMISSIONER: Is there any objection? No. Record of report given by Cody Raymond to Thom Baker, 13 June 2024, will be -

40

MR GISONDA: 52.

COMMISSIONER: 52. Thank you.

45 **<EXHIBIT CBU-52 RECORD OF REPORT GIVEN BY CODY RAYMOND TO THOM BAKER, 13/6/2024**

5 **MR GISONDA:** Can I now look at document 31, please. You'll see at the top of the page there, 5 June 2024, at 4.32 pm, that's the text message that Mr Raymond sent to Mr Murray on 5 June. And so just so we follow, that's the text message he sent at 4.32. Do you see at the bottom of the message that there's three dots, meaning that the message continues to go on?

COMMISSIONER: Yes.

10 **MR GISONDA:** The text of that message is what's found in the email that's been tendered. And then if we just go over the page - maybe - and then there is another page?

COMMISSIONER: That's all I've got.

15 **MR GISONDA:** Okay. So I tender that text exchange.

COMMISSIONER: So these are text exchanges between Cody Raymond and Quinn Murray?

20 **MR GISONDA:** Yes.

COMMISSIONER: Are there any objections? The text exchanges between Cody Murray - sorry, Cody Raymond and Quinn Murray, 5 June 2024 through 11 September 2024, will be CBU-53.

25 **<EXHIBIT CBU-53 TEXT EXCHANGES BETWEEN CODY RAYMOND AND QUINN MURRAY, 5/6/2024 THROUGH 11/9/2024**

30 **MR GISONDA:** And then under that text message of 5 June at 4.32 - sorry, back on that page we were just on. And I appreciate you're not on this text message. Sorry, back - the previous page. Do you see at 8.49 pm, he says to Mr Murray:

35 "Do you think Steve Thomas or Rob Pickard would disclose my address to his contractors? I'm still on the BMD system. My family and I are staying at my brother's man just in case they disclose that personal information. My partner is an emotional mess."

40 Do you know why Mr Raymond might have asked Mr Murray whether he thought you or Mr Thomas would disclose his personal details to Host?

MR PICKARD: No, I don't.

MR GISONDA: That's not something you'd ever threatened to do to Mr Raymond?

45 **MR PICKARD:** No, it's not.

5 **MR GISONDA:** And then at the next document, document 32 - actually, I won't deal with that document now. If we can go back to document 31. I see the time, Commissioner. Is that a convenient time to adjourn? I've probably got about another 45 minutes with this witness, maybe less. I'll try to be as efficient as I can in the morning.

10 **COMMISSIONER:** Mr Pickard, we're going to have to ask you to come back tomorrow morning. Are you going to ask the witness not to discuss his evidence with anyone overnight, Mr Gisonda, or is that unnecessary?

MR GISONDA: I think that's - I think it would be advisable, Commissioner, yes. But that's - I don't think it's a matter of me asking; I think it's a matter of you telling.

15 **COMMISSIONER:** It's normal practice, Mr Pickard, that in a situation like this the tribunal would normally direct a witness at this stage of the process not to - where the matter is adjourned and you're going to come back and be asked some more questions, not to discuss your evidence with anyone overnight. Do you understand that?

20 **MR PICKARD:** Understood.

COMMISSIONER: It's just an orthodox direction. It doesn't mean that any view has been formed about your evidence at this stage. It's just what every witness in your situation gets told.

25 **MR PICKARD:** Understood.

COMMISSIONER: Is there anything else for this afternoon? No? We'll adjourn till 10 am tomorrow morning.

30 **<THE HEARING ADJOURNED AT 3.39 PM**