

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

WITNESS STATEMENT OF RAOUL VAN AARDT

I, Raoul Van Aardt, Supervisor, CPB Contractors Pty Ltd, 10/12 Creek Street, Brisbane City in the state of Queensland say on oath:

Background

1. I make this statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. I am a site supervisor employed by CPB Contractors Pty Ltd (**CPB**). I work on the Cross River Rail project (**Project**) as part of the Unity Alliance.
3. I started working on the Cross River Rail project in approximately mid-2021 and have been working on the Project for approximately 5 years.
4. I am currently responsible for supervising workers on the Project. Throughout my time on the Project, I have worked on the Mayne Yard, Clapham Yard, Yeerongpilly Station Rocklea Station and Dutton Park Station. I am now back at the Clapham Yard site.
5. Part of my responsibilities as site supervisor include:
 - (a) running the pre-start meetings and telling the workers what we will be doing on a given day;
 - (b) discussing safety features of tasks we will be completing;
 - (c) ensuring workers have appropriate permits for the work they are doing;
 - (d) running toolbox talks;
 - (e) ensuring jobs are completed in accordance with safety procedures;
 - (f) attending look-ahead and coordination meetings concerning upcoming work; and
 - (g) generally managing the work areas and workforce so that work is set up and carried out safely and as planned.
6. I would generally supervise a work crew of approximately 15 to 30 people during the course of a shift.
7. When I was on the Dutton Park site, I reported to site superintendent, Ben Perry (**Mr Perry**). James Donaghey was the general superintendent for the relevant area of the project from up until recently.
8. I have worked in the construction industry for approximately 20 years and have worked in Australia for approximately 10 of those years. Prior to joining Cross River Rail, I worked for G & H Civil Contractors, including in a supervisory role. I also worked for Fencepac Construction in Australia after emigrating from South Africa where I had also worked in the construction industry.

9. I hold a Certificate IV in civil construction supervision.

Relations with the CFMEU

10. I joined the CFMEU as a member sometime around 2017 and remained a member for approximately two years.
11. I joined the CFMEU while I was working for G & H Civil on the Watpac project at Redbank Plains. I was told by a CFMEU delegate, in substance, that if I wanted to work on the site, I needed to join the union. I had no interest in joining the union but did not want to leave the project, so I joined as I felt I had no choice.
12. To become a CFMEU member I had to fill out a form and either pay the fees up front or arrange for them to be deducted periodically from my wages. My recollection is that the fees were a little under \$1,000 per year.
13. I didn't really participate in union activities, and I never attended rallies. I just went to work and did my job each day.
14. After the GMH Civil job finished, in around 2019, the deductions stopped. I remember receiving several letters from the CFMEU about unpaid membership fees. I regarded the tone of those letters as unpleasant. I ignored them and, after a period, the letters stopped. I do not know whether my membership was formally cancelled.
15. On the Cross River Rail site, I worked with two HSRs who had been installed on the Project by the CFMEU: Tim Maguire and Liam Crow. They were employed on the Project and I understood that they were expected to perform ordinary work as well as their delegate functions. In my experience, they did very little productive work. I tried to give them basic labouring tasks such as cleaning, packing up, setting up work areas and other general labouring work, but over time I found them difficult to rely upon for productive tasks. I also heard that Tim Maguire had initially had difficulty passing the medical that allowed him to work on site.
16. Initially, although I found the HSRs difficult to manage as workers and found them to be unproductive, our relationship was not hostile or antagonistic. Things changed significantly during the industrial action in 2024.
17. My own earlier experience as an ordinary CFMEU member also makes me distinguish between ordinary members and the conduct I describe below. I do not consider every CFMEU member to be violent or intimidating. In my experience, many workers are like me and join because they believe they need to do so to work on particular projects and simply want to work and support their families.

Dutton Park Incident

18. The period leading up to the incident at Dutton Park on 1 May 2024 was when I noticed a major change in the attitude and behaviour of the CFMEU and the HSRs, with whom I believed I previously had a reasonable working relationship.
19. In the lead up to 1 May 2024, there was talk around site that picketing would start. My understanding was that it related to an enterprise agreement being negotiated, although I was not involved in the negotiations and did not know the detail of the disputed conditions. I remember expecting the picket on 1 May 2024.

20. There had also been significant CFMEU activity at Dutton Park on 30 April 2024. Workers had entered the site and CFMEU people were outside, including around the Kent Street side and on or near the bridge, yelling at workers. I heard threats to the effect that we would not walk out of the site alive and that, if we did walk out, we would be unrecognisable or unable to walk. I cannot now remember the precise words but it was violent and intimidating language.
21. As a result of the threats, Mr Perry ultimately directed workers to stop work and leave the site. As a supervisor, I felt responsible for the workforce and did not know how we could safely manage threats of that kind.
22. We had also been having trouble with CFMEU organisers and HSRs/delegates attending pre-starts and interrupting while supervisors were providing information to the workforce. They would challenge what management was saying about safety matters and make comments in front of the workforce. On some occasions, organisers told management personnel and supervisors to leave because the union wanted to address its members privately. I recall Dean Mattas and Dean Rielly attending pre-start meetings during this period.
23. On 1 May 2024, when arriving at site, CFMEU workers were picketing at the Dutton Park site entrances. A decision was made to hold the pre-start in the carpark at 252 Annerley Road. Holding the meeting there allowed us to complete the daily safety discussion without interruption and allowed workers who wanted to work to approach the site together.
24. The pre-start began in the carpark at about 6.30am. I cannot recall everyone who was present, but it included Unity, Matrix and other workers who intended to work that day. I recall the following people being present:
- (a) Patrick O'Brien (site manager);
 - (b) Ian Barr (supervisor);
 - (c) Kevin O'Brien (supervisor);
 - (d) Carl Morgan (supervisor);
 - (e) Damien Keeley (leading hand);
 - (f) Fou Ah Lam (labourer);
 - (g) Tyson Langdon (labourer);
 - (h) Soane Taukalau (labourer)
 - (i) Marty Johnston (labourer);
 - (j) Nick Ford [(leading hand); and
 - (k) Dwayne Moran (leading hand).
25. I recall a number of traffic controllers were also at the meeting, including Skye Lewis and Isabelle Martin.
26. After the meeting, the workers who wanted to work walked towards the site together. There were several access points around Dutton Park, including pedestrian and

vehicle access around Fairfield Road, an access point on the eastern side of the bridge, access around Cope Street and an access point towards Kent Street. I would estimate that there approximately 50 or so CFMEU people around the site in total, with some stationed at entrances and others moving between the access points.

27. Many of the CFMEU people outside the site were wearing CFMEU-branded shirts or jumpers. Others were dressed in dark clothing without obvious CFMEU markings. A number had masks, balaclavas, sunglasses or clothing pulled up over their faces. I recognised some of these people as workers I had previously seen on the project, although I did not know most of their names. There were others I did not recognise.
28. Rather than approach one of the normal gates where picketers were already positioned, I went to a section of temporary fencing near the station entrance where there were fewer picketers.
29. I released the clip at the top of the temporary fence and swung a section of fencing open so workers could enter. My intention was to avoid a confrontation at the normal access gates. Once the CFMEU people realised what we were doing, people from other access points ran towards us and attempted to stop further workers entering.
30. I was towards the front of our group and was on the site side of the temporary fence once it was opened. By that stage, a number of workers had already entered. CFMEU people were yelling words including, "*don't cross the picket line*". The situation became increasingly physical as they moved to block the opening.
31. CFMEU workers formed a line across the opening and there was pushing and shoving. Fou Ah Lam and Tyson Vale Langdon arrived and attempted to enter slightly later than the main group. My recollection is that they tried to enter through the vehicle gate on Fairfield Road, which was also being blocked by CFMEU people. There was pushing and shoving at that gate and a physical fight then broke out.
32. At this point, I was on the site side of the line. A number of other Unity and Matrix workers had already made it into the site. The traffic controllers and other young women nearby were distressed by what was happening.
33. At one point I saw Ms Lewis being bumped or pushed and becoming very upset and I believe she was crying. Isabelle Martin also appeared very shaken and in shock. We told the women to return to the office and get away from the confrontation. A brawl then developed and moved onto the public road, where traffic was still passing.
34. The fight then spilled onto the public road. I remember that a large truck had passed shortly beforehand. Mr Keeley, Mr Moran, Mr Johnston and I ran onto the road to stop traffic so nobody involved in the fight would be struck by a vehicle. We did not have traffic-control equipment; we used our hands and bodies to signal vehicles to stop. It was an incredibly dangerous situation.
35. I was not punched or physically assaulted during the brawl. However, I was confronted at close range and yelled at and sworn at by people associated with the picket.
36. There was one man involved in the confrontation who was particularly aggressive towards me but I did not recognise him as a worker and did not know his name. I also yelled at by a man wearing a grey hoodie with camouflage-pattern sleeves, not recognise him as a worker. I did recognise a masked person involved in the brawl as Brett Gifford, who I knew as a worker on the project for a contractor called North West

Commercial Industries. I was able to recognise him, even though he was wearing a face covering.

37. Eventually the brawl died down. Project workers gathered inside the site, including around the partially built overpass. Mr Perry came down and spoke with an unmasked man from the CFMEU group who appeared to have some authority. I did not know the man's name. I understood Mr Perry was trying to calm the situation and arrange for people to disperse. Police also attended later. I was not involved in the substantive discussion between police and senior management. Eventually we were told we could go home if we wanted to, and I did not perform meaningful productive work for the remainder of that day.
38. I do not know the names of most of the people who took part in the brawl. I recall Dean Mattas and Dean Rielly coming down to the area after the physical brawl but I do not recall either of them participating in the fight itself.

Aftermath

39. As the intimidating behaviour of the CFMEU increased, Unity issued some supervisors with body-worn cameras so that interactions with CFMEU representatives and picketers could be recorded where necessary. I cannot now recall whether the cameras were first issued immediately before or after 1 May 2024. I noticed that, once filming became more common, some people involved in CFMEU activity were more likely to cover their faces or move away when they saw a supervisor approaching with a camera.
40. The Project also installed mobile cameras around gates and other areas during the period of industrial action.
41. After the brawl, I heard from workers on site that a Matrix labourer had been followed home and that he had been photographed in the process. It caused me to become concerned that I could be identified away from work. I asked Mr Perry for permission to remove company or project stickers from the work vehicle I was using so that it would not identify me as connected with the project when I was away from work. Mr Perry agreed and I removed the stickers.
42. After the events of 30 April and 1 May 2024, my principal concern was physical violence and the possibility that people might identify where I lived or involve my family. I felt like there were no limits to the CFMEU's behaviour and that they were capable of anything, including violence. I was concerned about the impact this would have on me and in my ability to keep working and to support my family.
43. During the broader period of industrial action, there was also an incident involving the first-aid room. Water or moisture was found inside an electrical switchboard in the room on a morning when I do not recall it raining. Mr Maguire raised the matter as a safety concern. Unity electricians inspected and dried the area. One possible explanation discussed was condensation from the air-conditioning. The amount and location of the water nevertheless seemed unusual to me and caused me to suspect that water might have been introduced deliberately. That was only a suspicion on my part.
44. The industrial action and intimidation around Dutton Park continued for a period of weeks. In my assessment, productive work was severely affected. My recollection is that production was at or close to zero for perhaps two to four weeks during the worst period, although I cannot now give exact dates or quantify the financial impact.

45. The events changed my attitude towards the CFMEU. I still work around contractors and workers who are CFMEU members and I do not assume that an ordinary member is responsible for what occurred. However, when I see CFMEU officials, delegates or organised activity on site, I am now more defensive and cautious than I was before.
46. I also noticed that the campaign by the CFMEU, particularly in 2024, had a detrimental impact on morale amongst the workforce. Our workers appeared stressed and anxious to me, and I had some workers tell me that the CFMEU's conduct meant they were apprehensive about coming to work.

I swear the contents of this statement are true.

Signature of Deponent	
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  	Date 15/9/26
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Before me (signature of witness)

JESSICA JEAN OGDEN
Full name of witness (please print)

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