

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

WITNESS STATEMENT OF MATTHEW PAPWORTH

I, Matthew Papworth, of 520 Wickham Terrace, Fortitude Valley QLD 4006, affirm as follows:

Introduction

1. I am a Human Resources Manager employed by CPB Contractors Pty Ltd (**CPB**).
2. 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*.
3. Attached to this Statement is a Bundle of documents marked as Exhibit (**Bundle**). I refer to relevant documents in this Statement by reference to the page number of that Bundle.
4. This Statement addresses my experiences on the Cross River Rail Project (**CRR Project**) relevant to matters the subject of the Commissioner's inquiry.

Background

5. In September 2009, I began working as a recruiter with Thiess.
6. In January 2016, I remained with the company when it merged with Leighton to become CPB Contractors.
7. In 2019, I commenced as a Senior Human Resources Advisor on the Tunnel, Stations and Development (**TSD**) side of the CRR Project. TSD was the package of works that comprised the underground works on the CRR Project, including all tunnelling works.
8. My responsibilities in this role included:
 - (a) employment relations;
 - (b) industrial relations;
 - (c) recruitment;
 - (d) performance management;
 - (e) salary reviews;
 - (f) assisting with promotions; and
 - (g) facilitating entry onto site by union officials seeking to exercise a right of entry.
9. In this role, I reported to the HR Manager for TSD. There were a number of different managers during my time in the role.
10. In mid-2023, I commenced as Human Resources Manager for the Unity Alliance

(Unity), which is the alliance of entities responsible for the Rail, Integration and Systems (RIS) package of works on the CRR Project.

11. In my role as HR Manager for Unity, I am primarily responsible for any human resource issues on the Unity side of the CRR Project. This includes, among other things, the hiring of staff, performance management, processing of redundancies, and training of staff.
12. In this role, I reported to Michael McCann (**Mr McCann**), Project Director.

Facilitating rights of entry

13. As noted above, I was a Senior Human Resources Advisor on the TSD side of the CRR Project from mid-2019 to mid-2023. My duties during this time included facilitating entry onto site by union officials seeking to exercise right of entry.
14. Consequently, I had numerous interactions with CFMEU officials when I was working in this role.
15. I was not based out of a single site during my time in this role. Instead, on any given day I would be allocated a particular site to visit and work from. If a union official attended and sought to enter the site I was allocated to that day, I would be called down to the gate to manage the situation. I would then attend the gate, along with a site manager or supervisor, to check that the person seeking entry had the correct documentation, such as an entry permit, and that the person had given the appropriate notice (if required). Assuming the documentation was in order, I would then assist in facilitating the official's entry onto site and would often accompany the person around whilst they were on site.
16. I have reviewed a register of entries to site by CFMEU officials on CRR Project sites up until July 2023. That register shows that the following officials sought to enter TSD sites of the CRR Project from time to time before mid-2023:
 - (a) Blake Hynes;
 - (b) Beau Seiffert;
 - (c) Shaun Desmond;
 - (d) Craig Davidson;
 - (e) Philip Blair;
 - (f) Matthew Parfitt;
 - (g) Andrew Blakeley;
 - (h) Michael Ravbar;
 - (i) Luke Gibson;
 - (j) Dean Mattas;
 - (k) Dennis Mitchell; and

(l) Matthew Vonhoff.

17. I do not recall encountering all of these officials. There are other officials who I would not have encountered because they sought to enter a site that I was not working on that day. Of the above list, I particularly recall Beau Seiffert and Blake Hynes as being the first officials that I encountered.
18. I recall there were occasions when union officials would turn up with the appropriate permits and would then enter site without any behavioural issues, including following all directions and protocols imposed upon any visitor.
19. I recall other occasions, however, where union officials would refuse to show their notices or permits or would otherwise act in a belligerent manner, including by refusing to undertake the safety induction or refusing to sign in before coming onto site. My impression was that these officials wanted to be able to freely enter CRR sites without having to answer any questions or follow any procedures imposed by CPB. There were times when these officials acted in a provocative manner in response to being asked questions in relation to their proposed entry to site.
20. I also recall Kurt Pauls and Scott Vink attending CRR Project sites, even though they are not referred to in the above list. I understood from my colleagues that Mr Pauls and Mr Vink were union officials at the time they tried to enter site. However, when I encountered Mr Pauls and Mr Vink trying to enter a site, they would refuse to show any paperwork, instead claiming that they had a right to enter the site under s 81(3) of the *Work Health Safety Act*. When I asked for more detail, they would say that they were not entering as CFMEU officials but as a "concerned member of the public". At all times, they were wearing CFMEU insignia and branded clothes and hardhats.
21. I do not recall how many times there was an attempt at entry on a CRR Project Site without any paperwork being provided, but it did occur when I was on site.
22. From my perspective, it has always been CPB's position that issues of safety are to be treated seriously and rectified immediately. If a union official is asserting that there is a safety breach on site, we would want to know what the issue was so that we could work together in understanding and fixing the problem. In this way, unions perform an important role. Yet it was my experience that on many occasions, CFMEU officials attending site would provide very little information in their notice and would not be prepared to engage in a dialogue to explain what the issue was that needed investigation. I found it hard to understand why the CFMEU had this attitude as it wasn't conducive to fixing genuine safety issues in an efficient and collaborative way.

The safety reset

23. On 25 July 2023, a scaffolding worker was seriously injured at the Boggo Road site, that site being part of the TSD package of works. By this time, I had been promoted to the position of Human Resources Manager for the Unity Alliance, dealing with the RIS side of the CRR Project.
24. After the incident, work was shut down on all CRR Project sites for about five days. Site gates were locked by third parties, there were pickets at entrances to site, and workers were stopped from entering site.
25. On 28 July 2023, a meeting was held between union representatives and CPB management. I was not present at the meeting. However, I was subsequently informed that an agreement had been reached in that meeting to implement various

claims in order to allow work to resume on the CRR Project.

26. Shortly after the meeting, I was told that as an outcome of the safety reset meeting, I would need to organise the employment of a number of people nominated by the CFMEU, who would then act as health and safety representatives on various RIS sites that fell within the Unity side of the CRR Project.
27. Subsequently Mr McCann sent me the resumes of four people and told me to "vet" these people for employment on the project. My understanding was that unless there was a significant reason as to why the person was ineligible for employment, they were to be hired by CPB.
28. The four people who I was given resumes for were:
 - (a) Joshua McSweeney (**Mr McSweeney**);
 - (b) Ashley Hansen (**Ms Hansen**);
 - (c) Liam Crow (**Mr Crow**); and
 - (d) Tim Maguire (**Mr Maguire**).
29. I reviewed each of the resumes. It appeared that they had limited experience/qualifications that were needed on the CRR Project at that time.
30. Notwithstanding the apparent lack of an appropriate skill set for the CRR Project, we proceeded to onboard these four candidates so that they could commence as employees on site.
31. I have been shown a document entitled "Site Work Groups Notification" that the solicitors assisting the Commission have informed me was obtained from the CFMEU. This is not a CPB document. I am not aware of any negotiations that took place involving RIS workers for the purpose of determining any work groups. I am also not aware of any determination by the workers in these work groups about how an election was to be conducted.
32. A copy of the "Site Work Groups Notification" is **Annexure MP-1 at pages 2 to 3** of the Bundle.
33. My understanding was that each of the four persons were being brought on for the purpose of becoming health and safety representatives. Consistent with this, on 30 August 2023, I was copied on an internal HR email that referred to them as "our 4x HSRs".
34. A copy of the email from 30 August 2023 is **Annexure MP-2 at page 4** of the Bundle.

Termination of Mr Crow

35. As referred to above, I was instructed to make arrangements for the employment of Mr Crow, who commenced his employment with CPB as a General Labourer on 11 September 2023.
36. The verbal reports I received from the supervisors on site was that Mr Crow engaged in little productive work while on shift and was generally disruptive.

37. On 1 May 2024, Mr Crow's employment was terminated.
38. A copy of Mr Crow's statement of service is **Annexure MP-3 at page 5** of the Bundle.
39. The circumstances of Mr Crow's termination are as follows.
40. On Sunday, 3 March 2024, work was being performed on the rail tracks at the Salisbury site. To perform these works, the contractor takes "possession" of the relevant section of the railway, resulting in the trains operating on that section of the railway being shut down. Queensland Rail imposes strict safety procedures for any works undertaken while a contractor has taken possession of a rail corridor. Among other things, before a worker can go within three metres of the possessed track, he or she needs to "lock on", and he or she must also hold a Rail Industry Worker Card (**RIW Card**). The RIW Card records certain competencies, such as a Working in Electrified Territory competency and/or a Safely Access Rail Corridor competency.
41. When Mr Crow was employed by CPB, all the necessary training and competencies in relation to these matters were organised for his benefit by CPB.
42. A copy of the relevant certifications are **Annexure MP-4 at pages 6 to 10** of the Bundle.
43. The lock on procedure requires a worker to have their RIW Card checked by an authorised supervisor and to have received a briefing from this individual. The worker is then required to place their own personal red lock onto a lock box. Each worker who is accessing the area near the tracks during a rail possession must place their lock on the box. Before Queensland Rail takes back possession of a portion of track (and starts running trains again), they must be satisfied the track is clear and fit for service. This is a way to ensure that no one is accidentally left behind on the tracks.
44. A copy of the relevant Network Lockout procedure policy is **Annexure MP-5 at pages 11 to 26** of the Bundle.
45. On 3 March 2024, Mr Crow went within three metres of the track without receiving a briefing from an authorised supervisor and without locking on. This is known as a "procedural breach".
46. A copy of the incident report is **Annexure MP-6 at pages 27 to 30** of the Bundle.
47. Whenever there is a procedural breach, Queensland Rail requires that the relevant worker immediately be alcohol and drug tested. Accordingly, when management became aware of Mr Crow's procedural breach on 3 March 2024, Mr Crow was told to undertake an alcohol and drug test. However, Mr Crow did not undertake a test, claiming he had left the site by the time he was told to take a test. Without exception, Queensland Rail treats a test refusal as a "fail". Accordingly, Queensland Rail revoked Mr Crow's access to site, meaning he could no longer fulfill his duties on site.
48. On 12 March 2024, CPB received a letter from Queensland Rail setting out its direction that Mr Crow's access to the rail corridor and the project site be excluded.
49. A copy of the letter from Queensland Rail is **Annexure MP-7 at page 31** of the Bundle.

50. As Human Resources Manager, I was given responsibility for undertaking an investigation into the incident.
51. As part of my investigation, on 13 March 2024, I conducted an interview with Mr Crow.
52. I took notes of my meeting with Mr Crow.
53. A copy of my notes is **Annexure MP-8 at pages 32 to 34** of the Bundle.
54. As part of my investigations, I also interviewed a number of other witnesses. I took notes during these meetings.
55. A copy of my notes of these meetings is **Annexure MP-9 at page 35 to 42**.
56. As part of my investigations, I also collected a log of calls and notes from Paul Luczka (**Mr Luczka**), CPB's Senior Safety Adviser.
57. A copy of the log of calls and notes are **Annexure MP-10 at pages 43 and 44** of the Bundle.
58. After conducting my investigation, I was satisfied that it had been substantiated that Mr Crow had entered the danger zone without locking on and had then failed to report for an alcohol and drug test, despite being contacted and advised to attend by both CPB and Queensland Rail staff.
59. A copy of my investigation report is **Annexure MP-11 at pages 45 to 50** of the Bundle.
60. Subsequently, on 26 March 2024, Mr Crow was issued with a show cause letter, advising him of my findings. The letter advised that, due to the indefinite suspension of his rail access and the seriousness of his conduct, CPB had formed the preliminary view that his employment should be terminated. He was invited to attend a meeting to discuss his response to the letter or otherwise provide any information to CPB, prior to a final decision being made as to the termination of his employment.
61. A copy of the show cause letter is **Annexure MP-12 at pages 51 to 52** of the Bundle.
62. On 2 April 2024, Mr Crow sent me an email in response to the show cause letter.
63. A copy of Mr Crow's email is **Annexure MP-13 at pages 53 to 56** of the Bundle.
64. After considering Mr Crow's response, on 29 April 2024, Mr Crow's employment was terminated, effective 1 May 2024.
65. A copy of the letter of termination is **Annexure MP-14 at pages 57 to 59** of the Bundle.

Unity Chat

66. Back on 28 July 2023, I had set up a WhatsApp chat for the purpose of keeping various Unity personnel updated in relation to site activities and visits by third parties e.g. union officials or WHSQ personnel (**Unity Chat**).

67. A copy of the messages exchanged by members of the Unity Chat from 28 July 2023 until 31 December 2024 is **Annexure MP-15 at pages 60 to 288** of the Bundle.

Video footage of 30 April and 1 May 2024

68. On 30 April and 1 May 2024, I received various videos of activity taking place on site.
69. On 30 April 2024, I was provided with CCTV footage from the RNA site, commencing at 3:24am (**CCTV Footage 1**).
70. CCTV Footage 1 shows the pedestrian and vehicle access gate to the RNA site on O'Connell Terrace, Bowen Hills. The footage shows a grey utility vehicle stopping near the site, to the left of frame. A man in a black hoodie exits the vehicle and uses a chain to lock the vehicle access gate to the site.
71. CCTV Footage 1 is **Annexure MP-16 at page 289** of the Bundle.
72. Also on 30 April 2024, I was provided with CCTV footage from the RNA site, commencing at 5:33am (**CCTV Footage 2**).
73. CCTV Footage 2 shows a number of men move a bench and use it to block the pedestrian access to the RNA site.
74. CCTV Footage 2 is **Annexure MP-17 at page 290** of the Bundle.
75. On 1 May 2024, I was sent other videos from the CRR Project sites on the RIS side.
76. I was sent one such video from a site Safety Advisor employed by CPB (**Video 1**).
77. Video 1 shows a number of Unity workers attempting to enter the Dutton Park site on 1 May 2024 and being confronted by a large group of masked men, who were blocking access to the site. Many of the men are wearing CFMEU clothing.
78. Video 1 is **Annexure MP-18 at page 291** of the Bundle.
79. I received another video from a Unity worker who was present on site at Dutton Park (**Video 2**).
80. Video 2 shows a physical altercation between the men blocking the site and some of the Unity workers.
81. Video 2 is **Annexure MP-19 at page 292** of the Bundle.
82. I received another video from a Unity worker who was present on site at Dutton Park (**Video 3**).
83. Video 3 shows a "human chain" formed by the picketers, blocking workers from the site. Around 15 seconds into the video, a short man in an orange hi-vis vest and a black sleeved shirt comes into focus. I was told by workers on the site that this man is Dennis Mitchell, a CFMEU official.
84. Video 3 is **Annexure MP-20 at page 293** of the Bundle.

85. I received another video from a Unity worker who was present on site at Dutton Park (**Video 4**).
86. Video 4 shows a different angle of the “human chain” incident and shows picketing workers pushing Unity workers who are attempting to enter the site.
87. Video 4 is **Annexure MP-21 at page 294** of the Bundle.

Meeting on 21 June 2024 with Dean Rielly

88. On about 20 May 2024, Mr Luczka made a comment that Ms Hansen took offence to. After I conducted an investigation, I organised for a meeting to take place on 21 June 2024 for the purpose of facilitating Mr Luczka giving Ms Hansen an apology, which he proceeded to give. I believed that Mr Luczka was remorseful and he was genuinely apologetic.
89. Dean Rielly (**Mr Rielly**) also attended the meeting as a support person for Ms Hansen. During the meeting, Mr Rielly started to abuse Mr Luczka and threatened to take him outside. This behaviour by Mr Rielly was completely unjustified and inappropriate.
90. I took notes of the meeting. A copy of my notes are **Annexure MP-22 at pages 295 to 296** of the Bundle.
91. Following the meeting, I received an email from Mr Luczka.
92. A copy of Mr Luczka's email is **Annexure MP-23 at pages 297 to 298** of the Bundle.

Security for Worker

93. On about 31 July 2024, I was informed that a worker on the Dutton Park site, was attacked outside his home by two unidentified men. This individual told police he believed the two men were members of the CFMEU and attacked him in retaliation for crossing the picket line back on 1 May 2024.
94. We were deeply concerned for the worker's welfare and the possibility that this incident was a reprisal related to his involvement in the Dutton Park incident.
95. Consequently, CPB arranged to have private security stationed at the individual's house, and at the house of another individual who had particular concerns about their safety, for several weeks. The cost to CPB was \$128,886.84 excluding GST.
96. A copy of the invoices for this security is **Annexure MP-24 at pages 299 to 301** of the Bundle.

Termination of Mr McSweeney

97. Mr McSweeney commenced his employment with CPB as a General Labourer on 4 September 2023.
98. Mr McSweeney was based at the RNA (Exhibition) and Normanby station sites on the CRR Project.
99. The verbal reports I initially received from the supervisors on site was that

Mr McSweeney engaged in productive work while on shift without many issues.

100. However, Mr McSweeney's conduct worsened in about August 2024.
101. On 4 October 2024, Mr McSweeney's employment was terminated.
102. The circumstances of Mr McSweeney's termination are as follows.
103. It was reported to me in about late August 2024 by his manager, Matthew Laughton, that Mr McSweeney was leaving his shift without approval, before turning up at other sites on the CRR Project, where he would attempt to disrupt work.
104. I offered Mr McSweeney a meeting to discuss the concerns we had about his behaviour. This was unsuccessful because his representative failed to attend the meetings I had scheduled for this purpose.
105. Accordingly, on 4 September 2024, I wrote to Mr McSweeney and asked him to formally respond to the concerns we had about his behaviour.
106. A copy of my letter is **Annexure MP-25 at pages 302 to 303** of the Bundle.
107. On 6 September 2024, I received a response to the letter from the CFMEU on behalf of Mr McSweeney.
108. A copy of the CFMEU's letter is **Annexure MP-26 at pages 304 to 313** of the Bundle.
109. After I received the letter from the CFMEU, I attempted to schedule a meeting with Mr McSweeney to further discuss his responses in order to close out the behaviour he had been displaying. He did not attend either meeting.
110. Accordingly, on 16 September 2024, Mr McSweeney was issued with a written warning by Mr McCann. I recommended this outcome to Mr McCann based on the material and information I had received.
111. A copy of the written warning is **Annexure MP-27 at page 314** of the Bundle.
112. On 18 September 2024, another meeting was held with Mr McSweeney to discuss a further allegation that he had again failed to follow a reasonable direction.
113. I did not attend this meeting as I was on leave. Grace Dunn (**Ms Dunn**), another Human Resources Advisor in my team, attended the meeting instead.
114. A copy of the notes of the meeting, taken by Ms Dunn, is **Annexure MP-28 at pages 315 to 316** of the Bundle.
115. On 20 September 2024, I attended another meeting with Mr McSweeney to discuss his behaviour, which was a follow up to the conversation on 18 September 2024.
116. I took notes of the meeting. A copy of my notes is **Annexure MP-29 at pages 317 to 318** of the Bundle.
117. Also at the meeting, I provided Mr McSweeney with a final written warning signed by Mr McCann. I recommended this outcome to Mr McCann based on the material and information I had received.

118. A copy of the final written warning is **Annexure MP-30 at pages 319 to 320** of the Bundle.
119. On 25 September 2024, I attended another meeting with Mr McSweeney to discuss yet further allegations that he had failed to follow a reasonable direction.
120. I took notes of the meeting. A copy of my notes is **Annexure MP-31 at pages 321 to 322** of the Bundle.
121. Following these meetings, on 30 September 2024, Mr McSweeney was issued a show cause letter regarding the proposed termination of his employment on the grounds that he had not complied with the reasonable directions of his employer. The letter was signed by Mr McCann. I recommended to Mr McCann that this step be taken, based on the material and information I had received.
122. A copy of the show cause letter is **Annexure MP-32 at pages 323 to 324** of the Bundle.
123. On 2 October 2024, I attended a meeting with Mr McSweeney to discuss the show cause notice.
124. I took notes of the meeting. A copy of my notes is **Annexure MP-33 at pages 325 to 326** of the Bundle.
125. On 4 October 2024, Mr McSweeney's employment was terminated, effective immediately. I had considered the responses provided by Mr McSweeney to the show cause notice, and based on all the information I had, recommended that termination was appropriate in the circumstances.
126. A copy of the termination letter is **Annexure MP-34 at pages 327 to 328** of the Bundle.

I ☒ affirm the contents of this statement are true.

Signature of Deponent

Place *BRISBANE*

Date *20/4/2026*

- ☐ Justice of the Peace (JP #)
- ☐ Notary public
- ☒ Lawyer

Before me (signature of witness)

Full name of witness (please print)

Peter Dzakula

- ☐ Other authorised person (specify)