



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURT**

**TUESDAY, 2 DECEMBER 2025
AT 10.00 AM**

DAY 4

APPEARANCES

**Mr S Wood AM KC, Commissioner
Ms Jacqueline King, Witness
Mr M Costello KC with Mr A Smith, Counsel Assisting
Ms K McMillan KC, Counsel Assisting for Ms Jacqueline King
Mr T Spence, Counsel for Stacey Shinnerl and the Australian Workers Union
Mr C O'Grady KC, Counsel for CFMEU Administrator Mr Mark Irving KC
Ms R O'Gorman KC, Counsel for Mr Michael Ravbar and Mr William Lowth
Mr T Kimmins, Counsel for Mr Jade Ingham
Mr H Clift, Counsel for the CEPU, ETUQ and PGEUQ
Mr D de Jersey KC and Mr D. Wilson, Counsel for Sarina Wise and the State of Queensland
Ms E Cooper, Counsel for BMD Group
Mr D O'Brien KC, Counsel for Cross River Rail Delivery Authority**

<THE HEARING COMMENCED AT 10.00 AM

COMMISSIONER: I might take appearances, please.

5 **MR COSTELLO:** May it please the Commission, I appear with Mr Smith.

COMMISSIONER: Thank you, Mr Costello.

10 **MS McMILLAN:** My name is McMillan, initials K.A., King's Counsel. I'm instructed by Maurice Blackburn for Ms King.

COMMISSIONER: Thank you, Ms McMillan.

15 **MR SPENCE:** If it pleases the Commission, I appear for the Australian Workers Union of Employees Queensland and Ms (indistinct).

COMMISSIONER: Thank you, Mr Spence.

20 **MR O'GRADY:** If the Commission pleases, my name is O'Grady. I appear for the administrators.

COMMISSIONER: Thank you, Mr O'Grady.

25 **MS O'GORMAN:** If it please the Commission, my name is O'Gorman, initials R.M., of counsel. I'm instructed by Davies Lawyers for both Michael Ravbar and William Lowth.

COMMISSIONER: Thank you, Ms O'Gorman.

30 **MR KIMMINS:** Commissioner, Kimmins, K-i-m-m-i-n-s, initials A.J., of counsel. I'm instructed by Potts Lawyers and I appear for Mr Ingham.

COMMISSIONER: Thank you, Mr Kimmins.

35 **MR DE JERSEY:** If it please the Commission, de Jersey, initial D. I appear for the State of Queensland instructed by Crown Law.

COMMISSIONER: Thank you.

40 **MR DE JERSEY:** And I appear with my learned junior, Mr Douglas Wilson.

COMMISSIONER: Thank you, Mr de Jersey.

45 **MR CLIFT:** May it please the Commission my name is Clift, C-l-i-f-t. I'm instructed by (indistinct) Lawyers for the CDPU, the ETU and the PVCU.

COMMISSIONER: Thank you, Mr Clift. Are those all the appearances?

MS COOPER: Just one further from the public gallery.

COMMISSIONER: I'm sorry, I didn't see that.

5

MS COOPER: Thank you, Commissioner. My name is Cooper, initials E.J. I appear for BMD Group and its related entities, and I'm instructed by McCabes. I'll be seated in the public gallery.

10 **COMMISSIONER:** Thank you, Ms Cooper. I'm sorry for the lack of capacity at the bar table, but that's just where we find ourselves.

MR BLOOMINGDALE: Good morning, Commissioner. Ian Bloomingdale, initials I.R., solicitor Clayton Utz, appear for the Cross River Rail Delivery Authority, instructing Damien O'Brien KC who is delayed but he's coming.

15

COMMISSIONER: Thank you, Mr Bloomingdale. No one else from the bowels of the court? No? Mr Costello.

20 **MR COSTELLO:** Thank you, Commissioner. Commissioner, before I call the first witness, might I make a few remarks about two of the witnesses who will give evidence in this hearing block, Ms Jacqueline King and Ms Stacey Schinnerl. Two weeks ago, the Commission heard evidence from Mr Watson of senior counsel who was commissioned to investigate the use and prevalence of violence within the
25 Queensland CFMEU. The Commission heard allegations of violence, intimidation and bullying said to have been carried out by officials or members of the CFMEU.

Some of that evidence concerned conduct said to be directed at officials and members of the Australian Workers Union. That evidence included allegations of
30 AWU officials being denied entry to sites, having their vehicles surrounded by groups of men, and on one occasion the car's tyres let down, officials' cars being surrounded and shaken in traffic, death threats being conveyed, confrontations in front of children and union offices being - offices being unlawfully entered and vehicles vandalised.

35

You will recall, Commissioner, that photographic and video footage was shown of some of those events. I will not repeat any of that evidence in detail, nor do I suggest that any conclusion has been reached about it. I mention it only because it provides relevant context for the evidence of the - that the Commission is now to hear from
40 two senior union leaders. Commissioner, it may assist to provide some context about the roles of Ms King and Ms Schinnerl within the union movement and the perspectives that they bring.

The first witness I will call is Ms Jacqueline King. Ms King is the general secretary of the Queensland Council of Unions. The Queensland Council of Unions is the peak
45 body representing 25 affiliated unions and 400,000 Queensland workers. It was founded in 1885 to represent the collective industrial interests of Queensland

workers. It has been at the centre of Queensland's industrial landscape for 140 years. Ms King leads that organisation today.

5 The second witness, who I expect will likely give evidence tomorrow, is Ms Stacey Schinnerl. She is the Queensland branch secretary of the Australian Workers Union. The AWU holds the broadest coverage rules of any union in Australia. In
10 Queensland it is the principal civil construction union with eligibility to represent workers across roads, railways, bridges, water supply, pipeline and the full spectrum of civil and mechanical engineering projects. Ms Schinnerl leads the union in that role. You have already heard evidence about CFMEU's attempts, some of them
successful, to expand its coverage to sites that were traditionally within the ambit of the AWU, and that provides a significant backdrop to the evidence of Ms Schinnerl.

15 Commissioner, the matters this inquiry examines involve questions about conduct within and between unions. These questions can involve genuine tensions between competing principles that are both important to the union movement. The first is solidarity among unions. The second is accountability for institutional conduct. Both principles reflect legitimate value. Both can be viewed as essential to an effective union movement. Yet when they appear to be in tension, decisions about how to
20 proceed involve difficult judgments about which reasonable people can and do disagree.

Ms King and Ms Schinnerl are appearing before this inquiry in circumstances where those tensions are present. They both lead organisations within union movement.
25 They have committed their professional lives to that movement. They continue to work within industries and institutions where relationships and reputations matter profoundly. Both Ms King and Ms Schinnerl are appearing in answer to compulsive notices that require them to attend and give evidence today, but that doesn't not diminish the fact that there is an undeniable discomfort for them in speaking contrary
30 to the interests of any union. That being so, you will hear, Commissioner, that they both consider that the conduct of the CFMEU, under its prior leadership of Mr Ravbar and Mr Ingham, transgressed the bounds of appropriate union conduct and, indeed, of lawful conduct.

35 These witnesses will give evidence about matters involving another union, a union that despite recent changes remains one of the most powerful in both Queensland and in Australia's industrial landscape. They will speak publicly about incidents that affected them personally and professionally. They will describe experience that, by
40 their accounts, caused people in the union movement to fear for their safety and the safety of their families and colleagues.

They are both doing this knowing that their evidence will be scrutinised, contested, and potentially used to draw broader conclusions about industrial culture in
45 Queensland. They are doing this while continuing to lead organisations within the very movement about which they will give evidence. They are doing this, although there may be professional and personal costs.

5 This inquiry will approach the evidence of these witnesses, like all evidence, with appropriate care and impartiality. We will recognise that they speak from their own perspectives. Others involved in the same events may have experienced them differently or may offer different interpretations. We will test their evidence through questions. We will consider contradictory evidence if it emerges. We will distinguish between what they observed directly and what they learned from others. And, of course, we will recognise that memories of events, particularly events spanning several years, may be imperfect but we will listen carefully to what they have to say. Their perspectives, drawn from positions of responsibility within Queensland's union movement, are relevant to questions this inquiry must examine.

15 The evidence you will hear this week touches on fundamental questions about how unions should operate, how they should treat one another and where the boundaries of legitimate industrial conduct lie. These questions matter because unions matter. The hundreds of thousands of workers that they represent, to the industries where they operate and to Queensland's broader industrial relations framework.

20 Ms King and Ms Schinnerl will offer their perspectives on these matters based on their experience and observations. Their evidence will contribute to this inquiry's important work of examining conduct within the construction industry and considering what, if any, systemic changes may be needed. We're grateful for their participation and their assistance to this inquiry for (indistinct) its terms of reference.

25 Commissioner, unless there is anything that I can assist you with, I would call Ms Jacqueline King.

COMMISSIONER: Thank you, Mr Costello.

30 **<WITNESS JACQUELINE ELIZABETH KING, AFFIRMED**

<EXAMINATION BY MR COSTELLO

COMMISSIONER: Please be seated, Ms King. Mr Costello.

35 **MR COSTELLO:** Thank you, Commissioner.

Ms King, I hope there's a cup in the witness box -

40 **MS KING:** Yes.

MR COSTELLO: - for you to pour yourself some water. Could you state your full name for the record, please.

45 **MS KING:** Jacqueline Elizabeth King.

MR COSTELLO: And your business address?

MS KING: Is level 5, 16 Peel Street, P-e-e-l, South Brisbane.

MR COSTELLO: Your current occupation?

5 **MS KING:** General secretary, Queensland Council of Unions.

MR COSTELLO: Ms King, you attend today in answer to a summons issued by the Commissioner on 18 November of this year requiring you to attend and give evidence?

10

MS KING: Yes.

MR COSTELLO: You've sworn a witness statement dated 27 November 2025; is that correct?

15

MS KING: Yes, it is.

MR COSTELLO: That witness statement was provided in answer to a separate summons issued by the Commissioner on 30 September 2025; is that correct?

20

MS KING: Yes.

MR COSTELLO: I will have your witness statement put on the screen. Could I have file 1 on the screen, please? Ms King, I understand that there are a few minor corrections that you'd like to make to the witness statement?

25

MS KING: Yes.

MR COSTELLO: I have a list of what I think they are. Let me take you to them and if there's any other, you can let me know.

30

MS KING: Thank you.

MR COSTELLO: As I understand it, the first is at paragraph 22. I will have that brought up on the screen for you. You've got a hard copy with you, do you?

35

MS KING: Yes, I do.

MR COSTELLO: So you can look at your hard copy on the screen.

40

MS KING: That's actually probably easier on the screen.

MR COSTELLO: That's fine. Now, as I understand it, what you wish to do here is, in the final line, after the word "disconnect" delete all other words up to the full stop?

45

MS KING: Yes.

MR COSTELLO: All right. Commissioner, I'll educe these changes so that when I tender this document, it's taken to be subject to those changes. So for the convenience of the Commission, we will also have a version made that effects these changes.

5

COMMISSIONER: So just for my purposes, the paragraph now stops at "right to disconnect"?

MR COSTELLO: Correct.

10

COMMISSIONER: Full stop.

MR COSTELLO: That's right, Ms King?

15

MS KING: Yes, it is.

COMMISSIONER: Thank you.

MR COSTELLO: The second is on the same page at paragraph 29, the second sentences commences, "In 2018". As I understand it, you wish to change that to "In 2017"?

20

MS KING: Yes.

MR COSTELLO: Thank you. And that same change then flows through over the page to paragraph 32, last - very end of the paragraph, "2018" becomes "2017".

25

MS KING: Yes.

MR COSTELLO: And that change also flows through to paragraph 49 on page 8, 49 where in the parentheses it says:

30

"Also informed by the 2018 pre disaffiliation."

35

It's, in fact, 2017 pre disaffiliation?

MS KING: Yes, it is.

MR COSTELLO: Thank you. As I understand it, they are the corrections that you wish to make, Ms King; is that correct?

40

MS KING: Yes.

MR COSTELLO: Thank you. Commissioner, I tender that witness statement and the exhibits thereto.

45

COMMISSIONER: Are there any objections to the tender? No? The witness statement of Jacqueline King sworn 27 November 2025, 20 pages - can't see how many exhibits there are to this statement.

5 **MR COSTELLO:** There are four, and each of them is a video file.

COMMISSIONER: I see - with four exhibits will be JK1.

10 **<EXHIBIT JK1 WITNESS STATEMENT OF JACQUELINE KING SWORN
27 NOVEMBER 2025 TENDERED**

MR COSTELLO: Thank you, Commissioner.

15 Now, Ms King, you've got an extensive background in the union movement. It might take a little time, but I think it's important that we go through it. You were elected to your current position, general secretary of the Queensland Council of Unions, in July of 2023; is that correct?

20 **MR COSTELLO:** Yes, as of 31 July 2023.

MR COSTELLO: Thank you. From December 2022 you were the acting general secretary of the QCU?

25 **MS KING:** That's correct.

MR COSTELLO: From February 2020 you were an assistant general secretary of the QCU?

30 **MS KING:** Yes.

MR COSTELLO: Is there more than one assistant general secretary?

MS KING: No, there's one.

35 **MR COSTELLO:** And so you have been continuously employed within the QCU since February 2020?

MS KING: Yes.

40 **MR COSTELLO:** Aside from your roles with the QCU, you've had experience in the trade union movement via a number of different trade unions. Is it right that that commenced in 1990 when you started work as an organiser for the Australian Bank Employees Union?

45 **MS KING:** Yes, that's correct.

MR COSTELLO: That's now the Finance Sector Union.

MS KING: Finance Sector Union.

MR COSTELLO: In 1992 you moved to the Federated Clerks Union?

5

MS KING: Yes.

MR COSTELLO: That's now part of the ASU?

10 **MS KING:** Yes.

MR COSTELLO: In 1993 you became a research officer for the AMWU?

MS KING: Yes.

15

MR COSTELLO: You then became an industrial officer for the Queensland branch of the ACTU?

MS KING: Yes, which is now the QCU.

20

MR COSTELLO: Which is now the QCU. You then went, I think, into government and were a senior policy adviser.

25 **MS KING:** So I worked for the Office of the Premier from the - with the election period from 1998 until 2000. So that was with - I was placed with, as a senior policy adviser, with the Minister for Employment, Training and Industrial Relations, the Honourable Paul Grady at the time.

30 **MR COSTELLO:** Now, all of these dates and years merge into one in my mind. Who was the Premier in 1998?

MS KING: Peter Beattie.

35 **MR COSTELLO:** Hard to forget. You were executive officer for the Victorian Industrial Relations Taskforce for about eight months in 2000?

40 **MS KING:** Yes, I was approached by the Victorian Minister when I was working for the Queensland Minister to go down to Victoria and head up their taskforce, which was reviewing a schedule in the Workplace Relations Act at the time which pretty much only had five minimum conditions that applied to a series of workers in Victoria, so they were working through non-incorporated associations and the like, so I headed up that taskforce and stayed on to help assist with drafting of legislation, which was - resulted in the tabling of a bill in the Victorian parliament. However,
45 before the bill was passed there was an agreement made between the Victorian Government and the then Federal Government when Minister Peter Reith was in charge of the workplace relations portfolio to move all of those employees into the federal jurisdiction under the Workplace Relations Act, and at that point in time I

then returned to Queensland. I was on secondment from the Queensland Government to the Victorian Government.

5 **MR COSTELLO:** And just to be clear this was in 2000. By this time there had already been the referral by Victoria of constitutional power to the Commonwealth.

MS KING: There had, except that they had their small group of employees under the non-incorporated associations.

10 **MR COSTELLO:** Yes. (Crosstalk) constitutional corporations.

MS KING: It was about 500,000, I think workers, that were affected by it.

15 **MR COSTELLO:** I see. And so you then - you finished up in Victoria and you moved back to Queensland?

MS KING: Yes.

20 **MR COSTELLO:** You went back into government in Queensland?

MS KING: So I came back into Minister Brady's office at that time. We all had contracts with the Office of the Premier, so we're placed out with different ministers. He retired leading into, I think, the February election in 2001. And I worked for, on various elections things for the Premier at the time, and then Minister Gordon Nuttall was - became the Minister for Industrial Relations, and I was asked by the Premier to go and work with him as his senior policy adviser and then his chief of staff, which I did.

30 **MR COSTELLO:** I see. You left Minister Nuttall's office in about 2002?

MS KING: I did. I was terminated by Minister Nuttall after having made complaints about alleged corruption at that point in time, but I was then on gardening leave, and at a point then I was approach by Greg Combet, who was the secretary of the Australian Council of Trade Unions, as to whether I would go and work for him in Melbourne, which I subsequently did, I think around about November 2002. So I moved to Melbourne at that point in time. I resigned my job with the government, my contract. In those days, the contract, they couldn't terminate them unless you resigned, so hence the gardening leave, and then I actually resigned myself and moved to Melbourne.

40 **MR COSTELLO:** And you were employed by the ACTU as a senior industrial officer?

45 **MS KING:** Initially as a senior industrial officer for 12 months, and then Greg asked me to go and work in what is known as the ACT Organising Centre. It had a few issues at the time and he asked me to go in and essentially address those issues, and that's where I landed and became the assistant director for a number of years.

MR COSTELLO: What type of work did you undertake in the 12 months as a senior industrial officer?

5 **MS KING:** So a number of things. So primarily my role was to develop policy and coordinate unions and deal with employer organisations such as ACCI, the Australian Chamber of Commerce and Industry; BCA etcetera around vocational education and training policy. So that was my primary kind of role working with Sharan Burrow as the ACTU President. I also did a number of other things in terms
10 of industrial work and, you know, liaison with unions over different issues.

MR COSTELLO: You worked at the ACTU until about 2006?

15 **MS KING:** I did, yes.

MR COSTELLO: Most of that time was in the assistant director role?

MS KING: Yes, majority of that time.

20 **MR COSTELLO:** And did you say that was at the campaign centre?

MS KING: So it was the organising centre, which then essentially became - we re-badged it and renamed it as the Education and Campaign Centre. So essentially it is the name of the ACTU's registered training organisation, and I was responsible for
25 running the Melbourne operations. I was also the director of the Union Education Foundation, which basically was responsible for trying to reinvigorate delegate development training across Australia, working with the trades and labour councils. So we had a number of staff that were in South Australia, New South Wales, Queensland and Western Australia at the time. So essentially it was my job to run the
30 registered training organisation.

We also ran a - the Organising Works traineeship program, which is essentially a - it's a nine-month training program which has existed for a long time, it still exists today, which brings in new organisers, across the trade union movement. That's a
35 formal qualification and a traineeship. So it was my responsibility to ensure that that, you know, was compliant, that we were rolling that training out, and to also develop a range of other training programs. So ACTU - and at that time and they still do run a series of programs for delegate education for organiser training, so Organising Works training, but then more advanced training for organisers and senior
40 organisers.

I - when I was there, because I hadn't had an organiser, I came into the union movement as a delegate, so I understand that. I had also been an organiser and an industrial officer, so we reinstituted an industrial staff training program and also
45 work health and safety. So we were running a Certificate IV in work health and safety program for unions across the country at the same time. And we also ran a leadership and union management course as well as provided a range of consultancy

to individual unions around change management, looking at cultural change, different sorts of things, depending on where the union was at and wanting to engage with the ACTU on.

5 **MR COSTELLO:** You left the ACTU to work with the ETU?

MS KING: I came back at the end of November 2006, and I had been approached - I was coming back for personal reasons at the time, and I had been approached by the then secretary of the Electrical Trades Union Dick Williams to come back into a
10 campaign position. That campaign position was on the 2007 federal election, so it was ACTU's Your Rights At Work campaign. So I came back and worked literally for the ETU on the campaign for the federal seat of Bowman and did that for 12 months, yes.

15 **MR COSTELLO:** But you then stayed on at the ETU after that in a different role?

MS KING: In a number of different capacities. So we - the union set up initially a company which was looking at job placement. We were also doing training for external organisers, so they were bringing on new organisers to work in non-union
20 sectors, in particular in construction. And it was my job to I guess train those organisers, so having had the experience of developing training and rolling out training for organising staff, non-union - non-union land and the construction sector can be pretty rough, so we were, you know, essentially, you know, trying to get a strategy together and planning and rolling out, I guess, a campaign to, you know,
25 target and enrol members and increase the membership into areas that the union hadn't traditionally organised in.

MR COSTELLO: Is the company that you just mentioned, is that Future Skills and Future Skills International?
30

MS KING: It became Future Skills, so there was an initial company called NTN Services Proprietary Limited and then while we were doing that we set up Future Skills as a registered training organisation. So we - while we were doing the initial sort of training and work in construction, we recognised that there was a - I guess a
35 lack of industry-based training around health and safety, and because I had done a lot of that health and safety training before in my former capacity with the ACTU and I understood registered training organisations, I essentially set up a new registered training organisation where we had a number of training programs.

40 So we started with white card instruction training, which is the induction training in the construction industry. Certificate IV in Work health and safety, we expanded that to Diploma of work health and safety, which is really the next sort of level of our training, people going into supervisor-type roles, et cetera. Again, this was targeting people in the construction industry, so we worked with the ETU and we worked with
45 the CFMEU in particular as the two areas, or the two, I guess, theatres or forces, so they were quite - both of the unions were very interested in upskilling and developing health and safety capacity.

We then went into post-trade electrical training, so Certificate IV training. So if you're - if you become an electrician and you've got your qualified trade, you often are required to do post-trade training at a Certificate IV level. So for instance
5 hazardous area training, so they do a Certificate IV in hazardous areas, basically understanding electrical equipment in hazardous areas such as gas, dust, et cetera. So it was very important for union members to get that qualification, do it properly, so they could actually get a job at that point of time, Curtis Island, working around CSG LNG plant. Also, you know, dust, hazardous areas, you know, coal-fired power
10 stations and the like.

And then eventually we moved into doing a Certificate IV in instrumentation and control, because there's not enough of it out there in the industry being provided. And then around that same time - so this is over a series of - I think we would start
15 that, when did I finish it, over a period of about five years, we then set up a - or I set up a separate registered training organisation, which was called Future Skills International.

What we were seeing around that time of the post-GFC, the global financial crisis,
20 was that there was a stack of electricians who were coming into the country without being assessed overseas. So if you want to come to Australia and work as an electrician with an overseas electrical qualification, the system at that point in time required you to do an offshore skills assessment, I should clarify that, an offshore skills assessment, meaning that you have your paperwork assessed and you're
25 required to do a practical skills assessment, but they were only being able to do that as part of a visa process in London and there were only two registered training organisations in the country at the time.

I think VETASSESS and Victoria University were accredited by the Federal
30 Government to do that training, and a lot of the training wasn't actually happening or the skills assessments weren't happening, so working with the ETU national office, and I went to Ireland at the time. We worked with the Technical Engineering Electrical Union, which is the equivalent union in Ireland, who were seeing lots of their members - because there was no jobs in Ireland, they were seeing lots of them
35 coming to Australia.

And what we were seeing on the ground in Australia was lots of Irish in particular but also United Kingdom electricians coming here on working holiday visas, temporary visas of any type, and not being able to become electricians or be
40 recognised, but they were basically being required to work as electricians illegally in the industry. So we had cases, I recall in Airlie Beach, things that would normally happen to farm workers, where there's lots of exploitation that is ongoing and occurs, where we had electricians that were in two bunks, so four beds in one bedroom in Airlie Beach where they had their passports taken from them and they were being
45 required to do electrical work, licensed electrical work, which is illegal, and being paid as a trades assistant and obviously not getting overtime and all sorts of things.

So we made a decision as a union nationally that we would seek to enter into that process and provide - lobby the Federal Government to provide an onshore skills assessment process. We were successful after about 18 months in doing that, and were able to apply to Trades Recognition Australia, TRA, to become the third skills
5 assessor in the country, so we were able to offer skills assessments in Ireland, in London, as well as onshore here in Brisbane, and then we expanded that to Perth, Sydney and Melbourne.

10 **MR COSTELLO:** And so in the course of your professional life within the trade union movement, you've been involved in various ways and engaged in various ways with the construction industry?

MS KING: Yes.

15 **MR COSTELLO:** A large part of it, perhaps, through the type of training that you've just been speaking about?

MS KING: Yes.

20 **MR COSTELLO:** But also through involvement from time to time with unions involved in the construction industry on matters that are of more general concern to the trade union movement?

25 **MS KING:** Yes, so industrial issues, work health and safety issues and skills and training issues with both the ETU and the CFMEU.

MR COSTELLO: Thank you. That, I think, in an executive sense brings us up to date with what you've done and where you are now, but in a non-executive sense, you've also been a director of quite a number of boards. I'll just skip through them
30 and you can confirm that I've got the list. You were a non-executive director of Energy Skills Queensland?

MS KING: Yes.

35 **MR COSTELLO:** You were the chairman of Mind Blank Limited?

MS KING: Yes.

40 **MR COSTELLO:** You were a director of Stanwell Corporation.

MS KING: Non-executive director, yes.

MR COSTELLO: Yes, you were deputy chair of WorkCover Queensland?

45 **MS KING:** Yes.

MR COSTELLO: And you've been a non-executive director of CFMEU?

MS KING: Yes.

MR COSTELLO: Aside from all of that, you've got an LLB?

5 **MS KING:** Sorry?

MR COSTELLO: You've got a law degree?

10 **MS KING:** Yes, I do. Sorry.

MR COSTELLO: That's all right.

MS KING: Slightly (indistinct) hearing, that's the problem.

15 **MR COSTELLO:** That's okay. You've got an LLB from QUT which you obtained with first-class honours?

MS KING: Yes, I did.

20 **MR COSTELLO:** And you've got an MBA from the Chifley Business School?

MS KING: Yes, I did that prior to my law degree.

25 **MR COSTELLO:** Do you think from your time in working in the trade union movement, you've got a fair insight into the culture and operations of the construction industry in Queensland?

MS KING: I think I have a fairly good idea of how it operates. And I guess the

30 culture of the industry itself, yes, as well as the unions.

MR COSTELLO: And having been involved in the trade union movement for many years now, presumably you must have come to know Mr Ravbar?

35 **MS KING:** Yes, we've known each other since my late 20s.

MR COSTELLO: And Mr Ingham?

MS KING: Yes.

40 **MR COSTELLO:** And when did you last speak to Mr Ravbar?

MS KING: I believe in about 2017 or 2018, I had a period, four-year period, away. My son passed away in 2015, and so at the end of 2015 I moved to northern New

45 South Wales and did consultancy work, board work and involved in other (indistinct). So during that time I was doing consultancy work for Future Skills of which I had been the former chief executive officer of and was doing work for the

CFMEU around developing an accredited - national accredited course for working safely with asbestos-containing materials and then later to do with silica dust. That then became industry induction courses to the construction industry.

5 During that period of time, at some point around that time, I don't - I believe that that's the last time that I spoke personally to Mr Ravbar. When I returned in my capacity as assistant general secretary of the QCU in February 2020, the then general secretary, Michael Clifford, had asked me, given that we had had a longstanding professional relationship and friendship for many years up until that point in time, if
10 I could reach out to him, and I attempted to do so and he never returned my phone call so -

MR COSTELLO: You're speaking about Mr Ravbar?

15 **MS KING:** I'm speaking about Mr Ravbar, yes. So since then I would see him around at various forums, Labor Party forums, union forums, not in QCU obviously because he wasn't an affiliate anymore or the union wasn't an affiliate anymore, but we never spoke.

20 **MR COSTELLO:** Thank you. And is it right that you've not spoken with Mr Ingham since about 2022?

MS KING: Mr Ingham differently. So we were never as close as what Mr Ravbar and I were. I saw him around at a few things, and you would nod and say hello,
25 which was different to Mr Ravbar, and then I had contact from him last year.

MR COSTELLO: Last year?

MS KING: Yes, 2024.
30

MR COSTELLO: 2024. Pardon me, I said 2022. You're quite right. We will come back to that.

MS KING: Yes.
35

MR COSTELLO: Let me just cover off on the QCU to make its role clear. It's described as the peak trade union body in Queensland. Is it registered or recognised in some way under the Industrial Relations Act?

40 **MS KING:** So the Queensland Council of Unions is the state peak council. So it's not a union; it is a peak council that unions affiliate to. It is what we know - what we refer to as a trades and labour council, which operate in every state. And no, it's not a registered organisation. Historically none of the trades and labour councils are registered, but they are a body we operate under a set of rules at the state level and
45 the - similar to what national unions do with the Australian council of trade union, which is the national peak council.

So we had the ACTU at a national level and at each state and territory there is a trades and labour council. National unions affiliate to the ACTU. State unions affiliate to the trades and labour councils. And there's sort of a loose arrangement there. The QCU as a trades and labour council also affiliates to the ACTU, but we're
5 only there as a member. We're not like the state branch of the ACTU. So, for instance, I sit as a member of the ACTU. I am the executive member for the QCU on the ACTU executive. If that makes sense.

10 **MR COSTELLO:** Thank you. How would you describe the role of the QCU within Queensland's industrial relations system?

MS KING: So primarily it is to provide leadership, advocacy and coordination of unions across a range of issues. So our purpose is to provide and to deal with industrial, economic and social issues that impact on Queensland workers and their
15 families. That's in our stated objectives. What that means is essentially unions don't report to us, we coordinate. So they voluntarily affiliate, and we will coordinate around campaigns, for instance, whether that's campaigns for paid reproductive health leave or other types of employment conditions. We will campaign around state and federal elections about what is in the best interests of Queensland workers
20 and unionists.

We also get involved in a lot of legislative reform issues, particularly at the state level, sometimes at a national level if there was (indistinct) cooperate and work with in terms of submissions and the like with the ACTU. We also do things at an
25 industrial level at the State level which is, you know, things like the State wage case, which doesn't impact as much these days on as wide amount of people, but it still has an effect, since the corporations power's been used to regulate Industrial Relations at the national level, Queensland used to have about 65 per cent coverage of workers up until that. Now we're probably less than 10 per cent.

30 But we do a lot of health and safety advocacy, we do health and safety training, and we provide a range of services, some of which is government funded or otherwise funded. So we run funded programs in the areas of workers compensation, information and advice for all workers, so not just for union members. We have a
35 worker psychological support service, again for all workers. We currently have, although it's ending, a health and safety rep support service for elected health and safety reps on job sites across industry, and we have a couple of other programs.

We've got a fairly big program we've recently run, which is about providing
40 information to migrant workers in Queensland. Another program, again which is quite large, which is about gender equity initiatives for women working in male-dominated industry. So we're running workplace pilots with employers at the moment, trying to work on cultural change in those industries, promoting, you know, the benefits of flexible work arrangements for women and men, but also looking at
45 some Health and Safety issues and cultural change, in particular in construction, maritime and transport. So we do a range of those different programs.

MR COSTELLO: And it's not the case that every Queensland registered union is an affiliate of the ACTU?

5 **MS KING:** No, we have about 25, and there's probably about five others that are not affiliates.

MR COSTELLO: Until 2017 the CFMEU was an affiliate.

10 **MS KING:** Yes, that's correct, from 1 July 2017 they disaffiliated.

MR COSTELLO: Now, you weren't at the QCU in 2017 when the CFMEU disaffiliated?

15 **MS KING:** No.

MR COSTELLO: But you came to the QCU in a fairly senior role in February 2020?

20 **MS KING:** Yes.

MR COSTELLO: And when you came into that role, presumably it was necessary for you to understand who the affiliates were?

25 **MS KING:** Yes.

MR COSTELLO: Did you have any understanding of who the affiliates were before you arrived?

30 **MS KING:** Yes.

MR COSTELLO: Did you know that the CFMEU was no longer an affiliate?

MS KING: Yes.

35 **MR COSTELLO:** I see. And you came to understand the reasons for the CFMEU's disaffiliation?

40 **MS KING:** Yes, and probably a little bit of scuttlebutt from before I went there, but obviously going in as the assistant secretary, you're like the 2IC, having lots of discussions with the then general secretary, Michael Clifford, also having discussions with a range of secretaries of affiliated unions that I had had, you know, longstanding relationships because of my involvement in the trade union movement and the like. So yes, I was informed quite deeply about some of the issues that occurred around the disaffiliation, even though I wasn't present at the disaffiliation.
45

MR COSTELLO: Is it fair to say that as you understand it a rift developed between the CFMEU and the QCU over matters concerning what was called the WHS best practice review?

5 **MS KING:** Yes, and in particular, as I understand it, the development and the scope of one of the recommendations from that review, which was to recommend the introduction of industrial manslaughter laws under work health and safety laws.

10 **MR COSTELLO:** Before we get to that detail, what was the WHS best practice review as you understand it?

15 **MS KING:** So the model - so Australia adopted, through SafeWork Australia, adopted model work health and safety laws which were implemented pretty much by the majority of State and Territory jurisdictions from 2011. There was a number of other States that have now adopted those other than Victoria since that time. But as I understand it, the review was initiated as part of like a five-year statutory review. So it was initiated in 2016, but also in response to - there was a number of construction deaths, fatalities that had occurred, I believe, at Northgate, at a construction site at the time, and also off the back of the Dreamworld fatalities that had also occurred at that point in time.

20 **MR COSTELLO:** And the best practice review had recommended the introduction of industrial manslaughter laws?

25 **MS KING:** Yes, so for the first time to introduce it under the work health and safety jurisdiction.

30 **MR COSTELLO:** And what was the position of the QCU in regard to that recommendation?

35 **MS KING:** So as I understand it and have been informed, so I've had discussions with, as I said before, various people as in leaders of unions on this. We have a work health and safety committee which is through the QCU which is one of our standing committees, so talking with the people that were involved in the details of the discussion and with former staff of the QCU.

40 I also have had numerous conversations with the former minister, Minister Grace Grace, about what had occurred at the time and also discussions with senior staff within the Health and Safety regulator about what happened from around '21, '22 as we were leading into the next five-year statutory review and also as of again last year because we had another five-year statutory review of which a further recommendation was to review and update the 2007 industrial manslaughter offence, which was undertaken by the health and safety prosecutor.

45 So as a result of that, my understanding of what occurred in 2017 was that there was a difference of opinion about the scope of what the industrial manslaughter offence should look like, in particular that the CFMEU were advocating for the scope to be

extended to every person who holds a duty under the Work Health and Safety Act, which is not just a person conducting a business or an undertaking. So under health and safety law, the person undertaking a business or undertaking a PCBU has a primary duty of care to ensure the health and safety of workers and other persons at work or as a result of the business or undertaking.

But there are other duty holders, so, for instance, manufacturers, importers, suppliers, you know, persons in control of a work - of a work site et cetera, but also workers. So their proposal would have seen the industrial manslaughter offence, as I understand it, extended to include workers, and the primary concern, as I understand it, of the QCU and I think the government, as I understand it again, was not to apply the scope to workers, and the reasoning for that may be different from government to unions, but the union perspective is that the workers are often seen as I think the lowest-hanging fruit.

So if there is a fatality occurs and if it does occur on a construction site, it is easy to go after, from a prosecution perspective - this is through the lens of a union person speaking, not a prosecutor very clearly - that they would go after the lowest-hanging fruit because it's easier to direct that, but also if a worker is involved in the manslaughter of another worker, there is already existing scope for that to occur or for a prosecution to already occur under the Queensland Criminal Code.

What we didn't want to see and don't want to see collectively as a union movement, because this debate has also shifted to a national level when these laws had been (indistinct) for introduction into other jurisdictions is exactly what happened in the ACT in 2020, which was a crane driver was actually - they tried to convict a crane driver under the Crimes Act at that point in time for the death of a worker, and they didn't go after, you know, anyone else, any of the contractors, the principal contractor on that construction site. So there was no responsibility or apportion to other people in that space.

So the difference was really about scope of what the offence should look like. I think they also wanted to have it extended to bystanders, which I think everyone agreed with at the time, but the government didn't want it extended to bystanders. That has now occurred and was amended as of last year, along with a range of other amendments to clarify if there are a number of people, particularly in like a construction site where there are contractual - there's a chain of contractors that could be also involved, the amendments were made to clarify that there could be multiple people that may be held accountable or responsible if they're found negligent, you know, in the causation of a worker's death.

So I think that's the technical answer, which is a long technical answer, but I think at the end of it, it was really a difference of opinion and it was - I think it's more of a - what actually happened at the time in 2017 was that the CFMEU were trying to control the QCU and didn't get their way in an argument and, you know, used that as the basis to disaffiliate. So I think it was more of a power struggle than anything else.

MR COSTELLO: On the substantive question of the proposed legislative amendment, was the CFMEU the only union advocating for an extension of industrial manslaughter laws to be able to capture, if I can put it crudely, not only senior executives of the company but workers? Was it the only union?

5

MS KING: As I understand it, it was the CFMEU. I'm not sure about the rest of the building trades group.

MR COSTELLO: I see.

10

MS KING: I can't -

MR COSTELLO: But in any event, that was the position contrary to the position of the QCU and the then government?

15

MS KING: Yes, so the QCU tries to operate by consensus. It's actually in our rules that we will seek to operate by consensus amongst - firstly seeking consensus on issues amongst all affiliates and only ever making a majority decision where that consensus can't be reached. The consensus, as I am told, was that there was support for the drafting to where the government was at. The CFMEU also wanted to rally at that point in time while the discussions were still going on with government, and I think the QCU at that point in time made a decision this they didn't want to rally against the government. They were comfortable with where negotiations were heading.

25

MR COSTELLO: I see. And this resulted one way or the other in the CFMEU taking the step to disaffiliate?

MS KING: Yes.

30

MR COSTELLO: And you said you considered that it was the CFMEU, in fact, seeking to control the QCU?

MS KING: I believe so. So the - I am aware from former discussions with Mr Ravbar that he was not a fan of the then general secretary, Ms Ros McLennan, and, you know, speaking with people, you know, he was - he had a view that he wanted to disrupt her, I guess, role. As I have been told by numerous union leaders since that point of time, since I have been in the QCU, it was his intention to try to lead a posse of other unions to disaffiliate at the same time in an effort to make Ms McLennan resign her position, and that he would then put someone in that he could control.

40

MR COSTELLO: You give some evidence about another five-year statutory review of the Workplace Health and Safety Act that commenced in August -

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COMMISSIONER: Just before you move off that topic, Mr Costello, when you talk about disaffiliation, are you talking about the Queensland Northern Territory branch

of the construction general division of the federally registered union disaffiliating or the State registered union disaffiliating or both or what?

5 **MS KING:** That's a good question. Sorry, I'm not laughing at your question; I'm laughing at the technicalities of it. So while unions - because we're not a registered organisation, unions don't affiliate (crosstalk).

COMMISSIONER: We are - that's the QCU is not.

10 **MS KING:** Yes.

COMMISSIONER: It's set up by the somewhat - some trust or something.

15 **MS KING:** No, we're set up as - we're an unincorporated association, but we're governed by our own rules.

COMMISSIONER: You're registered under -

20 **MS KING:** Yes, and because of that, unions, while they, you know, have to operate under State and federal jurisdictions and some of those are State-based unions and some of those are State branches of federal unions under the federal jurisdiction, by and large it is generally the state branch that affiliates to us, but sometimes the names may be the federal name. It's a little bit loose as far as that goes, but it would have been the State CFMEU that was affiliated to us.

25 **COMMISSIONER:** So the State-registered entity was the one that was affiliated and then disaffiliated, or if you don't know just say.

30 **MS KING:** Yes. No, no, I believe it would have been, yes.

COMMISSIONER: What was the point of that union at that point, given your evidence that you've just given that you did have coverage? I think you said the QCU covered 65 first of the workers in Queensland at some stage and it's now down to 10 per cent.

35 **MS KING:** No, that was the old state industrial relations system, so the jurisdiction before the corporations power and WorkChoices basically was introduced using the corporations power at the federal level. And so most of the majority of, you know, the private sector workforce transferred into the federal jurisdiction, whereas we, up
40 until WorkChoices, you know, 65 per cent of employees employed in Queensland had been covered under the State industrial jurisdiction. That changed when, you know, WorkChoices came in and the use of the corporations power.

45 **COMMISSIONER:** And now it's only 10 per cent. Presumably most of those are public sector employ years.

MS KING: The only people that are left in the state jurisdiction are employees of local government or employees of State government agencies, excluding government-owned corporations because they're a corporation.

5 **COMMISSIONER:** So what work is there for the State-registered CFMEUQ to do in that system?

MS KING: So as I understand their coverage in that system is they have coverage of workers in both local government, but in State government agencies they have
10 coverage of workers in Transport and Main Roads, public QBuild, public works and also Queensland Health. So there's like a - in the State public sector there's what we call a building and engineering, building, engineering and maintenance employees, the (indistinct) group and they're in those four different agencies, and they're all covered under the State jurisdiction.

15 **MR COSTELLO:** Just in connection with this question of State-registered unions, Ms King, in your witness statement, which I will ask to be brought up, that's JK1, on pages 2 and 3, paragraph 9, you set out the current affiliates of the QCU.

20 **MS KING:** Yes.

MR COSTELLO: Of which I think you said there were 24 or 25.

25 **MS KING:** 25.

MR COSTELLO: 25. If we could perhaps just have, not those ones, just the ones on page 3 expanded. Now, just to draw out this difference between the federal body and the State body, M there is the Maritime Union of Australia. That is - well, not that entity, but there is a federal entity that is a federal division of the CFMEU, that is the
30 MUA; is that right?

MS KING: So there is a state branch of the federal - federally registered union, which is the Maritime Union of Australia, and there will be the state branch, will be the Queensland branch. So the federally registered union, which is registered under
35 the Fair Work (Registered Organisations) Act, is the actual legal entity. My understanding is that the state branch of the federal entity is like an administrative section. It's not a separate legal entity, but it's a part of the national union or the federal union, and at the State level, there is still I believe a State union, which is the actual seaman's union. I'm not sure of its full name, but it's the seaman's union, which
40 is a precursor to the amalgamation of the seaman's union and the Waterside Workers Federation, which became the Maritime Union of Australia.

MR COSTELLO: But federally at one point the Maritime Union of Australia went into the CFMEU?
45

MS KING: So the MUA is a division of the - not sure what it's called now, the CFMEU or the CFMMEU because we've had the miners -

MR COSTELLO: Come out.

5 **MS KING:** (Indistinct). So there's two divisions that I understand are left in terms of the CFMEU national structure which is the maritime division and the construction division. The mining division which was previously in that has dis-amalgamated. So it is now the Mining and Energy Union in its own right.

10 **MR COSTELLO:** That's L in the list immediately above the MUA?

MS KING: L, it says, for the Mining and Industry Union of Victoria.

MR COSTELLO: So that's a state branch of the affiliated union?

15 **MS KING:** Yes, and then at U, the Timber Furnishing and Textile Union is what was formerly known as the CFMEU manufacturing division, which was another division, but they either have formalised or they're in the process of finalising their dis-amalgamation.

20 **MR COSTELLO:** Thank you. I want to talk to you about the five-year statutory review of the Workplace health and safety Act that commenced in August 2022. What was the QCU's role in that process?

25 **MS KING:** So the government initiated a five-year statutory review. Our role was to coordinate our affiliate unions to, you know, provide submissions and inputs into the review, so looking at the terms of reference, which at the time were fairly focused around health and safety representatives, was kind of the flavour really of the terms of reference, but it allowed scope for any other matters, you know, for parties to raise. Yes.

30 **MR COSTELLO:** Did you personally take a leadership role in the QCU's response to the five year review?

35 **MS KING:** Yes, I did. So it was my responsibility when I was assistant secretary for work health and safety in terms of policy matters, and so I led the QCU position in actions that we took in terms of submissions and otherwise (indistinct) for the review.

40 **MR COSTELLO:** You speak in your witness statement commencing at paragraph 46 about a meeting that you convened between various trade union leaders to meet with, in effect, the regulators, Jody Dietz, who was executive director of WHS Queensland, and Andrea Fox, director of policy, WHS Queensland. And at paragraph 47 you speak of the meeting that you convened with affiliates of the QCU. You also invited representatives from the AWU and the Shop Distributive and Allied Union, the SDA. Now, at this point in time the AWU and the SDA were not
45 affiliates.

MS KING: That's correct.

MR COSTELLO: And notwithstanding that they were not affiliates, you still invited them to the QCU meeting with the regulators.

5

MS KING: That's correct. So our normal kind of practices, particularly over work health and safety issues, was that there was a commonality with the AWU and the SDA on their issues and so we would often work together regardless of the affiliation status or otherwise around those issues.

10

MR COSTELLO: You chose not to invite the CFMEU?

MS KING: That's correct, and that was on the basis that I worked closely with the standing committee, the work health and safety committee of the QCU, and a lot of the people that were on that committee had been through the 2017 industrial manslaughter. I think the experiences I had to deal with the CFMEU representatives for that industrial manslaughter debate has been on, you know, they had a very strong view that they didn't want the CFMEU to be there because they didn't feel comfortable talking about what their views were because they would get shouted down or belittled and treated with disrespect. At that point in time, we had introduced what we called at that time a statement of safety and respect, which was to deal with this sort of issue. So the CFMEU had behaved fairly badly, to put it mildly, in terms of when they exited the organisation, they would come to the table (crosstalk).

25

MR COSTELLO: You mean when they disaffiliated?

MS KING: When they disaffiliated. So that was uppermost of mind. Our statement of safety and respect was essentially that everyone who comes to a meeting, including not just unions but invited guests of the QCU to have the right to feel safe and respected, that we can have robust discussions as long as they occur in a respectful manner, and it was the view that we didn't invite the CFMEU because they didn't behave in a respectful manner. That was (indistinct).

MR COSTELLO: Was this meeting to occur at the QCU premises or somewhere else?

MS KING: It was in our boardroom, yes.

MR COSTELLO: In your boardroom. And you say that on the day of the meeting not only did the invited representatives of various unions and the regulator turn up to the meeting but so did an uninvited guest from the CFMEU.

MS KING: Yes.

45

MR COSTELLO: And you were personally present at this meeting?

MS KING: I was. So I was chairing the meeting. We had our guests, so we opened our meeting. Our guests were in the side room to that, (indistinct) room which sits off the boardroom, and we opened the meeting and talked about - we opened it with our statement of safety and respect and then we talked about what was about to occur, that we had two representatives from the regulator who were going to come and talk to us about the terms of reference and the processes and it was an opportunity to discuss, you know, any other iron issues that people wanted to in terms of the terms of reference. But it was, you know, like it was an introductory meeting to how this was going - the review was going to occur. I understand that both of those officers from the regulator were doing similar things, for example, with the Master Builders and employer groups and the like as well. We then invited Ms Dietz and Ms Fox into the room. As I was introducing them, Mr Kurt Pauls, I hadn't met him at that point in time -

MR COSTELLO: You say you had not met him?

MS KING: I had not met him (indistinct).

MR COSTELLO: You subsequently ascertained his identity?

MS KING: I subsequently, yeah, dealt with Kurt. I think he came into the room with a representative of the farmers union from memory, so I believed he was someone who was there with the farmers union, who was an affiliate at the time. He literally got up and started to abuse the regulator, started swearing, the regulator's staff, starting swearing and basically carrying on about the shoppies being there. He was sitting next to the then secretary of the shop - the shoppers union, the SDA, and carrying on about why did they get an effing invite, you know, we didn't get invited, this is outrageous, we're not going to put up with this shit, what's the regulator doing here, rah rah rah.

At which point, you know, I (indistinct) at this point in time we had people online and we had probably around 15 people in the room around the board table and I stood up and basically did my best schoolmarm kind of voice and impression and said, "Thou shalt sit down, whoever you are, we don't behave like this in this room," and basically brought him back and said that, you know, "Your comments aren't welcome. You know, if you want to stay you've got two options, you can either get up and leave the room right now, there's the door, if you wish to stay you're going to behave and you're going to comply with the way that we behave in here and you'll do it very respectfully." He chose to stay and while he had little giggles from time to time, he was generally respectful for the rest of the meeting.

That kind of gives you an indication I think of why we didn't want to engage with them, because I personally didn't think that Kurt Pauls was a problem himself, but he had been instructed by, as we were all told, as union leaders, this was an the instructions that came from Mr Ravbar as secretary to come and disrupt meetings, and that certainly had been the behaviour back in 2017 when I think Mr Ravbar was on the executive but he would send (indistinct), who was the president, to do certain

things and send him text messages while he was sitting at the boardroom table to thump the table and not talk shop, basically.

5 **MR COSTELLO:** Mr Kurt Pauls' difficulty was not a policy question here. It was the fact the CFMEU hadn't been invited to the meeting; is that right?

MS KING: Yes, and that the regulator staff were there.

10 **MR COSTELLO:** And on the question of the regulator staff being there, did you understand it to be his view that unions shouldn't be meeting with the regulator?

15 **MS KING:** I think he just objected to the whole meeting and the QCU being involved in anything to do with the statutory review, but I think that was his instructions. I don't think that was his personal view.

MR COSTELLO: I see. You've subsequently come to have - you subsequently came to know that the person who arrived uninvited to the meeting was Mr Pauls?

20 **MS KING:** Yes.

MR COSTELLO: And that's because you had dealings with him on some other occasions.

25 **MS KING:** In subsequent meetings.

MR COSTELLO: He came to subsequent meetings about the statutory review.

30 **MS KING:** Not at our table, no, but in meetings with regulator staff and the like. In the end, we ended up having separate meetings to the building trades group when we met with regulator staff, although there was a number of occasions that we did come together where I, you know, they would misbehave from time to time and if I was in the room, they would get the giggles and kind of go, "Yes, well, we have to behave," because, you know, I was there.

35 **MR COSTELLO:** You were the (crosstalk).

40 **MS KING:** I was the person who would be the schoolmarm. My parents were schoolteachers. I can manage the - that off fairly well sometimes. I think I do, anyway.

MR COSTELLO: You subsequently came to understand, as a result of the statutory review process, that there was a difference of opinion between the CFMEU and other unions on questions of policy, though?

45 **MS KING:** Yes, and in particular through the building trades group. So the building trades group is an informal sort of alliance of unions that work together in construction, which is generally made up - primarily it's made up of the CFMEU, the

ETU and the plumbers union and the AWU from time to time. That group in particular, the three unions, minus the CFMEU, would seek to influence the policies.

5 So if they had issues, I would go up the road to the ETU and have a meeting with the ETU and the plumbers union to talk about what their matters were that they were trying to raise in the review, and I would try to do that in a way that was, you know, in compassion with what their issues were and that we could pick up and run with their issues where they overlapped with the issues that our other affiliates were raising, if that makes sense. But through that process I became aware of a number of
10 matters that the CFMEU in particular had been advocating for, which was primarily around right of entry permits.

MR COSTELLO: Yes. Now, right of entry and access rights to workplaces are difficult issues as between unions and employers?
15

MS KING: They can be, yes.

MR COSTELLO: And an important workplace right insofar as unions are concerned is that there be an ability for right of entry in particular circumstances.
20

MS KING: Essential for workers for the union officials to access worksites, in particular under health and safety law, to be able to be there to, you know, investigate suspected contraventions of legislation or codes of practice regulations and the like, so hold discussions with workers about work health and safety issues
25 and to generally represent workers around Health and Safety issues. So that's health and safety access.

MR COSTELLO: And those rights existed under the legislation that was being reviewed in August 2022?
30

MS KING: They did.

MR COSTELLO: Was there a concern on the part of the QCU that the rights were inadequate?
35

MS KING: There were issues in terms of some employers obstructing union officials, so obviously in construction, I think right of entry can be quite hotly contested from time to time by some employers, but also right of entry applies to all industries and all workplaces, and so our affiliates outside of construction had also
40 experienced being obstructed by a number of employers.

Certainly from my experience, this is going back, you know, to my Future Skills days and whatnot and having those external organisers, you know, certainly saw cases where, you know, the union organisers would provide their 24 hours' notice
45 and literally, you know, be shirt-fronted by some people in the construction industry, particularly non-union, but it can get a little bit rough out there. I can recall one experience with an organiser who came back who was a bit rattled. He had had a

chisel basically shoved in his rib cage underneath a stairwell, and said if you come back you're effing dead sort of thing. That sort of stuff does go on.

5 So having a legal right of entry is really important to be able to access those places, but it's just as important to be able to access a hospital or a school or a manufacturing plant and the like. So, you know, those obstructions will happen from time to time.

10 **MR COSTELLO:** Do you recall if the CFMEU had a particular view about legislative amendment to access rights in connection with the 2022 review of the legislation?

15 **MS KING:** So as I understand, they wanted to - they wanted changes to - there's - so the Work Health and Safety Act provides for union officials or employees of unions to have a permit, so get a legal permit to enter a workplace, as I said before, to either - three things: to investigate a suspected contravention of a legislation, to hold discussions with workers around Health and Safety issues, or to access records relating to, you know, for example, a suspected breach of the law.

20 To do that, you have to have a permit, but there are two other provisions or there were two other provisions in the law, and these were based off model health and safety laws that still exist across the rest of Australia, where under, I think it's section 68(2) of the health and safety Act, a health and safety representative can ask for the assistance of a person to come and assist them in performing their functions, so there, for example, could be a dispute or there could be a matter that the rep wants someone
25 to be there to assist them.

30 And so section 68(2) provides a mechanism to access the workplace. It's not a right, you don't need a permit, and it's not necessarily always just for union officials. It might be, you know, if you read some of the - I think the Boland review, the Marie Boland review, which was done on the model laws on this issue, it's, you know - or ostensibly if you want to get someone to come in and do dust monitoring as the health and safety rep and you're not the person who's experienced, that they should be able to access the site.

35 The other section is section 81(3) of the Act, which is about issue resolution, and at that time our legislation provided that, you know, a person could come to the work site to assist with resolving a work health and safety issue. But again, it wasn't a right per se, or a permit right, but both of those sections I believe had been used by the CFMEU, and I remember having lots of discussions with in particular Royce
40 Kupsch, who was the president of the union at that time around the need to keep 81(3) and 68(2) there so that they could access workplaces, and I believe that's probably around the time that their officials had lost their permits and had had them revoked.

45 So, you know, that was an issue. It was also an issue for the QCU affiliates around what - some people describe them as a red union, which is a bit of a joke really, but - so red unions are non-registered unions, loosely associated, I think with the

LNP, is our view, and set up to undermine large collective unions like the teachers union and the nurses union, which are the two largest unions in the State, and literally as non-registered associations that they would be able to use those provisions to access workplaces.

5

Or alternatively there's another association called RAFU which competes against the SDA, but again is not registered. It's just an incorporated association, not democratically elected, et cetera, and that they would be able to use these issues. A longstanding policy position of the QCU is not to recognise non-registered unions in the space, of either industrial relations or work health and safety. So from our perspective, we developed a position which was at odds with the CFMEU. They wanted to keep and retain 81(3) and 68(2) and tighten it up as, I think, a right to be able to enter under those places and a right to remain as opposed to how it was then drafted or how the legislation was then drafted, whereas we were intent on tightening it up so that you didn't use those areas to access workplaces.

10
15

The other issue I think in that space was CFMEU - we had been advised by a number of affiliates that the CFMEU had been using 81(3) I think in particular to access workplaces where they didn't have eligibility to enrol members. So both 68 and 81(3) don't have the same strict requirements that you have under a permit. So if you have a permit, you can only access those workplaces where you have eligibility rules to enrol a member of a union, whereas they were using these others just to go holus bolus into any workplace and recruit - and use it to recruit or otherwise.

20

MR COSTELLO: Do you recall whether there were other - I want to give you a break in a moment, but just ask this last question - do you recall whether there were other unions who were agitating for 68(2) and 81(3) to either retain their current form or even be strengthened, or was the CFMEU the outlier?

25

MS KING: Yes, so I think the CFMEU was the principal advocate in that space, but it was also the view of the building trades groups that they supported, so the ETU and the plumbers union supported them, but it was principally being run by the CFMEU.

30

MR COSTELLO: Is it fair to say though that the need for the CFMEU to rely upon those provisions was more acute because permits are being revoked?

35

MS KING: At that time, absolutely, yes.

MR COSTELLO: Whereas other unions didn't face that difficulty.

40

MS KING: Didn't have their permits revoked. They didn't need to find an alternative way to access the workplace.

MR COSTELLO: And the permits were being revoked for a variety of reasons but generally concerning or coming under the umbrella of the appropriate behaviour or misconduct?

45

5 **MS KING:** So there's a number of Federal Court cases where they were revoked under the Fair Work Act, and if you have your Fair Work permit revoked, you can't hold a State work health and safety permit to access workplaces covered under the Fair Work Act.

MR COSTELLO: That was the link.

10 **MS KING:** Yes.

MR COSTELLO: Thank you. Commissioner, is that a convenient time?

COMMISSIONER: Yes. Thank you. We will adjourn until 11.30.

15 **<THE HEARING ADJOURNED AT 11.21 AM**

<THE HEARING RESUMED AT 11.35 AM

20 **COMMISSIONER:** Mr Costello.

MR COSTELLO: Thank you, Commissioner.

25 Ms King, just to cover off on that meeting, you gave some evidence about where Mr Pauls arrived uninvited, and was aggressive towards the - well, at least the regulator, would you characterise Mr Pauls' conduct at that meeting, at the start of that meeting, at least as inappropriate?

MS KING: Completely inappropriate.

30 **MR COSTELLO:** And aggressive?

MS KING: Yes, very aggressive.

35 **MR COSTELLO:** That wasn't the only time that you had become aware of inappropriate conduct by officials of the CFMEU towards regulators, was it?

MS KING: No, not at all.

40 **MR COSTELLO:** You mentioned Roy Kupsch before.

MS KING: I think it's Kupsch, yes.

45 **MR COSTELLO:** K-u-p-s-c-h, I hope. He was particularly noted for disrespectful behaviour directed towards Workplace Health and Safety regulators; is that fair?

MS KING: Yes.

MR COSTELLO: How do you know of that?

MS KING: So in my role I had to deal with fairly senior work health and safety regulator staff, so Ms Dietz.

5

MR COSTELLO: That's -

MS KING: And Ms Fox in particular. So she was - when Jody Dietz was the executive director and when Andrea was the director, she's now the executive
10 director, but a number of other professional women that work in the regulator, so there's a high percentage directors, executive directors in the policy area of the regulator who are women, and I had lots of engagement with them, Joanna Sutherland and others, and they all reported, so I would, you know, meet with them. I was on a number of different steering groups.

15

I was on a steering group for the development of the managing the risk of psychosocial hazards code of practice, which Mr Kupsch was on as well, ironically, at the time, and so, you know, I developed close personal, not personal, sorry, close professional relationships with a number of those staff where they would over time
20 disclose particular behaviour that had occurred towards them. I witnessed some of that behaviour myself, and then while I'm not on the work health and safety board or the advisory board to the minister, a number of unions were, and they disclosed a range of the behaviour, along with the regulator staff about what would occur in the board meetings.

25

MR COSTELLO: What type of behaviour was reported to you, on the part of Mr Kupsch?

MS KING? So - yes, so Mr Kupsch was a board member for the CFMEU. He was a
30 representative for a long time on the board. As - when they weren't getting, as in when the union wasn't getting its way on a particular issue, he would escalate, and so some of the behaviour was when, you know, the executive director or one of the directors, as I am informed, was presenting information to the board or required to address the board on a paper that they had pre-prepared for the board that Mr Kupsch
35 would swing his chair around and place his back to them. He would talk over the top of them. He'd interrupt them. He would make general remarks which were, you know, derisive of the people who were presenting.

It got to such a state that when, trying to think of his name, Jorgen Gullestrup, who
40 was a former - I met Jorgen through, he was a former member, sorry, former secretary of the plumbers union, so I knew him from many years ago and he was CEO of MATES in Construction. Jorgen was appointed at some point in '22 or '23 as the new chair of the advisory board. Jorgen had had to resign his position, I believe, with MATES in Construction because of Mr Ravbar had took exception to him. I'm
45 not sure what the issue was over, but there was not good blood between them, and so I believe that Mr Kupsch was also very disrespectful to him as the chair of the board.

When I heard about a range of those things happening, the board was becoming completely dysfunctional and the regulator was becoming completely dysfunctional from a variety of areas, but in terms of the board issues -

5 **MR COSTELLO:** The board you're speaking of here is the advisory board.

MS KING: The advisory board, yes.

MR COSTELLO: Thank you.

10

MS KING: In terms of the board issues, I recall reaching out to Jorgen, Mr Gullestrup, to have a conversation about that he couldn't continue, in my view, that it was unprofessional to continue to allow Mr Kupsch to behave in the manner that he did and that he needed to find a way to deal with him and his behaviour, that I
15 had complaints made from the union members of the board to me about his behaviour and that, you know, he should be a professional chair and deal with those issues. We agreed to disagree because at the end of it, while he agreed with me that the behaviour was completely unprofessional, his view was as the chair that at that point it would be better that they didn't have members of the regulator attend the
20 board meetings, that they would just have papers prepared for them. And at that point I think the board became completely dysfunctional.

MR COSTELLO: So the attempt at dealing with the inappropriate behaviour of Mr Kupsch was to disinvite the regulator from attending the advisory board
25 meetings?

MS KING: That's correct.

MR COSTELLO: Because it was an unproductive environment if Mr Kupsch was
30 in the room with the regulator?

MS KING: That's correct.

MR COSTELLO: And what did you understand the role of the advisory board to
35 be?

MS KING: So it's an advisory board for the minister under the Work Health and Safety legislation, so its role is not to oversee the regulator. Its role is to consider, you know, work health and safety issues and provide advice to the minister on that,
40 and that from time to time will intersect with the regulator in the sense of policy issues, but not regulator issues, so, for example, in the enforcement and compliance policy adopted by the regulator but not to prosecutions or to individual matters of compliance.

45 **MR COSTELLO:** All right. Well, speaking of the regulator, Kym Bancroft was appointed deputy director-general of the Office of Industrial Relations in 2022 at

some point in time, and it's the case that the deputy director-general is appointed the Workplace Health and Safety regulator. Is that right?

5 **MS KING:** Yes, that is correct. It's a statutory appointment as the work health and safety regulator.

MR COSTELLO: I see. And you have given evidence in your witness statement that Ms Bancroft became an early target of the CFMEU?

10 **MS KING:** That's correct.

MR COSTELLO: Now, just try and understand the potentiality at least for conflict here. The Workplace Health and Safety regulator's role is first and foremost to be enforcing the law that is aimed at ensuring that workplaces are safe?

15 **MS KING:** Yes.

MR COSTELLO: And at least at that level of abstraction, one might think that there was a strong commonality of purpose between a Workplace Health and Safety regulator and the trade union movement that has at its core concern about safety.

MS KING: Absolutely.

25 **MR COSTELLO:** So it's not - this isn't an obvious clash point between a union as it might be between a union and a contractor on an issue, for example. This is something where one might expect there would be a degree of cooperation towards a common purpose?

30 **MS KING:** In an ideal world there should be, but, you know, from my experience in Queensland and observations of what happens around the different jurisdictions, if a regulator is not - if a regulator is not enforcing to the standard they should be, there will sometimes be conflict.

35 **MR COSTELLO:** When you say the standard they should be, you mean to the standard the trade union movement considers they should be?

40 **MS KING:** Not necessarily. So from my experience when I was a senior policy adviser and I think when I was chief of staff to the Industrial Relations minister way back, we had - I think I was chief of staff at the time. There were problems in the regulator at that period in time, so from direct experience where inspectors were reluctant to go out and issue compliance notices, I think primarily at that time because every compliance notice they issued, in particular in construction, would result in an application for review.

45 And at that time, I believe - it's a long time ago now, but I believe those reviews were going to the Magistrates Court, so inspectors were spending a lot of time on issuing an enforcement notice, a prohibition notice or an improvement notice, and

having that appealed and going and spending all their time tied up in the Magistrates Court. At that time, we had also inherited in terms - when I say "we", the regulator had inherited electrical safety. This is straight after the 2001 election, and there was a range of electrical fatalities that had occurred that was pretty much running, you
5 know, in the media all of the time. There were some horrific deaths. I think I recall a 16 year old apprentice who was electrocuted as a boat builder in a boat-building business at Bulimba on his first day of work, a whole range of those times of matters.

10 So we initiated - the minister asked for my advice, I think his first or second day in the role, and I said that I think - I believe that we should initiate an independent review. He took that advice and took that to cabinet, and we had an independent review of the regulator at that point in time. So my knowledge of that is literally, you know, there were cultural issues within the regulator and the like, and after that point I think they improved the enforcement compliance policy.

15 You know, they adopted practices which were "we need to go out as a regulator and do things", which I think is common to a lot of regulators, but go out and do education, go out and educate industry about particular issues if we know that there are risks in construction around full compliance or, you know, being hit by moving
20 plant, then let's go out and educate employers in that space, then let's go out again three months later and we will start to issue infringement notices if they're not actually complying, and then we will go back again in another three months a regulator into the field and start hitting them with some compliance notices and starting to escalate to those that weren't complying. So the first space is to start with
25 education around what compliance should look like.

30 So I'm quite aware, from my perspective, I think I try to straddle, I've worked in government, I've worked in, you know, a minister's office. When you oversight that responsibility and given advice to ministers, that you try, I think I tried to balance those views of what the role of government is with what my role is as, you know, the general secretary of the Queensland Council of Unions that we have to be respectful and mindful of what the role of the regulator is, right? But that doesn't mean to say that we can't then say that the regulator is not doing its job or performing to optimum level, and I believe it hasn't been performing to optimum level for quite a period of
35 time.

MR COSTELLO: I will come back to the performance of the regulator and what look like endemic problems within it in a moment. First, I just want to work through this issue concerning Ms Bancroft who you described as an early target of the
40 CFMEU. And you say that it was Mr Kurt Pauls who led the charge against Ms Bancroft?

MS KING: Yes.

45 **MR COSTELLO:** Now -

MS KING: I think he was given instructions from Mr Ravbar to do so.

MR COSTELLO: And would it be fair to say that that's an assumption on your part?

5 **MS KING:** Yes. But that was essentially the talk. So this is secretaries in the building trades group discussing this as well, who are dealing directly or were dealing directly with the CFMEU at the time.

10 **MR COSTELLO:** Come to the behaviour of Mr Pauls in regards to Ms Bancroft in a moment, but speaking generally about - based on your experience within the trade union movement, somebody is orchestrating what might be called a campaign against a regulator in this way, an official within a union, would you expect that that official would be operating with express or tacit permission of superiors?

15 **MS KING:** With the express permission of.

MR COSTELLO: That's how it's worked in your experience in unions?

20 **MS KING:** Yes.

MR COSTELLO: You don't know in respect of Mr Pauls, but you've just said that there were - there was talk to that effect.

25 **MS KING:** Yes.

MR COSTELLO: That's as highly as you can put it?

MS KING: Yes.

30 **MR COSTELLO:** What was Mr Pauls' problem with Ms Bancroft?

35 **MS KING:** I don't think Mr Pauls had a problem with Ms Bancroft. I think the union had a view that they wanted to be able to control her when she went first into that job, because there had been prior problems within the regulator, and, you know, the CFMEU weren't the only ones to have similar issues; our affiliates were experiencing similar problems and similar issues within the inspectorate.

40 So within the regulator, they might describe it differently, but I like to think of it as the regulator has an inspectorate side of it, which, you know, other people who are out on the ground attending worksites, et cetera, and dealing with compliance matter and then you have the policy people. So the policy people are developing with development of codes of practice, legislative amendments and the like. The problems were clearly I think in the inspectorate part of that, but I believe they had a view that they wanted to control her from early on, and I have that view because I spoke with
45 Ms Bancroft early on. I was one of two independent panel members that was appointed to the selection process for the deputy director-general of the Health and Safety regulator, which Ms Bancroft was a successful candidate.

So that was myself and Ms Rebecca Andrews, who was at that time the CEO of the Australian Industry Group, along with the then Public Service Commissioner and the then director-general of the department. So the regulator at that time sat underneath the Department of Education, so it was Michael De'Ath was the director-general. So the four of us had gone through a formal recruitment process which was dealt with by a recruitment company, but we were the people that made the recommendation for her appointment.

As a result of that, they - because Ms Bancroft didn't have much of a background in terms of she hadn't worked in the public service before, she was a highly qualified health and safety professional, that the director-general had a view that she needed some mentoring through both Ms Andrews and myself from an industry perspective about what the employers were thinking, about what unions were thinking around the role of the regulator, because one of her first tasks was to try to, you know, get on top of the problems with industry.

So I think employers were also complaining about problems that were happening in the inspectorate, so there was a general view from the industry stakeholders that the regulator needed to be much more out and about and listening to what industry was saying, employer and union, and to try to resolve those issues.

So as a result of that, you know, I had several conversations with Ms Bancroft where she believed that she thought she could develop a good relationship with the CFMEU which was a positive, but in that process, she ended up being, I believe they tried to, what's the term? She became almost a captured pawn of just their issues, and for instance she told me that she would be over at the union office several times a week, at the CFMEU, which is pretty unheard of. She certainly wasn't coming and seeing the QCU or our affiliates several times a week, and we certainly wouldn't have asked for they are to do that. You know, there are plenty of staff within the regulator that people can engage with appropriately. I know that when she made a decision to, from my conversations with her, that when she made a decision to pull back from that, that she copped a lot of resistance.

MR COSTELLO: You mean when she refused to attend as regularly as she had been?

MS KING: When she made a decision to not attend the meetings all of the time, that the union then adopted what appeared to be a campaign of directly targeting Ms Bancroft so that they refused to engage with any of the inspectors, they refused to engage with the - I can't think of the name - it's an executive director of compliance services. It's like what we used to call in the old days the chief inspector. So they weren't engaging at that level and they escalated to the regulator. So that pretty much they were texting, emailing and sending phone calls directly to only Kym Bancroft and basically demanding that she respond to every compliance matter that the union had within a 24-hour period or else, quote, that she would be responsible for people dying on construction sites.

MR COSTELLO: And so the practice of at least Mr Pauls, was it limited to Mr Pauls to your knowledge or were there others?

5 **MS KING:** Mr Pauls I think had the position of work health and safety officer, so he coordinated I believe across the organisers.

MR COSTELLO: And so the position was that the regulator must personally deal with any matter -

10

MS KING: All matters.

MR COSTELLO: - brought to her attention by the CFMEU?

15 **MS KING:** Yes.

MR COSTELLO: And did you apprehend from what you heard about Ms Bancroft's attendance at the CFMEU headquarters that she was seeking to deal with the CFMEU in the way that they wished her to (crosstalk)?

20

MS KING: I believe she was trying to manage the issue, and, you know, was finding it difficult to extract herself from that process to the point where they were running a campaign against her that, you know, she couldn't do her day-to-day job while that was occurring, and that became a problem.

25

MR COSTELLO: There was another problem, I think, within the inspectorate, at least insofar as the CFMEU was concerned. I might just have paragraph 56 of your statement, which is on page 9, brought up. It looks to me from your statement that there's at least two things going on at the same time. One is an insistence on the part of the union that the regulator personally deal with all matters, which no doubt cannibalised the regulator's time to be doing other things. The other thing that was going on though was that there were particular inspectors within the inspectorate who had a history with the CFMEU and who the CFMEU would refuse to deal with. Is that right?

30

MS KING: Yes.

MR COSTELLO: And in particular, there were inspectors within the inspectorate who had been dismissed from the union by Mr Ravbar?

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MS KING: I believe so, yes.

MR COSTELLO: You don't know the circumstances of those dismissals?

40 **MS KING:** No, I don't know the personal circumstances of them, but I understand that the - there was three - there was at least three former BLF that went into the CFMEU organisers who had been dismissed by Mr Ravbar around the time I think

when there was an exodus of BLF organisers down south - (indistinct) down south, and around the time that I think Mr Hanna went to jail. That was around an election time, so I think there was a push by Mr Ravbar at that point in time of people that he perceived might run against him or support another person to run against him in an election.

They ended up, I think one of them is Mr Mike Barber, they ended up in the regulator as inspectors and as I understand - and this is from discussions with the subsequent health and safety regulator, Mr Peter McKay, along with the building trades group of unions, that these guys caused all sorts of mayhem whenever the CFMEU would go to a site. They did everything they could to disrupt CFMEU organisers from trying to do their job properly when they were exercising permits. These people were also, I think, agitating against the then director of construction, Ms Helen Burgess, so I believe they had lodged workplace bullying complaints against her.

There was all sorts of information that was being provided to the current deputy premier, who was the then opposition person who tabled a lot of this information in Parliament, which is publicly available, so I know from some of that information as well, some of these issues that were happening. But it created a bit of a perception that you couldn't get anything done in the inspectorate because it was completely - it was bedlam. That's probably a good way to try to describe it.

MR COSTELLO: You had a number of discussions with Ms Bancroft during the time she was in this office?

MS KING: Yes.

MR COSTELLO: And at paragraph 58 of your witness statement you say that you expressed the view to Ms Bancroft that she should not succumb to the demands.

MS KING: I did -

MR COSTELLO: The demands you're speaking of there, the requirement that she deal personally with any matter referred by the union?

MS KING: Yes. And I did that in a capacity of what I'd been asked to do from a professional perspective of giving some mentoring advice to her in that role of having to deal with industry, you know, so not stepping away from, you know, the professional lines, which is her position was the regulator, my position was the general secretary of the QCU. But I could see what was actually happening which was making it even worse than what it had been in that role, and I made a number of suggestions because we weren't - as I say, I had affiliates who were weekly complaining about the lack of engagement.

Where we ended up with the whole thing, with the way that the CFMEU had approached the regulator in that campaign of asking for her to personally deal with

every single matter, was we ended up with a triage system where, you know, it was difficult to get any immediate attention of the regulator, of inspectors to deal with urgent issues. They went through a triage process, which was phones or emails where things were relegated and prioritised, but it meant also at the same time it
5 slowed things down when there were urgent matters, and I had, you know, we ran a - and still run currently - a health and safety representative support service which is funded by the regulator. We've run that program since 2019. That is to provide support to elected health and safety representatives across industry and across the State.

10 The person who runs that program for the QCU was continually trying to get regulator staff to attend to health and safety reps. So these are people in a workplace, they're elected by their work group in a workplace, who couldn't get the attention of the regulator for basic day-to-day issues or they were -

15 **MR COSTELLO:** To be clear, this regulator doesn't just have responsibility for construction sites.

20 **MS KING:** No, that's right. So right across, so we were dealing with issues in aged care, dealing with issues in education, dealing with issues in manufacturing, so blue collar, white collar, right across the spectrum, and no one could get anything to actually occur through the regulator at this point in time, because it was completely focused and absorbed on trying to deal with what was happening in construction.

25 **MR COSTELLO:** You mentioned before that you were part of a panel that recommended - I think you said recommended the appointment of Ms Bancroft; is that right?

30 **MR COSTELLO:** I did.

MR COSTELLO: Is that commonplace for an industry representative and a union representative to give advice to government in connection with the appointment of an independent regulator?

35 **MS KING:** It is from time to time. That wasn't the only time that happened. I believe that there was a - I think Mr Pauls was actually appointed to a selection panel, which raised a few eyebrows of the executive director for compliance services not long after that process.

40 **MR COSTELLO:** Mr Pauls was appointed to give advice in connection with -

MS KING: Yes.

45 **MR COSTELLO:** - the appointment of a public servant?

MS KING: And I believe the panel couldn't reach agreement.

MR COSTELLO: Did it put you in an awkward position, the fact that you had been involved in the recruitment process, if you like, and then had to deal with the fallout -

MS KING: Yes.

5

MR COSTELLO: - once Ms Bancroft was in office?

MS KING: Extremely, we had discussions about it at the QCU management committee. Ms Bancroft had worked for, previously for Serco, and I believe the
10 CFMEU took offence at that and then raised that with a number of our affiliates and they then tried to attack me about my independence in that process. I think that I am a very professional person and that I can manage conflicts of interest in that - in that environment. But it caused conflict afterwards in terms of unions and their perception, and I believe that's one of the reasons why the CFMEU asked Mr Pauls
15 to be appointed to the selection panel for the executive director of compliance services which occurred after that point in time.

MR COSTELLO: The executive director of compliance services was a position within the inspectorate?
20

MS KING: So it's like the chief inspector. That was the old term for it when I worked in government.

MR COSTELLO: And do you recall roughly when that recruitment process was going on?
25

MS KING: That would have occurred probably under - when Ms Bancroft was the regulator.

30 **MR COSTELLO:** I see.

MS KING: After she was appointed.

MR COSTELLO: Ms Bancroft was I think only in office for about eight months in
35 (indistinct).

MS KING: Eight or nine months, something like that.

MR COSTELLO: Sometime in 2022, there was a recruitment process for what was
40 previously described as the chief inspector?

MS KING: Yes.

MR COSTELLO: And Mr Pauls was placed on that panel?
45

MS KING: On that panel.

MR COSTELLO: By who? The then minister?

5 **MS KING:** No, so the minister has nothing to do with the recruitment processes for the public service. It would have been made by probably the regulator at that point in time, so either the deputy director-general and/or the director-general, but it would have been approved under that process of the public service.

MR COSTELLO: The director at this point was Helen Burgess; is that right?

10 **MS KING:** No. So there's the deputy director-general position which is the health and safety statutory appointment of the regulator. Underneath that you have a series of executive directors, one of whom is the executive director for compliance services. You have then others, like Jody Dietz was the executive director, I don't know the formal term, but she) oversaw the policy areas.

15 **MR COSTELLO:** I see.

MS KING: And underneath that you have directors and so Helen Burgess was the director -

20 **MR COSTELLO:** Helen Burgess was the director of construction.

MS KING: - who reported to the executive director.

25 **MR COSTELLO:** Thank you. In any event, Ms Bancroft resigned after being in the role for less than 12 months?

MS KING: She did.

30 **MR COSTELLO:** There has been difficulty, or there was difficulty finding a replacement?

MS KING: So at that point in time, because it was well-known what had occurred in the union movement and I suspect out in industry to Ms Bancroft, that - and very well-known across the public service, people talk all of the time, that no one wanted to go into that position. So I think going backwards, we had a long-term person who had fulfilled the role of the regulator which was Dr Simon Blackwood. I had worked with Simon when I was in the minister's office, so he had filled that role up until the end of 2019. He didn't have his contract renewed.

40 We had Craig Allen, who came from the Northern Territory. He came in as the deputy director-general. He came from an education background but often - so he would be perceived I think by industry as a fairly good regulator, but he was often - because it was the position as the deputy director-general at that point in time within the Education Department, he was often seconded to go and fix problems within other areas of the education department, and as a result the regulator's position, even under when he was - had a permanent appointment was literally

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having people, you know, acting temporarily and people moving around within the department, acting up into that position.

5 Then we had Kym Bancroft had been appointed to the position temporarily - sorry, permanently, and then she exited, and so after that, it was really no one wanted to work in the position. So most of the scuttle about town was that no one would take up the role on a permanent basis, and I believe that Mr Peter McKay, who was a long-term professional public servant, agreed to do it but only on a temporary basis, and I think we had a person before that for a three-month period. So it's sort of
10 been - and then Peter was appointed as the director-general and under the former government to the training department or DESBT as it was known at that time, and then since then we've had acting people in that role.

MR COSTELLO: And that's the case today?
15

MS KING: I believe it's still the case today.

MR COSTELLO: I want to move to another topic in a moment. But before I do I want to give you an opportunity to make any comments that you wish to make on the
20 inspectorate and whether reform of it is necessary. It seems clear enough from your witness statement that at least in 2022 it wasn't functioning at a level that any right-minded person could consider to be adequate for a body of the - that discharges the important functions that it has.

25 **MS KING:** That's correct.

MR COSTELLO: Do you consider that this important regulator remains dysfunctional?

30 **MS KING:** I certainly haven't seen much improvement in terms of the inspectorate. We still continue to have, you know, the same problems in terms of I guess their capacity but also of their attendance to issues within the industry. Seem to be, you know, pretty much on par the same.

35 **MR COSTELLO:** Are there any particular reforms of the inspectorate that you would wish to see?

MS KING: Well, as a person who has done a lot of training in my career and background, I remain puzzled about why inspectors cannot actually cite particular
40 sections of the Act or understand fundamental provisions within the legislation. I can say that because I have staff who deliver health and safety reps training, which is a five-day accredited course at the regulator, where inspectors attend - they attend to make sure that the training has been delivered in the way that it is, but they also attend to talk about the role of the inspectors, and pretty much those courses are
45 happening every week if not every fortnight, and we're not the only provider in the State to do so, but common feedback is that the inspectors are not across their brief, they don't understand, in particular, issues around health and safety representatives.

I know that they've gone through and done a range of training and in conversations, because I know we've had these discussions with the regulator and made, you know, sort of strong submissions that we believe that they could definitely improve their
5 training for inspectors. And I think it's on the agenda, but it's - it hasn't happened, I think, to the degree that it should have. It should be a highly professional role. I think that's also part of the problem. I'm not sure what level they employ at, but it may be an AO5 to an AO6 within the public service in the administrative stream.

10 So they're not likely to get experienced health and safety professionals from industry, from employers or unions or consultants which normally make up, you know, that profession. So they're getting people going into inspector roles without really a background in Health and Safety and without the professional training I think that they need to do. So I would say training, reclassification, have a look at it as a
15 professional occupation.

And, you know, I think it needs, you know, a bit of a refocus, as I said, like from my previous time from working within government and over-sighting what was actually happening in the health and safety regulator at that point in time, it needs cultural
20 change and cultural change requires, you know, permanent leadership. It requires strong leadership throughout the regulator. It requires that whoever is doing those jobs at whatever level are beyond reproach in terms of their independence and their impartiality, and I think it has a bit of a journey to take in that respect. That would be my professional opinion as a health and safety person from the outside.

25 **MR COSTELLO:** Thank you. I want to move to a different topic now.

COMMISSIONER: Just before you do, Mr Costello, you were asked some questions, Ms King, at the start of this section of your evidence about some
30 organisers or officials that had worked for Mr Ravbar and had fallen out with him, and you identified one of them, Mr Mike Barber, and also said others had gone down south. What did you mean by that?

MS KING: So my recollection is I think around 2013 or so that there was - I know
35 this because I had been approached by former staff of the CFMEU to talk to Mr Ravbar - that the former staff at that time, one of whom was Mr Travis O'Brien, who had worked with the CFMEU as their legal officer, that they believed that David Hanna, Mr Hanna, was going to run against Mr Ravbar for secretary, and I had a conversation with Mr Ravbar about that, just in a professional 0 personal capacity at
40 that point. And I understand -

COMMISSIONER: That point is 2013?

MS KING: About 2013, '14, I think. And I understand from that that there was - I
45 think after Mr Hanna went to jail that there was an exodus - I could be wrong with the timing, but there was an exodus of former BLF organisers, so understanding that the BLF and the CFMEU would have amalgamated around that point in time, I think

it was 2013, and so Joe Myles and - that's certainly one name that springs to mind, but there were several that sort of ended up at CFMEU branches in New South Wales and Victoria.

5 **COMMISSIONER:** And do you know why that was?

MS KING: No, but I would only speculate that literally they were sent south to - they were given an alternate job so that they could be removed, so they wouldn't be organisers organising if there was an election.

10

COMMISSIONER: And what about Mr Barber?

MS KING: I'm unsure. I never knew Mr Barber personally, not that I can recall anyway. I've only ever heard his name mentioned in terms of the regulator and the problems that were occurring internally. He may or may not have been part of that group.

15

COMMISSIONER: Do you know how he came to be appointed, having been removed by Mr Ravbar as an organiser, to the - what you might call the -

20

MS KING: As an inspector?

COMMISSIONER: As an inspector, yes.

25 **MS KING:** He would have applied through the normal public service.

COMMISSIONER: And you gave some evidence about Mr Kurt Pauls being appointed to some board or panel; is that right?

30 **MS KING:** I understood he was a member of a panel.

COMMISSIONER: Which panel was that?

MS KING: The panel was to recruit the - I believe it was the executive director for compliance services, the chief inspector-type role.

35

COMMISSIONER: And that's while Ms Bancroft was deputy director-general of the Office of Industrial Relations?

40 **MS KING:** I believe so.

COMMISSIONER: And you don't know why he was appointed to that panel?

MS KING: I think they asked - the CFMEU asked for him to be appointed because they found out that I had been asked by the Public Service Commissioner to be on the panel for Ms Bancroft, along with Ms Andrews from the Australian Industry Group.

45

COMMISSIONER: I see. So Ms Bancroft has asked you to be on the panel, and your -

5 **MS KING:** No.

COMMISSIONER: Sorry?

10 **MS KING:** Sorry, Commissioner, the Public Service Commissioner had asked for me to go on the panel along with the CEO of Australian Industry Group to recruit the health and safety regulator, the deputy director-general, which -

COMMISSIONER: Yes. So it's a different -

15 **MS KING:** - the recommendation was for the appointment of Ms Bancroft.

COMMISSIONER: That's a different panel we're talking about.

20 **MS KING:** That's a different panel. And then subsequent to that, after that, there was - I think Marc Dennett at that point in time had fulfilled or had undertaken the role of the executive director for compliance services. I think he went back to his - he had another role back in WorkCover, so he left his position and that position was then advertised, and I believe it's at that point in time that Kurt Pauls was asked to be
25 the outcome of that was that they couldn't reach agreement and they had to re-advertise the position (indistinct).

COMMISSIONER: And you don't know who asked him to be on that panel for the position of executive director of compliance services?

30

MS KING: No.

MR COSTELLO: Who's the appointing authority to that role? Was it within Ms Bancroft's power to make that appointment?

35

MS KING: It would have been the director-general, Mr De'Ath.

MR COSTELLO: Thank you. You give some evidence about conversations that you had with Mr Ingham in March of last year?

40

MS KING: Mm-hmm.

MR COSTELLO: You spoke with him on 8 March last year, you say, which happened to be International Women's Day?

45

MS KING: Yes. (Indistinct) that's why I can recall it was 8 March.

MR COSTELLO: Thank you. Had you, in your role at the QCU, had direct contact with Mr Ingham prior to this?

MS KING: No, not at all.

5

MR COSTELLO: All right. And how did Mr Ingham get in touch with you?

MS KING: So I didn't have his mobile number in my mobile, but I had a number of missed calls and then I listened to a message early that afternoon at work, and it was from Mr Ingham.

10

MR COSTELLO: What did the message say?

MS KING: Basically asking me to call him. He needed to see me urgently. He wanted to come down and meet in my offices.

15

MR COSTELLO: Did he say on the message why he wanted to meet you?

MS KING: I can't recall whether he said it on the message or when I called him back, but at that point he said he wanted to meet me to discuss the health and safety bill which was before the Parliament at that point in time.

20

MR COSTELLO: The health and safety bill before Parliament, was that the culmination of one of the five-year reviews?

25

MS KING: It was the result of, yes, the five-year statutory review which had started late - in late 2022.

MR COSTELLO: And you had had a significant hand in that review in your role at QCU?

30

MS KING: Yes.

MR COSTELLO: And that process had led to the formulation of a bill which was then in a publicly available form, was it?

35

MS KING: Yes, so it had been tabled in the Parliament at that point in time, so it was the Workplace Health and Safety and Other Acts Amendment Legislation Bill or something to that effect (indistinct) the bill.

40

MR COSTELLO: Now, we will come back in a moment to Mr Ingham, but just to understand the context around the call, did the CFMEU have a public position on the bill?

MS KING: They weren't happy, yes, and they had made that position very clear in the lead-up to the bill. So to understand the processes, we had the statutory review, which was, going back to the conversation that we had before around the boardroom

45

table, was the terms of reference which were really focused around looking at how the effectiveness of health and safety representatives in workplaces and how legislation or other - other matters could help support or enhance their role, and it had - 10 other matters basically were parts of those terms of reference.

5

There was a - there were three reviewers, which were appointed by the government, by the minister, and announced, and those three reviewers took written submissions and had a series of round tables with various stakeholders. I recall - so QCU at that point in time, I wrote the submissions for the QCU myself. We wrote written
10 submissions around the terms of reference, but we had, you know, almost weekly meetings with affiliates and through our health and safety committee talking through what their issues were, what things were working, what wasn't working. We had our health and safety representatives support service, which was quite critical in this space, putting surveys out to Health and Safety reps about what they were
15 experiencing, what support they were getting or not getting from employers and the like.

So we had quite a series of evidence-based submissions that we gave to the reviewers. A number of other of our affiliates, which is normal practice, you know,
20 larger unions like the Queensland Nurses and Midwives Union also wrote complementary submissions. They wouldn't be the only one, but there was, you know, a number of written submissions were made to the review. We then had round tables, so we met as QCU affiliates with the three reviewers and had - where they had an opportunity to ask questions about our submissions and have general
25 conversation around any issues that they were identifying that were serviced to, that may not have been included in any of the submissions, and I understand they had a separate meeting with the building trades group.

They also met with employers in this space, and they met with academics who also
30 had quite a lot of interest in particularly the health and safety representative space, and they met with as I understand it the health and safety board, the advisory board, to gain what their views were in terms of what should or shouldn't occur. From that they then comprised and then released a report with a series of recommendations in terms of what should happen.

35

The government took that report and then a number of weeks later came out and I think they accepted the majority of the recommendations in principle, and then there was a series of recommendations where they said further work should be done. Off
40 memory, one of those was that the health and safety prosecutor should undertake, you know, a review to consider I think the developments in industrial manslaughter law that had been happening in other jurisdictions and, you know, that that should be a separate process that required, you know, attention to what that particular offence looked like.

45 **MR COSTELLO:** That was the process that -

MS KING: So that was the process.

MR COSTELLO: - (crosstalk) had gone through.

5 **MS KING:** And from there the department went into the drafting process. When they got to, I think, some of the more controversial issues where they knew that there was disagreement within industry and between unions, which was primarily the right of entry issues, we were given an opportunity to, including employers, to sit down and look at that draft legislation without having copies of the legislation and to be able to provide some level of feedback, like legislation being left in the room.

10 And, you know, from that process, we identified that there were still major problems around the right of entry provisions, in particular around I guess the issues that came to be in the bill of if you are a union - if you're an official or employee of a union, then in essence the - the guts of the changes were that you could only use a permit.
15 You couldn't use section 68 and you couldn't use section 81(3).

MR COSTELLO: Let me pause you there for a moment and just call up onto the screen paragraph 71 and 72 of your statement, which are related to what you're talking about. But in any event, back to the thorny issue of right of entry.

20 **MS KING:** Yes.

MR COSTELLO: And you've already given some evidence as to the disparate views between CFMEU in particular, although perhaps not exclusively, and the trade union movement as a whole on that issue, and you say in these paragraphs that the QCU had endorsed the position that supported introduction of restrictions to the Workplace Health and Safety Act to limit alternative ways of accessing workplace without a Fair Work Act and WHS Act permit. So that's closing off the two avenues that the CFMEU had used to have access to sites in circumstances where they
25 didn't - their officials did not have a permit.
30

MS KING: Yes, correct.

COMMISSIONER: Under the WHS Act, is that the same as the federal Fair Work Act, a fit and proper person?
35

MS KING: It depends whether you work for a State registered union or the state branch of the federal union. So if I go to the federal union first, you can end up with a number of permits basically as one employee. So if you're - if you work for the state branch of the federal union, section 494 of the Fair Work Act prescribes that you have to have a Fair Work Act permit, which includes a fit and proper person test.
40

So first of all you have to have your Fair Work Act permit, then you have to undertake training. We provide that level of training for both Fair Work Act and the Health and Safety Act, but once you've got your Fair Work Act you undertake training about what entry permits are like and other provisions within the health and safety legislation.
45

5 You can then apply for Work Health and Safety Queensland permit, which will allow
you to access workplaces in Queensland that are covered, so such as a employer
who's a corporation, or a Commonwealth place, so - and workplaces that are covered
under the Fair Work Act. Because of the nature of the Fair Work Act, because
section 494 overrides - it says that that has to happen, so those - but you can only use
that permit to access those types of workplaces. You can then, if you are -

10 **COMMISSIONER:** And you can't get that permit unless you're a fit and proper
person under the -

MS KING: You can't get that permit unless you've got your Fair Work Act permit,
which requires you to have a fit and - pass the fit and proper person test.

15 **COMMISSIONER:** And you've done the extra training.

20 **MS KING:** And you've done all of the training, yes. Then if you are an employee
within the state - operating within workplaces within the state jurisdiction, which
covers local government or state public sector agencies, you have to have a separate
permit for that, which requires - it doesn't require you to have a Fair Work Act
permit. And then you can also -

COMMISSIONER: It does or does not?

25 **MS KING:** It does not require you to have a fit and proper person test. And then
there's a third type of workplace, which is you have - which is a permit which you're
required to hold to access employers who are in the Comcare system, so they are
generally Commonwealth public sector agencies, but they - this is a historical kind of
arrangement, that no longer exist, but places like John Holland, I believe, a number
30 of the banks -

COMMISSIONER: Are these (crosstalk).

35 **MS KING:** - are covered under Comcare, and then, so to get a Comcare right of
entry permit, you also have to have a fair work permit which requires you to have a
fit and proper person test.

40 **COMMISSIONER:** And why doesn't the state jurisdiction or state - the public
sector employees require some fit and proper person test to get a permit?

45 **MS KING:** I'm not sure of the policy reasons for government. It's just been that way
for a long time, and I think the - the only reason why we have it for the federal
workplaces, if I can call them that, so the corporations, et cetera, is because when the
model laws were introduced in 2011 across various jurisdictions it required a Fair
Work Act permit at that point in time, and up until then, all of our permits, you only
had to have one permit for the whole of Queensland. So it was the introduction of the
2011 model laws which required the Fair Work Act, or the Fair Work Act provisions

started to override that, which then introduced, at least into that jurisdiction or the coverage of that, that fit and proper person test.

5 **COMMISSIONER:** And the state jurisdiction is not of great utility to the CFMEU for the bulk of its membership because all you're talking about there is really some maintenance.

10 **MS KING:** So we're really building, engineering, maintenance, so the building trades group is, and for CFMEU, the QBuild, Transport and Main Roads, Queensland Health and public works department along with local government. So, you know, it's not the main game for most of the building trades group. Like, obviously there's a need to represent those workers, but they're not the bulk of workers in construction.

15 **COMMISSIONER:** And to get around the requirement that you have a Fair Work Act permit in order to get access under the occupational health and safety system at a state level to federally regulated employers, a person who's lost the permit or doesn't have a permit uses section 68(2) or section 81(3), or did so?

20 **MS KING:** I believe that for a period of time for some of those organisers they did, yes.

25 **MR COSTELLO:** That deals in large part with paragraph 71, save for the last bit. When you say "limit alternate ways of accessing workplaces" and then you mention "and restrictions of the use of permits consistent to a union's eligibility rules under industrial law", what do you mean by that?

30 **MS KING:** So I think I tried to explain earlier, but the - if you - if you have a permit under the Act, under the health and safety Act, you can only exercise that permit to, for example, investigate suspected contraventions or hold discussions with workers who fall within your scope of coverage -

MR COSTELLO: Yes.

35 **MS KING:** - which we call eligibility rules. So for - you couldn't just go into any workplace that you didn't have coverage of using that permit, but if you went in using 81(3) or 68, there were no such restrictions. And so the amendments that were proposed in '24 that now apply basically restrict you to using your permit, and it's pretty much down the line in terms of eligibility coverage.

40 **MR COSTELLO:** Direct tie between right of access and coverage?

MS KING: Yes.

45 **MR COSTELLO:** Which accords with a tie between the legitimate worker of the union on the site?

MS KING: Yes, and it's consistent with industrial law. So it's consistent with the Fair Work Act and it's consistent with the state Industrial Relations Act about how permits operate in those jurisdictions.

5 **MR COSTELLO:** I see. In any event, this is part of the backdrop really to Mr Ravbar's call to you on International Women's Day.

MS KING: Mr Ingham.

10 **MR COSTELLO:** Sorry, Mr Ingham, I apologise - Mr Ingham's call to you on International Women's Day of last year.

MS KING: Yes.

15 **MR COSTELLO:** And you've said he left a message and you returned his call and arranged to meet; is that what happened?

MS KING: Yes.

20 **MR COSTELLO:** And how long after that was it before Mr Ingham and you again spoke?

MS KING: I haven't spoken to him since that conversation.

25 **MR COSTELLO:** No, no, sorry, after you returned his call, how long was it (indistinct)?

30 **MS KING:** So I believed he was at a lunch in West End. I saw something on social media to that effect later that day. But he told me he was at a lunch at West end for International Women's Day and he could come down to South Brisbane, which is not very far, so a five-minute drive. I believe that he went and spoke to Gary Bullock, Mr Bullock from the United Workers Union, prior to me about party matters, and then he came and saw me.

35 **MR COSTELLO:** He came to your office at QCU?

MS KING: Yes, probably about an hour after the phone call.

40 **MR COSTELLO:** I see. And was it just you and Mr Ingham in the meeting?

MS KING: Yes.

MR COSTELLO: What did Mr Ingham say to you?

45 **MS KING:** So he had said he wanted to talk about the bill that was in the house. He essentially said that it was really important, that he needed my support to put pressure on the government to delay or have the bill indefinitely delayed, and at

which point I think I asked him what were his particular problems, although I was pretty familiar with them by about that point in time.

5 We then had a discussion about right of entry to workplaces. He expressed the view that it was imperative that, you know, he and other CFMEU officials not actually have to provide a right of entry, because I recall him saying something to the effect of I don't have time to slow down and stop at the gate so to speak, and provide a piece of paper to somebody because in that time that I'm doing that, somebody could be dying on a work site and it's my job to go and save them, which I thought was a
10 little bit saviour-like and not really what the purpose of a right of entry permit is, to which point we then had some discussions. I said let's have a talk about why you wouldn't actually do that, and he said because we're obstructed all of the time and we face all of this opposition from employers.

15 To which point I kind of went back to the amendments to the bill, which even they had been advocating for, which was to strengthen civil penalties against any person who tries to obstruct a person who rightfully is exercising a permit, like a permit holder, including new provisions where we'd strengthen the dispute resolution process to get to try and encourage employers and unions to stop taking matters to
20 the Federal Court all of the time, spending, you know, millions of dollars in Federal Court cases and then appealing them, full benches, et cetera. We've seen a series of those that had happened in Queensland and elsewhere in the probably the five years prior to that, and get people into dispute resolution processes before the state tribunal.

25 So I talked to him about that. That's a new provision where we strengthened division 7A, capital A of the legislation. His response to that was the CFMEU doesn't use dispute resolution; we won't go before a tribunal because every tribunal is anti-CFMEU. That was the guts of the conversation in terms of the legislation.

30 He then continued to press me for my view, and I said it would be highly inappropriate, number 1, for me to even ask government to delay the bill. That's a matter for the government and a matter for the parliament. I'm not sure that Mr Ingham understood the repercussions of what he was asking, but I certainly was
35 aware that that's not an appropriate thing to do, and at that point the bill was before the parliament, and it's a matter for the parliament then to determine the schedule for debate.

40 He then indicated to me that he had - he had today, like, that was a Friday, he had that day as the only time that he could resolve this issue and if he could resolve the issue, you know, there were two things. One was that it would give him, quote, kudos amongst the organisers to be able to deliver such a thing from the labour council and that would give him the kudos to be able to solidify his position to run against Mr Ravbar in an election, to which I responded that I don't - I don't do that.
45 Like, my position, and I've always been very public about this, but I remember saying to him, "I'm pretty much old school on those issues and old school means that

you don't get involved in the internal politics of another union, so thanks but no thanks, I'm not there."

5 And then the second thing that he had said to me was that he could - if he was able to deliver this, he would be able to bring the CFMEU back as an affiliate of the QCU and also deliver it back into the left faction of the Labor Party, to which point again I said left factional issues in the Labor Party are not a matter for plea in my role as the general secretary of the QCU, and second of all, there is no offer on the table from the trades and labour council for re-affiliation at this point.

10 At that point he looked quite shocked and wanted to know why, and I said to him that that was my personal view, but it wasn't just my personal view, that it was a very strongly held view by the management committee at least of the QCU, including some fairly large unions, but not just large unions of the QCU, but, you know, and that was because of their, you know, previous behaviour. So there was no offer at 15 this point in time as far as I was concerned. I then said to him, "But while you're here, why don't we have a conversation," I said, "about your behaviour as a union." And in particular, to some of the things that had been occurring and the instances of - or the incidents that had been occurring towards the AWU.

20 In particular, you know, I talked to him and mentioned to him at that time about the Youth Crew and that I wasn't happy about what had happened on the previous Labour Day in 2023 and basically said to him that I would not air another Labour Day that would bring the whole movement into disrepute because of their childish 25 behaviour towards the AWU in terms of their stickering but also incidents that involved threats and otherwise were not acceptable to anyone in the trade union movement.

30 So the conversation went for about 40 minutes, but that's as I recall it. At the end of it, he wanted to know what my position was. Again I said I think I've made it pretty clear in terms of where the bill goes, and then I quoted - I think I quoted Michael Ravbar, at the time one of his favourite sayings, which was, "At the end of the day, it is what it is," and he got up and left and we shook hands. We shook hands and then he left, I should say.

35 **MR COSTELLO:** All right. Let me make sure that I understand the import of the proposal. The first limb of it is that at his urging, you seek to have and have the government delay at least the passage of the bill?

40 **MS KING:** Yes.

MR COSTELLO: The delay in the passage of the bill would give him kudos with CFMEU members?

45 **MS KING:** With organisers who had sway over the membership.

MR COSTELLO: With organisers.

MS KING: And probably delegates, again who have a similar sort of sway over members.

5 **MR COSTELLO:** That would assist him in mounting a challenge to take the top job off Mr Ravbar?

MS KING: Yes.

10 **MR COSTELLO:** And so to that point, that all works nicely for him. It was thought to be perhaps enticing to you because the quid pro quo was the CFMEU would be delivered back in as an affiliate of the QCU?

MS KING: Yes.

15 **MR COSTELLO:** And the CFMEU would be - would return to the left faction of the ALP?

20 **MS KING:** Yes, that's as he put it. And the alternate to that was that if he couldn't deliver that, that when Mr Ravbar returned from leave on the next Monday, as he put it, he would go - otherwise go nuclear, and he had the printing presses ready to go on a campaign against the government. And he used the words "nuclear".

25 **MR COSTELLO:** Mr Ingham said that Mr Ravbar would go nuclear if Mr Ingham didn't achieve this outcome.

MS KING: Yes, if he didn't achieve and I didn't agree to what Mr Ingham had proposed that day.

30 **MR COSTELLO:** And did he give any particularisation of what going nuclear meant?

35 **MS KING:** I think we can - he didn't outline what that is, but I think I took a fairly descriptive view in my mind, given their previous behaviour, that they would escalate against the government and more than likely against the rest of the trade union movement.

40 **MR COSTELLO:** In any event, as things happened, you weren't interested in Mr Ingham's offer?

MS KING: No.

MR COSTELLO: And you told him so. The bill did pass.

45 **MS KING:** Yes.

MR COSTELLO: But Mr Ravbar didn't go nuclear, or at least not immediately; is that right?

5 **MS KING:** That's correct. So I think the bill passed two or three weeks later. And at that point, I'm aware of this because of Mr Kurt Pauls had attended a health and safety advisory board meeting I think the week after the bill had actually passed. So the week that the bill passed, Kate Ruttiman, who was the honorary president of the QCU and myself, went to the parliament to watch the bill go through. It was a fairly momentous occasion I think for unions to see some of the changes which were really
10 progressive, so I'm not talking about the right of entry provisions, but I'm talking about the changes to health and safety representatives to their powers and rights and recognising, you know, their important role.

15 And at that time that time we went downstairs after the bill had passed and had a photo taken with Minister Grace Grace, so the three of us, the minister in the middle and the three of us holding a copy of the bill as it had passed. We had put that photo up onto our Queensland union's Facebook site, and I understand then, I think that was on the Thursday, I think there was a board meeting on the Monday or the Tuesday the next week. And I had Brendan Crotty, who was the deputy secretary of
20 the Queensland Teachers Union that is on the advisory board, called me and said he had been at the board meeting and that -

MR COSTELLO: This is the workplace health and safety administrative board?

25 **MS KING:** This is the health and safety board, yes.

MR COSTELLO: Thank you.

30 **MS KING:** And that the CFMEU wasn't aware that the bill had passed and that the - you know, Pauls was at the meeting, was not very happy and that he indicated that Ravbar had pretty much gone ballistic at him, and it wasn't long after that that there was a whole series of things started to happen within industry.

35 **MR COSTELLO:** When you say a whole series of things started to happen within industry, do you mean that there was an escalation of industrial action in a number of locations by the CFMEU?

40 **MS KING:** In particular at that time, so we're going back to May 2024, there was industrial action which had been ongoing, so there had been ongoing issues at Cross River Rail, but it appears to escalate there and also out at the - what do we call it?

MR COSTELLO: Centenary Bridge.

45 **MS KING:** (Indistinct).

MR COSTELLO: And you viewed the escalation in industrial action on Cross River Rail sites and the Centenary Bridge upgrade site as being related to the passage of this bill?

5 **MS KING:** Yes.

MR COSTELLO: And the relevance of those particular sites was they were construction sites that the Queensland Government was directly involved in?

10 **MS KING:** Yes, and (indistinct) of the AWU as well.

MR COSTELLO: Commissioner, is that a convenient time?

15 **COMMISSIONER:** Yes, it is. Just before we adjourn, when you said that Mr Ingham said to you that he would arrange for re-affiliation of the CFMEU with the left of the ALP, did you understand that to mean the left of the ALP nationally, that is, the whole CFMEU, or just the -

20 **MS KING:** Just the Queensland branch, within the Queensland part of the party.

COMMISSIONER: Thank you. We will adjourn until 2 pm.

<THE HEARING ADJOURNED AT 12.48 PM

25 **<THE HEARING RESUMED AT 1.59 PM**

COMMISSIONER: Mr Costello.

30 **MR COSTELLO:** Thank you, Commissioner.

Before the luncheon adjournment, Ms King, we were talking about your meeting with Mr Ingham and what I might call the offer, and shortly before lunch I replayed what I understood to be the elements of the offer that you agreed with. One of them, of course, was re-affiliation by the CFMEU with the QCU, and as I recall your
35 evidence was to the effect that there was no offer by the QCU on the table in respect of re-affiliation at that particular point in time?

MS KING: Yes.

40 **MR COSTELLO:** And I think you also said Mr Ingham was a bit surprised by that?

MS KING: Yes.

MR COSTELLO: It's still the case that the CFMEU is not an affiliate of the QCU?
45

MS KING: That's correct.

MR COSTELLO: And is the CFMEU capable of becoming an affiliate while it's in administration?

5 **MS KING:** That's a matter under I think discussion. So it's a matter under discussion because essentially the CFMEU as a national union has been suspended from its membership of or affiliation to the ACTU, and part of that is because it's in administration, so it was suspended prior to administration because of the conduct, but also the debate really, or the discussion is around having a union as an affiliate that doesn't have a democratically elected leadership or processes.

10 So certainly we've had discussions between the ACTU, Zach Smith, the CFMEU national secretary, the local leadership, ourselves, a number of unions, AMWU secretary, the ETU secretary has been part of those discussions about what would it look like, but I think at this stage we are talking about pathways back to affiliation and I guess part of that is about the rehabilitating the relationships for the local union
15 with not just the QCU but with other unions outside of the building trades group where it also operates if that makes sense.

20 **MR COSTELLO:** Do you recall when it was that the ACTU disaffiliated, if that's the right word, the CFMEU? Suspended it.

MS KING: Suspended its membership. Yes, it was in July '24, so it was prior to the administration. I think it was the same week, on Sunday night, I think it was the original Nick McKenzie, Breaking Bad or Building, whatever the name of that series
25 is, was on 60 Minutes, it was on the Wednesday, and I recall that because it was that same Wednesday following the Sunday night that we had our normal scheduled bi-monthly QCU executive meeting, which starts at 9 am and literally, I couldn't - because I am a QCU representative on ACTU executive I couldn't attend in Melbourne, and they had sent out a special executive notice for ACTU executive for
30 the same day on the Wednesday at midday.

So literally we had had a discussion at executive which the ETU and the plumbers union, who are now not affiliated to QCU, were present at that meeting where we all kind of talked about - like, it wasn't an agenda item, but we talked about it obviously,
35 because it was a very current topical issue about how I guess shocked everyone was collectively at some of the allegations that had been aired on the 60 Minutes program, and I think we all - you know, the focus at that point in time was really around organised motorcycle gangs, OMCs. I think we all had a conversation that we didn't believe that that was happening in Queensland to the extent that things
40 were happening down south.

So there was definitely a conversation around that, but pretty horrified at some of the behaviour that we had all seen, and that was the collective view, but we made - you know, there was no formal resolution to that effect. And then at midday, that meeting
45 finished right on time or five minutes before, I literally had to go into my office from the boardroom and jump online to the ACTU executive where there was a discussion

about the ACTU affiliation for the CFMEU nationally, and the - so there had been a special executive of ACTU called to discuss the matters.

5 It didn't - there wasn't on the agenda anything about this suspension or otherwise, but I recall Zach Smith being there, the national secretary, and also Paddy Crumlin, who was the national president from the union from the maritime division, and they addressed the executive. The meeting went for a couple of hours, literally people talking about behaviour. There was issues that unions were raising about behaviour that had been occurring in Victoria. I recall talking about the behaviour in
10 Queensland and saying that we were pretty appalled about particularly the conduct towards women and the conduct towards other unions.

They were then asked - those two people were asked to leave the executive, and there was a resolution put up which I didn't vote on and I abstained on, because I didn't see
15 a copy of the resolution at the time, and literally it was to suspend their affiliation. So after talking later, most of the trades and labour councils abstained from the vote because they weren't in a position to vote on that, and in other states the CFMEU was by and large an affiliate of the other trades and labour councils. But a decision was made at that time by the collective of ACTU executive, the majority who did vote, to
20 suspend their membership.

MR COSTELLO: Notwithstanding the fact that the CFMEU wasn't an affiliate of the QCU, you decided to abstain from that particular vote?

25 **MS KING:** I did, because I knew it would be a fairly controversial vote, and that's something I wouldn't do without seeking advice from at least our senior officers but in this instance I would take the views of the full executive.

MR COSTELLO: I see, and things had moved too quickly for you to take those
30 views.

MS KING: They were happening on the same day where we had just literally come out of an executive about suspension, so I didn't believe I was in a position to carry a vote in my own right without further consultation.
35

MR COSTELLO: The fact that the ACTU had disaffiliated of its own volition from the QCU some years earlier prevented you from having to go -

COMMISSIONER: The CFMEU.
40

MR COSTELLO: Sorry, the fact the CFMEU had disaffiliated from the QCU some years earlier meant that you didn't have to go through the same process for your organisation. You only needed to deal with it as an ACTU decision.

45 **MS KING:** No, I still - well, I didn't formally need to because they weren't an affiliate, but I still felt the need to - that I didn't have a, you know - I didn't have a

clear view from our affiliates about what their views would be about the suspension, and they would and did have a view about that.

5 **MR COSTELLO:** Yes. I see. Just to close off on this question of re-affiliation, the absence of democratic control of the CFMEU is a significant obstacle to rejoining the QCU. Is that fair to say?

10 **MS KING:** I think it's a matter of semantics. I think that if the union can show that it is operating in a way that it's able to represent its members - this is my personal view - that it's able to represent its members effectively and that it is reforming itself in terms of its culture, which I believe it has been doing, particularly since post the High Court decision, that there's a pathway towards affiliation which may or may not involve that, but there are discussions on, I believe, nationally with the administrator's office that I'm aware of and that Zach Smith had alluded to and we
15 had meetings in Brisbane about looking at ways that they can, you know, put in place alternates, alternate democratic-type governance arrangements while the union is in administration, is that they can put in place alternate democratic-type governance arrangements while the union is in administration.

20 **MR COSTELLO:** Were you able to form any view on the extent to which the CFMEU was acting democratically prior to the appointment of the administrator?

MS KING: Look, I think - democracy includes transparency and accountability, and I think that - this is again my personal view - that all unions operate in accordance
25 with either federal or State model rules as a minimum. So all rules have to, you know, operate according to those model rules and they outline a whole range of things which includes, you know, having elections, having, you know, accountable decision-making processes. It includes things like, you know, auditing of your finances, having financial governance policies in place.

30 I wasn't - I wouldn't say that I had a view about whether it was operating democratically or not prior to going into administration. I certainly had a view that they probably ran the place in terms of the union office fairly autocratically. So I think Mr Raybar was kind of referred to as the autocrat, you know, and ran the place
35 the way that he wanted to run it. Having heard some of the allegations that have been raised since, I think there's question marks about whether it was being democratic if you put the transparency and accountability measures over the top of that, but that's just a personal view.

40 **MR COSTELLO:** Does the QCU have any oversight of or member affiliates required to report to it in respect of the internal elections for senior officers within the union?

45 **MS KING:** No, it doesn't. As I say, it's a peak council so we don't have any governance oversight of individual unions. Governance oversight is through the Fair Work Commission, so the general manager of the Fair Work Commission, Mr Murray Furlong, who's currently in that role has a very large role to play in terms

of oversight, as does the State industrial registrar for matters that happen within State-registered unions. So because unions are set up under legislation or they're registered under legislation, they have to operate in accordance with the respective federal or State model rules. The people that oversight that are the general manager and the industrial registrar, and they have quite specific powers to initiate investigations, if they believe there's complaints that are made to them, and to make recommendations.

I believe, prior to administration occurring, that the Fair Work Commission, general manager had already started a process of an investigation into the matters coming out of the Victorian branch of the CFMEU and had started then a process of having, you know, a whistleblower kind of option on their website, but, you know, starting processes to investigate that and were looking at that point pre the administration legislation to move an application, I think before the Federal Court, to place the union into administration at that point in time under the auspices of whatever the Federal Court would establish.

So administration is not a new concept in unions, just like for corporations, when they fall off the wagon, so to speak. We've had fairly high profile cases of the health services union operating out of Victoria put into administration, mainly under by its national office. So my national rules will - the model rules under the Federal Registered Organisations Act basically has an oversight provision where it will allow for the removal of, for example, officers in a state branch if there's misappropriation of funding or there's misconduct or those sorts of things, but if those - if that falls foul, then you go to the next step, which is really I suppose the regulator, which is the role of the Fair Work Commission or the industrial registrar at the State level to look at alternative ways to deal with things when they go off the rails, or if they go off the rails.

MR COSTELLO: Is it the ambition of the QCU to have all State-registered unions as affiliates?

MS KING: That's a stated objective of the QCU, and that certainly was a direction that both the former general secretary, Mr Michael Clifford, had been given from the management committee, as well as myself when I came into the role. So we were - basically both of us had been tasked with having discussions with a number of unions. That excluded the CFMEU at that point in time because of the history and what had happened, but certainly there was a view and a resolution that it was part of the general secretary's role, both Michael's and my role, to seek, I guess, affiliation or re-affiliation from the miners union, which was the former mining division of the CFMEU that had disaffiliated as well in 2017, and to seek the affiliation of both the Australian Workers Union, and the SDA which has also never been affiliated. So both AWU and SDA have never been affiliated in Queensland.

MR COSTELLO: AWU had never been affiliated but now is?

MS KING: It did. It affiliated 1 June last year along with the Mining and Energy Union re-affiliated.

5 **MR COSTELLO:** And that was the first time in the history of the QCU or its predecessors that the AWU had been an affiliate?

MS KING: Yes.

10 **MR COSTELLO:** The AWU has traditionally been a large and powerful union within Queensland. Is that a fair way to describe it?

MS KING: That's one way to put it, yes.

15 **MR COSTELLO:** How would you put it?

MS KING: Well, very large and powerful union. You know, their history - our history sort of intertwines but has sort of been on similar pathways but separate, so the Trades and Labor Council, which is the QCU, was established in 1885. The Australian Workers Union I think was formed in 1886. The Australian Workers
20 Union is more of a generalist-type union that has very broad rules coverage but back in the 1980s, you know, was really forming from mining, covering mining workers and shearers, whereas the Trades and Labour Council, which was really like a Brisbane-based organisation at that point in time, was really a peak council, not an individual union, so always has been a peak council and its members were
25 predominantly craft-based unions.

If you think about it, it was a colony still at the time in the 1880s, and, you know, over time those craft-based unions, you know, trade-based unions, they became professional unions, There's a variety of unions, like the AWU, always walked quite
30 separately to that. Some of that's the historical nature of it; some of it's the political nature of the two organisations and the unions that were affiliated with the Trades and Labour Council, you know, having different kind of a political discourse or industrial kind of approaches to other unions.

35 **MR COSTELLO:** Is one way to think about it that for a very long time the AWU was more than big enough to look after themselves, it didn't need to be a member of -

MS KING: One big union is the phrase that was used. That was their modus operandi that they thought they could control the whole State, and because of their
40 rules coverage they pretty much could cover the majority of unions, including some of the trade-based areas which were restricted in some of their coverage, because they were much more of an industry-based union. I think that started to wane in the - you know, from the 1990s on.

45 Certainly when I was an industrial officer at the then Trades and Labour Council from 1994 on, we certainly had differences of opinion in terms of our industrial strategy. Take politics aside, they would always - so we were the peak council, but

they would always, you know, seek to appear in similar matters, say, wage case, any sort of test cases, those sorts of things, they would always lobby separately to what we were lobbying about in terms of legislative reform. Sometimes the issues would be the same, but not always. So they were quite competitive. But I think that's
5 probably changed, you know, in the last decade or so.

MR COSTELLO: Has that change come about in part as a result of the turf war between the AWU and the CFMEU?

10 **MS KING:** I don't think so. So I think the change has come about mainly because we had two new leaders, one being myself, the Queensland Council of Unions, and one being Stacey, being the first woman to represent the Australian Workers Union in the role of secretary, being a bit more pragmatic than maybe some of our predecessors were and leaving egos out of the room that we could sit down and try
15 and forge a new pathway in Queensland. And certainly that's how we tried to explore things in our discussions that led up to the affiliation about how could we do things better, how could we do things differently.

And certainly, you know, while it was a highly political decision for some of our
20 affiliates, for many of them they actually work on a day-to-day basis alongside of and with the AWU and other sectors outside of construction. So, you know, AWU coverage in health in particular, the AWU works quite well I think with the other health unions and the like, and they, you know, I think in a modern-day sense operate fairly similarly to a range of our - you know, of our affiliates.

25 So since - since they've affiliated, I think we've been able to, for them at least, minimise the duplication of efforts like I referred to before, like the State wage case or things like that. They no longer appear in those matters. The QCU appears and obviously they participate within our processes leading up that as an affiliate. You
30 know, we've been able to have, you know, stronger successful campaigns. Our everybody campaign, which is about trying to get paid reproductive health leave, which we sought and gained through the Queensland public sector and are campaigning nationally now for, it certainly helped in those sort of spaces to have a much more united union movement and not have that division that was occurring
35 prior to July last year.

MR COSTELLO: Did you know Ms Schinnerl before she became the secretary of the AWU?

40 **MS KING:** I think when I first went and introduced myself to her at a meeting when she was just elected, she said to me that she knew me quite well, but I kind of went I'm not quite sure that we have met, but I know that she would have known of me and we would have interacted, but not really at a personal level up until that point in time.

45 **MR COSTELLO:** So you hadn't worked - she might give contrary evidence to this tomorrow.

MS KING: I hadn't worked with her and - she could.

MR COSTELLO: But as you can recall, you hadn't worked closely with her.

5

MS KING: I recall shaking her hand and saying congratulations and introducing myself and she said, "I know who you are, Jacqueline."

MR COSTELLO: I did that with Mr O'Brien earlier in the day and he told me we'd met before as well. Happens to the best of us. Now, were you at the ALP conference in 2022 on the Sunshine Coast?

MS KING: I was, yes, I was as an observer. I went up there to support a friend whose husband passed away that was getting - Owen Doogan, who was the former secretary of the Rail, Tram and Bus Union to support Vivienne while there was a resolution for a condolence motion, and I think there was a resolution on at the same time as the condolence motion for Bill Ludwig, who obviously passed away at the similar time.

MR COSTELLO: Were you at the conference when Ms Schinnerl gave her speech?

MS KING: Yes, yes, I was.

MR COSTELLO: And do you have a recollection of her making the comment that caused the walkout?

MS KING: Look, in a really broad sense I recall it happening. I understand it was a side reference to a safety issue after I think there had been a - not a run-through but a walk-through and some incidents that had occurred to staff and security staff in Transport and Main Roads department, which had not long recently occurred that was, you know, quite public in the media at that time, and she made a throwaway kind of joke, I think, is my recollection of it. I recall - as I say I was up in the back stalls as an observer, and I recall Mr Ravbar, you know, standing up and yelling something. I can't remember what that was, but yelling, and then the CFMEU delegation walked out of the conference.

MR COSTELLO: Now, I presume walkouts of conferences are not unknown?

MS KING: I've done it myself. Not this weekend though. I wasn't there. I've sat down and had media in my face.

MR COSTELLO: (Crosstalk).

MS KING: Yes, it's been all sorts of things happen at those types of conferences.

MR COSTELLO: All right. Did you understand before this point in time there to be tension between the CFMEU and the AWU?

15 **MS KING:** Look, I think there - yes, there has always been a level of tension that's been there, and I think some of that's historical. Some of it goes to obviously disputed coverage in the civil construction sector, which probably goes to the heart of it. Some of it goes to, I guess, greenfield agreements. So - which has always been a hotly sort of contested area. So that's where you have a major project, particularly happens in construction. So a new work site's about to start that you can make a greenfield agreement under - now under the Fair Work Act where you, if you're a union, have coverage of at least one employee that you're eligible to enrol, an employer can do a greenfield agreement with just one union and exclude every other union that would normally have coverage in that space.

15 And so I think my history in terms of working in government as well, so this goes back a long time, but the relationship between the two unions observing what was going on. So when I worked in Minister Paul Brady's office, we were reviewing the then State Industrial Relations Act. This is in the lead-up to amended legislation which I think was put in place in 1999 and remembering at that point in time we covered 65 per cent of all employees in the State, which included greenfield agreements. It was very hotly contested at that point.

20 There was a view at that point under Bill Ludwig's leadership that greenfield agreements were being made for the purposes of, you know, membership that excluded other unions, but there was always accusations made that the AWU at that point in time wasn't active on the ground, and that caused a lot of disputation between the various unions. I know from my role working in the minister's office at the time I was tasked with trying to get agreement and consensus amongst all unions about what should we do with greenfield agreements, and essentially we ended up with agreement from everyone but the AWU at that point in time to a different system in the State legislation which allowed for, if you had coverage of in terms of your rules in a greenfield agreement arrangement that as a union you should be invited to the table and given the opportunity to be part of that agreement.

35 So as I say, that was hotly contested. The AWU did not like that at that point in time. This was back in 1999. But there's been tension ever since in terms of greenfields but also I guess over civil construction projects at the same time.

40 **MR COSTELLO:** Could I have Ms King's statement on the screen, please, particularly at paragraph 82. Is it right to say that once Ms Schinnerl became the secretary of the AWU you began to have reasonably regular contact with her?

MS KING: Yes, that is true.

45 **MR COSTELLO:** And is it also fair to say that you had received from time to time, in 2022 and 2023, reports from others about conduct directed towards her?

MS KING: Yes.

MR COSTELLO: If 82 could be enlarged, please. You talk from the second sentence of this paragraph about some of the incidents that you had described to you by others.

5 **MS KING:** Yes.

MR COSTELLO: What incidents are you talking about there?

10 **MS KING:** So I think this is at a function that I was at, there was some issues that were in the media at that time around Cross River Rail that had boiled over at that point in time. And, you know, I was deeply concerned that, you know, this had a potential to escalate to - you know, there were threats, I think, and there was - we've seen some of the other week through this Commission of inquiry some of those videos which I subsequently saw, but we were hearing the same sorts of things.

15 Certainly when I was at the ACTU back in the early 2000s, there was some particular violence that had occurred in Victoria, and I was very mindful that these things can get extremely out of control very quickly, and that, I guess, is my statement there, which was really I was very concerned that some of these things that were happening
20 would escalate, and some of the things that I had heard, you know, about Michael Ravbar, Mr Ravbar talking about in particular Ms Schinnerl and the AWU that these things could similarly get out of control fairly quickly.

25 Having lived through that Victorian experience, the only thing I think as a leader in a union movement or as anyone in a union movement should do is that you have to live by your values, and, you know, there is nothing union about violence, fear, intimidation or misogyny, and so I made a conscious decision that regardless of affiliation or non-affiliation of any union, that as a peak council we would not be standing by and either hiding behind, you know, statements that people have not
30 been charged over anything, that they are therefore innocent, that I wasn't going to stand there and allow for people to say that when I could see that violence, fear, intimidation was already starting to occur and that we needed to try to nip it in the bud before it escalated and someone was going to get hurt.

35 **MR COSTELLO:** So to be clear, at this point in time neither the AWU nor the CFMEU were affiliates of the QCU?

MS KING: That's correct.

40 **MR COSTELLO:** The AWU became an affiliate from 1 July last year?

MS KING: Yes.

45 **MR COSTELLO:** You give some evidence about Labour Day 2023 further down the page and over the page, and we've heard some evidence about this march at the last hearing block. Is it the QCU that organises this march?

MS KING: Yes, we do that every year. Pretty much that's been the role of the Trades and Labour Council since before - so it's the first day in May, the first Monday in May since 1901, and prior to that I think we were still organising Brisbane and some regional things. So it's our role to basically coordinate, organise permits, police permits, organise where we do it in Brisbane at the moment, the RNA.

And it's a fairly big, you know - it's a fairly big operation for a relatively small organisation to actually have to run every year, but that's part of our role, so we have a Labour Day committee which we also invite nonaffiliates to, because they participate in this, so it's normally - it's supposed to be, you know, a Christmas Day celebration for trade unionists and it's supposed to be a whole day which is focused on family, workers and their families, bringing children, making sure it's about celebrating our wins as a labour movement. Sometimes it calls for, you know, a rally call in terms of, you know, if there's legislation which is, you know, regressive or impacting on workers and their families.

So it's a variety of things, but essentially it's Christmas Day and it's a great celebration. So I think in the last few years we've had upwards of 40,000-plus people who have marched in Brisbane, from the middle of the city or Turbot Street through to the RNA, and then we have a big set-up at the RNA where unions have marquees where they, you know, have barbecues and feed their members. We normally have a stage where we'll have, you know, we recognise who is the union that has won the march in terms of the biggest contingent or they've got the biggest flavour about them for whatever the -

MR COSTELLO: Did you say they have the biggest flavour about them?

MS KING: The biggest flavour. It's probably a really bad term. The bigger contingent but also, you know, who's got the best T-shirts? Who's got the biggest flags? If there is a theme to Labour Day, we look at all of those sorts of things, like who reflects that theme the most. Sometimes unions will have like little cars that will run around in and amongst them. Sometimes they will have bands that they play on the back of the truck as they come through the parade. Like, it's meant to be a big celebratory day, a fun day.

MR COSTELLO: You talk about the morning of Labour Day 2023 turning your phone on at around 7 o'clock in the morning and you already had - this is at paragraph 88 of your statement - and you already had missed a number of calls from Ms Schinnerl?

MS KING: Yes, I believe that's actually around about 8 am. I did go back and double-verify and pull out my phone records on this particular issue.

MR COSTELLO: Okay.

MS KING: Sometimes it's 7 am. So normal time I turn it on is about 7 am to give myself some space at home without getting inundated. So oftentimes we do media. We'll do pre media recording for radio and whatnot. On that occasion I think I didn't turn it on until 8.

5

MR COSTELLO: In any event, when you did turn it on you had a number of missed calls?

MS KING: Yes.

10

MR COSTELLO: And did you call Ms Schinnerl back?

MS KING: I did. Basically she was telling me what had happened to her on that morning, early that morning. So what normally happens is on the Sunday before the Monday of the Labour Day itself, unions will go out to the RNA. So we do a lot of set-up as the QCU ourselves in the lead-up to that, but on the Sunday the majority of the marquees are set up. There is, you know, food is brought in, eskies, the ice, all of those sorts of things to get ready for the next morning. And then on the Monday morning, I don't - I don't go over in the morning, because I have to go to the beginning in my role to the beginning of the march and liaise with the police there and organise where people are assembling.

20

But Renee Kempin, Ms Kempin, who's my executive officer, she takes responsibility for the QCU out there, and literally people are doing the set-up before - like the last minute kind of set-up before they then - for the march, before the march, so she was out there in that capacity and calling to say that, you know, she was very upset about what had happened to her that morning while she was doing set-up at the RNA.

25

MR COSTELLO: And what did she say had happened?

30

MS KING: Essentially that she had been approached by a number of CFMEU people. She didn't know who they were, but they were being quite aggressive to her. As I recall - some of this may overlap because as I recall there's a number of conversations about different things that were actually happening at various times, but that morning that she had been approached and basically they were calling her a scab and, you know, all sorts of stuff that's been sort of said on the day, which is quite offensive, you know, in normal circumstances, but it's also offensive because, as I said before, it's - Labour Day is what we consider, you know, Christmas Day for unionists, and it is a day when we put our differences aside and try and celebrate the labour movement.

35

40

MR COSTELLO: I see. And did she say to you that when she was approached she had children with her?

45

MS KING: Yes.

MR COSTELLO: And -

MS KING: As I said, it's a family day. So she would have had her children along with her, like many other people as you're doing set-up, as you go through the march for the whole day. It's a family day.

5

MR COSTELLO: I might just have paragraph 90 of your statement - actually, 90 and 91 brought up onto the screen. Thank you. She also expressed a concern to you about stickering of the route of the march?

10 **MS KING:** Yes.

MR COSTELLO: Was that something you were aware of before she reported it to you?

15 **MS KING:** No. I wasn't aware of it prior to, but I did see them that day, but - so she expressed her concern that the stickers had gone up. Her belief was that it was from the CFMEU youth crew, who were quite active, I think, in this space, so they're quite very large in the same logo and the same colour and style of the Australian Workers Union logo and they were - instead of Australian Workers Union they were things to
20 the effect of Australia's weakest union or Australia's worst union. But they were stickered all up, you know, the poles as you sort of walk all the way from the RNA and backtrack back up to Turbot Street. So I walked from the Valley up to Turbot Street and witnessed it myself. So they were trying to take some of those - some of the stickers down, but like, I would say someone had a truck, because they were that
25 far up the telegraph poles, trying to think of the name, the poles, they were that far up that you wouldn't have been able to put them up, even a tall person.

MR COSTELLO: I see.

30 **MS KING:** It clearly had been done the night before.

MR COSTELLO: I see. Had you heard of the youth crew before?

MS KING: Yes, most unions have a youth committee or a youth crew.
35

MR COSTELLO: I see. And you said the CFMEU's Youth Crew had been particularly active in this space. What did you mean by that?

MS KING: As I understand, the Youth Crew were involved in the anti-AWU stickering or any of the types of incidents that they had been called. They're like a ready group that could be called upon by the union.
40

MR COSTELLO: You say in paragraph 91 there that:

45 "Ms Schinnerl sounded really shaken and very concerned."

MS KING: Yes.

MR COSTELLO: You say she was concerned about what might occur throughout the day?

5 **MS KING:** Yes, so she was definitely concerned that this might be the beginning of something else that could escalate. Certainly from my perspective, you know, it's my responsibility or whoever is in the role of the general secretary to liaise with the police over these marches, and, you know, I'm quite conscious it's something that we have certain things happen from time to time. I won't mention some of them, because
10 people might not come to Labour Day, but certain threats might happen which are not union related.

So you're quite conscious about security and safety of the march itself and it being hijacked by, whether it's the (indistinct) or other people from the far right that like to
15 see if they can take over the labour movement's day in the sunshine so to speak. So I'm quite aware of all of that, but also knowing that things were escalating, you know, between the AW and the CFMEU that they were also down the back of the march. So for nonaffiliates, you think there's 40,000 people that are assembling at the corner of Turbot and Wharf Street and we schedule - like, unions have a space each.
20 Each year that rotates amongst affiliates, but we always put nonaffiliates, as I say, to the back of the bus, and at the back of the bus was always the CFMEU, the AWU and the SDA, and that caused a lot of tension. Obviously the CFMEU up there against both of those unions, they don't get along.

25 So when people are down the back of the bus it's very hard to keep an eye on what's actually going on. So when I got to the beginning of the march I remember speaking to, I think it's Christy Schmidt, who is the police liaison person. She's in charge of these major events, and she normally does our Labour Day and coordinates with us quite well. So I remember speaking to her about it and asking if she could reach out
30 to the police. It's quite a large police operation on the day. So we pay for that, to make sure that things were okay down the back of the bus so to speak, as well as if they could keep an extra eye out at the RNA, and in context what we normally do is separate out the CFMEU from the AWU and make sure they're not in the same space so that - you know, people are having a beer or two, it doesn't get too over the top.

35 **MR COSTELLO:** The Ipswich Labour Day march happens earlier?

MS KING: Yes, on the Saturday normally.

40 **MR COSTELLO:** And is that also a QCU-organised event?

MS KING: So we have - the QCU has what we call QCU regional branches, and so by and large, the regional marches, which happen right throughout Queensland, they'll either happen on the Saturday or the Sunday and sometimes on the Monday,
45 depending on where they are, will be organised by the QCU regional branch, which is the Ipswich - sorry, the Toowoomba branch organises theirs. The Ipswich one is just organised by a number of different unions that take responsibility for it locally.

MR COSTELLO: Were you aware that there had been some difficulties at the Ipswich Labour Day march that had occurred before the Monday?

5 **MS KING:** Before the Monday, yes, on the Saturday, yes. So I attended the Toowoomba march, which starts in the morning, on the Saturday morning, and when that finished I was getting into my car to drive down to the Ipswich march, which starts at lunchtime, and had a number of missed calls at that point from staff. So I had one of my staff members who was living in Ipswich at that time and was one of
10 the organisers and she called me.

And then I had a missed call I think again from Ms Schinnerl, and both of them were basically to say that the whole - (a) that the whole of the Ipswich march had had similar things with the AWU stickers throughout the march, but also that there had
15 been an incident, you know, with the CFMEU. I'm not sure whether it was an organiser or a delegate, I never did get their name, but at the actual - at the - wherever they have it in Ipswich. Anyway, on the - there's an oval there and a park where everyone assembles. When they tried to talk to them about, you know, getting the stickers down, they were abused at that point in time.

20 So this is another union organiser and one of my staff that were abused by the CFMEU on that day. When I got down to the actual event itself, it was clear that there was a lot of - we'll say a bit of aggression, but it was a lot of posturing coming from the CFMEU, but it had settled at that point in time.

25 **MR COSTELLO:** Had you seen conduct of this kind, union on union if you like, at Labour Day before?

MS KING: Probably not since I saw BLF versus CFMEU or Building Workers
30 Industrial Union stuff from the early 1990s. So, you know, no. Nothing in a modern union sense that you would normally see between various unions.

MR COSTELLO: And while there's undeniably an element of childishness in the behaviour of the stickering, for trade unionists on Labour Day, does it go beyond
35 childish behaviour?

MS KING: Well yes, (a) it is childish but (b) it's also offensive.

MR COSTELLO: You had dealings with Ms Schinnerl in respect of ongoing
40 difficulties concerning Cross River Rail?

MS KING: So around about this point Ms Schinnerl was - we were speaking and she would almost contemporaneously relay incidents as they were kind of occurring. And, you know, that included some incidents around Cross River Rail.

45 **MR COSTELLO:** All right. Might just have paragraph 100 of your statement put on the screen, please.

MS KING: Yes.

5 **MR COSTELLO:** Do you recall having a discussion with Ms Schinnerl around a health and safety incident at Cross River Rail in 2023?

MS KING: Yes, I do.

10 **MR COSTELLO:** Can you just explain that to the Commissioner, please?

MS KING: So my recollection of her telling me what had occurred was essentially that the AWU - there was one AWU organiser who had arrived early to the site prior to the remainder of the officials that were - had agreed to meet at the site. There had been a health and safety incident onsite, so they were going there to talk with their
15 members. My recollection of that conversation was essentially that the organiser who got there early had had their vehicle surrounded by a bunch of CFMEU guys, who again, as I recall it, came out from inside the site and came out and surrounded the vehicle and were - you know, I think in my statement I said chanting things, you know, chanting, "Scab, scab, scab", shaking the car or rocking the car, and as I
20 understand it, she said that Cross River Rail management basically locked the - closed the gates to the site at that point in time, and that I believe Jade Ingham, Mr Ingham, may or may not have been there at that point or at a later point for that particular incident.

25 **MR COSTELLO:** You speak of a different incident in paragraph 101. This involved an employee, an AWU employee called Barry Watson. Is Mr Watson known to you?

30 **MS KING:** He is. Can I ask at this point - I'm not here for the AWU but whether or not his name - whether they're comfortable for his name to be made public, I'm not sure.

MR COSTELLO: You can assume they will jump up if they're not.

35 **MS KING:** Okay. Thank you. So Mr Watson - I've known Mr Watson since the 1990s. He's worked for a number of different unions, originally working for the old State I think Public Services Federation, which is now the Together Union. He's also worked with the Queensland Council of Unions. He was an industrial officer with us, and he's a senior industrial officer with the Australian Workers Union. So he's spent
40 most of his life working industrially within unions.

MR COSTELLO: I see. Ms Schinnerl recounted to you this incident that involved him while he was driving to work?

45 **MS KING:** So yes, again, my recollection is, from what Ms Schinnerl told me, was that he was driving to work in his AWU vehicle, which had AWU insignia on it at that point in time, and that he was driving in, I think, the far, you know, right lanes as

you go past the Woolloongabba Cross River Rail site to go up into the city, to go into work in the AWU office in the city, and in peak hour traffic in the morning that there was a bunch of CFMEU guys came out of the Gabba Cross River Rail site and did a similar thing, surrounded the vehicle in peak hour traffic, started to shake the car,
5 you know, chanting, et cetera, anti-AWU chants and - until basically the traffic decided to move again and he could drive his vehicle off. I think that was around the time that she told me that they made a decision to remove all of the AWU insignia off their vehicles because it was causing a health and safety risk to AWU staff.

10 **COMMISSIONER:** I don't want to stop you, Mr Costello, but Ms Schinnerl is going to give evidence, and this part of the statement of Ms King looks to me based upon what Ms King was told by Ms Schinnerl and not an independent observation. I just wonder how useful it is in circumstances when Ms Schinnerl is - to have this witness go through all this.

15 **MR COSTELLO:** Let me move to another topic. Can we move to your meetings and discussions with BMD?

MS KING: Sure.

20 **MR COSTELLO:** This is relatively recent, July of last year. You say you had an intermediary reach out to request a potential meeting with BMD, and I take it you don't wish to name that person?

25 **MS KING:** It was Mr Travis O'Brien, who was a barrister.

MR COSTELLO: Had you had anything to do with BMD before?

MS KING: No.

30 **MR COSTELLO:** It's a large civil contractor.

MS KING: Yes. I don't deal with individual employers in the role of the council unless there's something in terms of a policy. We deal with policy at macro kind of
35 level, so this is quite unusual at the time.

MR COSTELLO: You knew that BMD was engaged at the Centenary Bridge upgrade?

40 **MS KING:** Yes.

MR COSTELLO: And you knew that was a project that had had union flare-ups?

MS KING: Yes.

45 **MR COSTELLO:** So this is an unusual meeting for you in your role at QCU because you usually meet with unions, not with contractors?

5 **MS KING:** Unusual and a bit awkward. The most that we would normally do is meet with an employer organisation to talk through policy or industry issues, for instance, Master Builders or Australian Industry Group or Chamber of Commerce, that would be part of our role when we're engaging around particular issues, but not with an individual employer and not with one that had been in the media to that extent about the disputation that was occurring.

10 **MR COSTELLO:** Did Mr O'Brien tell you what BMD wanted to meet with you about?

MS KING: In a general sense. He was concerned about some of the violence that was going on on site out there.

15 **MR COSTELLO:** And you were prepared to have a meeting with them?

20 **MS KING:** I guess I was a bit curious, because I kept hearing about some of these things from Ms Schinnerl, but also as I said before, the issues around violence deeply concern me, particularly when they start entering into union land, and I thought it would be useful to hear it - hear them out at least to what they were saying.

MR COSTELLO: You met with Rob Pickard as the general manager of construction services?

25 **MS KING:** Big Rob.

MR COSTELLO: Did you say Big Rob?

30 **MS KING:** Big Rob, I think. That's how he introduced himself, yes.

MR COSTELLO: Okay. Did you meet with others?

35 **MS KING:** I believe there was two others at the meeting. I can't recall their names. One of them I think might have been one of their lawyers.

MR COSTELLO: And did you keep any notes of this meeting?

MS KING: No.

40 **MR COSTELLO:** And can you just explain to the Commissioner what took place at the meeting.

45 **MS KING:** So, sorry, the other person who was at that meeting was Mr Greg Power, who's an Industrial Relations consultant. So I've known Greg for many years as well. He used to do things like the State wage case when I was an industrial officer, but he would do that for the Chamber of Commerce. So he was also at that meeting. So, like, they wanted to talk about what was going on. I think they felt a bit awkward

talking to me as well about the - what had actually occurred, but I just indicated to them at that point that if there was violence happening in the union movement, then that was in my view unacceptable and that I was, you know, happy to hear from them about what that might look like. That - you know, and pretty much left it at that.

5

They then pretty much off memory went through a series of conversations around what they believed to be, I guess, you know, a campaign that had been orchestrated against them by the CFMEU. They then had a laptop and showed me video footage at that point in time of some of the incidents that were occurring out on the bridge, one of which was I guess BMD security footage of the incident that we've seen other security footage from the AWU vehicle that I think was tendered in evidence the other week.

10

MR COSTELLO: Yes.

15

MS KING: So where the CFMEU people surrounded the AWU organiser car. So that was one of the videos, but it was from the BMD security footage.

MR COSTELLO: Okay.

20

MS KING: They had other footage where they said they were deeply concerned that there were people from down south that had been brought up who were, quote, Setka's people and that they were Croatians, which I imagine is the link also back to Setka in terms of their conversation - that had been brought to site at that point in time, and there was videos of, you know, I guess just general fairly forthright - not fisticuffs, but a lot of physical interactions, if I could put it that way, that happened onsite.

25

They said that they were - they had hired a - they had hired a private investigator, who was the person who had told them that it was Setka's people that were at the site, and they had some security concerns around the site being a 24-hour operation that some people are being stalked of a night-time and that there had been three trackers or trackers put on three of their vehicles.

30

MR COSTELLO: When you say their vehicles, you mean three BMD vehicles?

35

MS KING: BMD vehicles. Yes.

MR COSTELLO: Those trackers had been identified and removed, had they?

40

MS KING: Yes.

MR COSTELLO: Were you surprised by what you were told and what you saw?

MS KING: When they said that it came from Victoria, probably not, but I was still surprised and pretty, yes, shocked, really, that this would happen in Queensland.

45

MR COSTELLO: Did you have any view about the extent to which the Queensland branch of the CFMEU interacted in an organisational way with the Victorian branch?

5 **MS KING:** Not on a day-to-day basis. I think they've always had different cultures, so, you know, the Queensland branch has always been - you know, traditionally has stood apart from the Victorians. They're being controlled by different people. So I - you know, my understanding is that, you know, Setka, John Setka, as the Victorian secretary certainly tried to exert influence over the other branches, but the Queensland branch always tried to push that influence out. So it was concerning to
10 hear that John Setka's so-called crew were operating here potentially in Brisbane.

MR COSTELLO: Did you or those that you met with at BMD have any particular view about why it would be that Mr Setka would have any interest in the Centenary Bridge upgrade in Brisbane?
15

MS KING: No, other than - sorry, the issue for them, as I recall the conversation was they believed that they were one of two contractors who had held out from signing CFMEU agreements on the big build projects in Victoria and that they were being targeted because of that and that the targeting was coming to Queensland
20 because they were operating in Queensland, and this was going to be the beginning of the CFMEU takeover of civil construction in Queensland from their perspective.

MR COSTELLO: I see. So the BMD - the BMD thesis was that their refusal to sign CFMEU agreements in Victoria had now - was now translating to trouble in
25 Queensland.

MS KING: Made them a target in Queensland.

MR COSTELLO: How is a union leader, for example, in the AWU, or a senior executive of a contractor, like BMD, to deal with this type of violent intimidation on the work site?
30

MS KING: Well, your normal course of action would be to call the police.

35 **MR COSTELLO:** And are you aware of whether BMD had done that?

MS KING: They advised me that they were aware of what is known as a memorandum of understanding between the Queensland Police service and the Office of Industrial Relations which is the Health and Safety regulator, that because
40 of the operation of that, that police were reluctant to come to site if there was an industrial dispute.

MR COSTELLO: Is that, as you understand it, because of a view that if there is a regulatory or enforcement responsibility, it falls on the side of the WHS regulator
45 rather than the ordinary police?

5 **MS KING:** Well, in normal circumstances, the health and safety regulator did have the power to determine right of entry disputes. So inspectors, up until I think the end of 2020, had a right to make a determination which could be, you know, taken to the Queensland Industrial Relations Commission about whether an entry permit holder could attend a - you know, use their permit for a particular site or not, if there was a dispute for instance about eligibility rules or otherwise. But other than that, you know, the other issues to do with potential violence or intimidation, et cetera, still fall within the bailiwick of the Queensland Police Service in my view.

10 **MR COSTELLO:** Had you ever heard complaints before about a failure or refusal or unwillingness on the part of Queensland Police to intervene in disputes because they were industrial in nature?

15 **MS KING:** I think, yes, I am aware of that and that it was supposedly common practice across particularly the construction industry. I'm not - right of entry is not as hotly disputed in other industries, and for many unions, even if it was, if you were asked to leave, you have a right of recourse to take the matter to the Queensland Industrial Relations Commission under the Health and Safety Act, and you can get an order through that process to deal with the issue.

20 So it's - that would be the normal course of events for a union. Withdraw, get an order, go back, enforce it, and deal with it in that way as opposed to stand there and fight to the end. But like in the construction industry, you know, like other industries, it can be, you know, highly risky and it is dangerous, and, you know, employers can play just as rough. And so often an employer will obstruct a union and construction unions from exercising their permits so that they can continue doing what they're doing, which is risky work, basically, for workers.

25 **MR COSTELLO:** You've now seen the memorandum of understanding that you spoke about. Do you have a view on whether or not it draws the line appropriately?

30 **MS KING:** I saw the one from last year, the 2024 version, and I reviewed the current version as of yesterday. I believe - I believe that the - both versions don't reflect the law accurately, is probably the best way to put it, in terms of issues that we spoke about before, which were around road entry permits. So I think it's still - you can still infer from the memorandum of understanding that a state, for example, a state-registered union, and it uses the example of the CFMEU Q in the actual memorandum and it's still in the current memorandum that they don't require a federal entry permit.

40 While that's legally correct, factually correct, it doesn't then go on to say that that can only be exercised in a workplace which is governed under the Industrial Relations Act, being local government or state public sector agencies. So you could infer very clearly, like, from my - from my reading of it, you could infer that you could take a state-issued Workplace Health and Safety entry permit and take it into a federal workplace, and an employer wouldn't probably know the difference between the two.

So unless you're a lawyer or legally trained or trained in this area, you wouldn't understand that difference.

5 So I think there are issues with that, so I think the memorandum of understanding at a really high level is a - is obviously an MOU between two agencies, and the bulk of it is actually about who is the lead agency in the event that there is, you know, an incident that has occurred, a serious incident on a workplace. So when does the police take the lead on, you know, in terms of if there's been a fatality and when does the health and safety regulator take the lead on particular issues.

10 That is what would be a normal practice I would see between two public service agencies and two regulators, but the rest of it around right of entry kind of confuses the law I think as it stands and in particular since we've made amendments or the parliament made amendments to the Health and Safety Act from last year. I don't think it reflects that as clearly as what it should.

15 So there is a legitimacy too. There has always been. I recall from the 1990s, being an organiser in two different unions and working for others that there was always issues about police being called from time to time and saying that you were trespassing, even if you were legitimately exercising your permit. So there is some legitimacy in having a document which explains in layperson's terms why it is appropriate and when it is appropriate and under what circumstances should a permit be used and that that is not trespass.

20 But when it starts to cloud the areas of coverage, access to workplaces and then introduces issues around alternate ways to access workplaces under section 81 and section 68, it completely would confuse most people. I think I've managed to confuse myself even here today around some of that, and probably the rest of the courtroom.

25 **MR COSTELLO:** All right.

COMMISSIONER: Can I just ask you, Ms King, have you ever heard of a dispute involving members of the CFMEU Q who worked in local government or a state public sector agency having a dispute about right of entry to those workplaces?

35 **MS KING:** Not that I'm aware. I'm not saying that there hasn't been, but not that I am aware.

MR COSTELLO: There's obviously complications in the potentially overlapping responsibilities between the health and safety regulator and the police, but do you consider that once violence becomes involved of one kind or another, it is a matter for the police?

40 **MS KING:** Well, once you step into the area of criminal law, then it is a matter for the police.

MR COSTELLO: Did you have discussions with Ms Schinnerl after the meeting with BMD about this matter?

MS KING: I may have. I can't recall.

5

MR COSTELLO: You did have discussions with Ms Schinnerl about the Centenary Bridge upgrade?

MS KING: Definitely.

10

MR COSTELLO: And the difficulties?

MS KING: Yes. I recall her saying to me that she had been informed by BMD senior management that they couldn't guarantee her personal safety if she attended the site around that same point in time, and she was highly offended and deeply concerned that as the secretary of a union that has the majority coverage of civil construction that she couldn't actually exercise her legal right of entry to access BMD and that they couldn't guarantee her safety if she did.

15

MR COSTELLO: Do you recall speaking with Ms Schinnerl and suggesting to her that the two of you meet with the Queensland Police about this matter?

MS KING: Yes.

MR COSTELLO: And did anything come of that?

25

MS KING: So at this point things had started to escalate between about May and July last year, and I remember talking - prior to the meeting you're referring to, I remember talking to Ms Schinnerl about talking to the police about, you know, some of the incidents that had been occurring and whatnot and her own personal safety. At that point she'd referred - she told me that she was concerned for her family and she was concerned for her staff as well.

30

I had, prior to meeting with the police commissioner, had suggested that she reach out to Mr Simon Tutt, who at that point was employed with the Queensland Police Union, just to find out who would be an appropriate person within the Queensland Police Service to talk to, pretty much because I couldn't think for the life of myself that you could just walk into a local police station and go, "Hey, I'm here to talk about my personal security and whatnot, and all of these events that were actually happening."

35

40

I had understood at that point that Mr Tutt had liaised with her and had provided a name and had left it at that. I was aware that she had personal security safety measures and that they were doing certain things within the union. When I became aware that, you know, things were still ongoing, and I can't remember the exact moment, but I remember going, this - things were going, you know, pear-shaped pretty rapidly, and I remember having the view that - sorry.

45

I remember having the view that I wouldn't be able to live with myself if something actually happened. So at that point, you know, I made the - talk to her about the issue that we needed to go and talk to someone fairly senior, and we went, well, we might
5 as well go to the top, because, who knows, you know, who can actually do something in that space? So I reached out to the police commissioner and we organised a meeting within about 48 hours, and both Ms Schinnerl and I went down to the Roma Street headquarters and had a meeting with the police commissioner, the deputy police commissioner, I think Ms Cheryl Scanlon and another officer. I'm not
10 sure of his name. I think he was a regional director.

And we had conversations. We had a conversation for about an hour in terms of concerns about what had actually been going on. I had a USB stick which - BMD had provided me with a copy of the footage that they had showed to me of what was
15 actually happening out at the Centenary Bridge at that point in time. I had a number of copies of that USB stick made by a staff member. I'm not an IT person, so I asked for someone to make a couple of copies of that, one of those copies of which I gave to the police commissioner. And we left it at that. We didn't hear anything back, however, from - I think Ms Scanlon was - had indicated that she would reach out.
20 We didn't hear anything back further at that point in time.

MR COSTELLO: This meeting with the Queensland police commissioner and the deputy commissioner, was this in about July 2024?

25 **MS KING:** It was in about July 2024, so it was not long before - I think it was around the same time that I think at least the federal government would have announced the administration of the union if they hadn't already introduced the bill into the parliament at that stage.

30 **MR COSTELLO:** And what was Ms Scanlon's role?

MS KING: She was deputy commissioner, I think organised crime.

35 **MR COSTELLO:** And you obviously had concerns that were sufficiently serious that you thought a meeting with the most senior officers of Queensland Police was appropriate.

MS KING: Yes.

40 **MR COSTELLO:** And you handed them evidence in the form of a USB with video footage. And is it the case you didn't hear back from them?

MS KING: Yes.

45 **MR COSTELLO:** At all?

MS KING: Yes.

MR COSTELLO: Did you ever seek to speak to the commissioner or the deputy commissioner about the matter again?

5 **MS KING:** No. I think we sort of formed a view that - there was a couple of things obviously had happened that we formed a view that potentially that wasn't going to resolve the situation or the, you know, they weren't going to deal with the matter unless there was further evidence provided to them. And I think at that stage then other events started to overtake, like the union going into administration and the like.
10 I certainly - probably - I have spoken to Ms Scanlon this year on two occasions, and one of those specifically was about - I reached out to her because I had had some staff from the CFMEU reach out to me to tell me their deep concerns about Mr Perrett and some of the activities that he was up to. So that's probably the last time that I spoke to her. And that was after I think Mr Perrett was in custody at that point
15 in time. Other than that, I haven't had any further discussions with them.

MR COSTELLO: Come back to Mr Perrett in a moment. Just sticking with the meeting, were you given an indication in the course of the meeting by the commissioner or the deputy commissioner that they didn't think the matter was
20 sufficiently serious to warrant police involvement?

MS KING: No, they didn't say that. They basically I think inferred that there wasn't sufficient evidence provided to them. They didn't say that they wouldn't investigate it, but they said they would go away and have a look at the matters that were
25 presented to them and the issues that we had discussed in the meeting.

MR COSTELLO: And you say at paragraph 119 of your statement that the commissioner indicated the deputy commissioner would be back in contact with you.

30 **MS KING:** Yes.

MR COSTELLO: But that did not occur.

MS KING: That did not occur.
35

MR COSTELLO: In your experience as a trade unionist and a senior leader within the trade union movement, do you consider that there is a reticence on the part of Queensland Police to involve themselves in matters that involve unions, though they may also involve criminality?
40

MS KING: I never would have that - would have had that view up until recently, but I think that that has been the case around, rightly or wrongly, around particularly, you know, industrial matters in construction. And I think it relates back to, you know, the memorandum of understanding which is in place, by and large that, you
45 know, it's the role of the regulator to - of the health and safety regulator to enforce right of entry matters and that, you know, most police are just going to abide by, you know, what they believe is an MOU and if people aren't talking about the

violence - and I'm not blaming the police for this; I think it's a cultural issue that that's an industrial matter, there's an MOU in place, that's a matter for the health and safety regulator to deal with.

5 **MR COSTELLO:** So though you did not hear back from the commissioner or the deputy commissioner, you did - you have since spoken with Deputy Commissioner Scanlon, I think you said twice?

MS KING: Yes.

10

MR COSTELLO: This year?

MS KING: Yes.

15 **MR COSTELLO:** And one or both or of those occasions concerned Mr Perrett?

MS KING: The second occasion concerned Mr Perrett, yes.

20 **MR COSTELLO:** And are you content to give some evidence about the matters that led to you speaking to Ms Scanlon in that regard?

MS KING: I don't feel comfortable talking about it, because the people that told me that I think are still concerned for their safety.

25 **MR COSTELLO:** All right. Let me ask you just a couple of generalised questions, and you can inform your view about the extent to which you feel comfortable answering, and the Commissioner might have a view about it as well.

MS KING: Yes.

30

MR COSTELLO: You felt the need to contact the deputy commissioner by reasons of matters that were told to you in confidence?

MS KING: Yes.

35

MR COSTELLO: That you considered to be of sufficient gravity that you needed to engage a senior member of the Queensland Police Service?

MS KING: Yes.

40

MR COSTELLO: And you had had prior dealings with Ms Scanlon, so you contacted her?

MS KING: Yes.

45

MR COSTELLO: And you recounted to her the matters that you had been told?

MS KING: Yes.

MR COSTELLO: And are you aware of whether that led to any investigation?

5 **MS KING:** I'm not aware, but because the matter - Mr Perrett at that point in time I think had already been charged and was pending the murder charge, I basically relayed the information and, you know, it wouldn't be appropriate to discuss or for her to discuss anything further, given that that's an internal police investigation, but I did relay the information to her and express my concerns that this involved
10 Mr Perrett but potentially involved other - other members of the CFMEU that were operating with Mr Perrett.

MR COSTELLO: The matters that you relayed to her didn't concern the matter in respect of which Mr Perrett had been charged?
15

MS KING: No.

MR COSTELLO: It was other conduct?

20 **MS KING:** It was other conduct.

MR COSTELLO: And the conduct you reported to Deputy Commissioner Scanlon, did it also report to her the names of other CFMEU members who you were told may have been involved in this conduct?
25

MS KING: No, because I wasn't made aware of the names of those people. I was only referred to Mr Perrett and that he was operating with maybe three other people.

MR COSTELLO: I see. And you still don't know the identity of those people?
30

MS KING: I still don't know who they are. Obviously the staff were concerned - may, but I don't want to disclose them because they have concerns.

MR COSTELLO: How long ago was it you spoke to Deputy Commissioner Scanlon about these matters?
35

MS KING: Maybe eight weeks ago. So it was after Mr Perrett - it was literally I think the day after it was reported in the media that he had been arrested for the torture or whatever of the person they subsequently found the body of.
40

MR COSTELLO: Now, I don't want to be unfair to Deputy Commissioner Scanlon. You've given her this information. How was it left? Did you expect a return call or were you just simply providing information to her?

45 **MS KING:** I was simply providing her with information. I didn't expect a return phone call on that. That would be in my view inappropriate for her to relay any further information about an ongoing police investigation, and nor did I seek to.

MR COSTELLO: Were you able to tell those who had communicated the information to you that you had passed on to the deputy commissioner?

5 **MS KING:** I told one person, yes.

MR COSTELLO: Is there anything else that you would wish to tell the Commissioner about these particular matters at this point in time?

10 **MS KING:** No, not particularly. I don't mean that offensively; I'm just trying to think.

MR COSTELLO: I want to deal with one last matter before the close of play, but I'm afraid you're going to have to return tomorrow morning, Ms King, but I suspect
15 for a relatively short patch although it may -

MS KING: No wine tonight.

MR COSTELLO: Speak for yourself. I should cover off on - before I move on, I
20 should, for the sake of keeping my junior happy if nothing else, cover off on the other phone call that you made to Deputy Commissioner Scanlon, I think this year. You said there were two. One was the matter involving Mr Perrett.

MS KING: No, so the - so I had a phone call from Ms Scanlon. She called me
25 around the time that the inquiry was being announced just to talk about where the things might go in terms of the inquiry, and I indicated to her that, you know, I would be, you know, providing that information that had previously been provided. So it was just more of a perfunctory phone call. It wasn't anything of any substance.

30 **MR COSTELLO:** I see. Thank you. The last matters that I want to touch on involves the administration of the CFMEU and in particular the cooperation, if that's the right word, of Mr Abbott, Jared Abbott.

MS KING: Yes.

35 **MR COSTELLO:** Mr Abbott is still, I think, the assistant general secretary of the QCU.

MS KING: Yes.

40 **MR COSTELLO:** But is on leave without pay.

MS KING: Yes.

45 **MR COSTELLO:** And the reason he is on leave without pay is that he is working for the administrator of the CFMEU; is that right?

MS KING: Yes, he's the branch - the CFMEU Queensland branch executive officer for the administrator.

MR COSTELLO: Now, Mr Abbott didn't have a prior history in the CFMEU?

5

MS KING: No.

MR COSTELLO: He immediately, prior to his current role, was at the QCU and before that had been at the Transport Workers Union.

10

MS KING: Yes.

MR COSTELLO: Is that right?

15

MS KING: That's right. And prior to that he was a senior official in the New Zealand trade union movement.

MR COSTELLO: You recruited Mr Abbott back to the QCU when you took the top job; is that right?

20

MS KING: So I was - I had met Mr Abbott when he was working as the director for the Transport Workers Union in Queensland and got to know him a little bit through there. I was looking for someone with campaign and organising experience to undertake the assistant secretary role. We had left it vacant for, I think, a period of 12 months after, you know, when I was acting general secretary and then I think the sort of five months towards the end of '23 after I had been elected, so I had - trying to work out who was going to be it, so I had approached, like I say, I headhunted Mr Abbott to come and work with us as the assistant secretary. So that's an appointed position currently, and he applied for that position and we appointed him to that role. And I think he commenced in about January '24 as the assistant general secretary.

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30

MR COSTELLO: Mr Abbott was approached by the administrator to come and perform the role that he's now in?

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MS KING: Yes.

MR COSTELLO: He wished to undertake that role while on a leave of absence from the QCU so that he could return?

40

MS KING: Yes.

MR COSTELLO: And that required a decision on your part or on the part of the -

MS KING: Ultimately it's a matter for the QCU executive.

45

MR COSTELLO: And how many people are on the executive?

MS KING: Over 40.

MR COSTELLO: That's representatives well (crosstalk).

5 **MS KING:** It's the governing body basically of the QCU, but above that we have a
small body which looks normally at operational matters, which is called the QCU
management committee. That has 13 people on it, which is elected from the
executive. It's a collegiate system. So essentially we needed to make a decision of the
10 management committee on a recommendation to the executive, but ultimately it was
a matter for the executive to determine - like a leave of absence, they determine the
appointment of the assistant general secretary and any conditions associated with that
role.

15 **MR COSTELLO:** This was all occurring in February this year?

MS KING: February, yes.

20 **MR COSTELLO:** And at that time, though the administrator was in office, the High
Court challenge was on foot and not yet determined?

MS KING: Yes.

25 **MR COSTELLO:** And the administrator's own evidence was to the effect that he
didn't have complete control over the union in the sense of being able to obtain
cooperation of people during that time by reason of the dependency of the High
Court litigation?

30 **MS KING:** Yes, I think it's fair to say that both Mr Ravbar and Mr Ingham were
shadow controlling the union here in Queensland for that part of time.

MR COSTELLO: So you convened a meeting of the QCU executive on the
morning of 19 February 2025?

35 **MS KING:** Yes.

MR COSTELLO: This is relevantly paragraph 125 of your witness statement, and
that was at 8 am in the morning?

40 **MS KING:** Yes.

MR COSTELLO: And was the sole purpose of that meeting to determine whether
or not Mr Abbott could be released to the administrator, or was there other business?

45 **MS KING:** Yes. No, it was a special management committee. So under our rules the
president and the general secretary can convene a special management committee
and a special executive meeting which can only deal with the matter that it's called

for, and in this case it was solely called for dealing with, you know, a resolution to resolve that Mr Abbott be granted a flexible leave without pay for up to two years.

MR COSTELLO: Were you supportive of that resolution?

5

MS KING: I was.

MR COSTELLO: And did you expect there to be general support for it or did you just not know?

10

MS KING: I expected it to be controversial -

MR COSTELLO: Did you say controversial?

15 **MS KING:** Controversial with some people on the management committee, mainly because we had indicated before I had gone through a period of 12 months without an assistant secretary prior to Jared being appointed, which meant that my workload was quite substantive and there had been concerns about that. And so for - the concerns that I knew would come and did come through the management committee
20 were not necessarily about, you know, his appointment to the administration. It was also about the capacity to backfill a position on a flexible term of up to two years. So, for instance, if Mr Abbott decided he wanted to return to their substantive role in six months, how could we get someone to fulfil a contract?

25 Where we kind of settled on that was that we would put somebody on, which we have done on a 12-month contract, to backfill that role, and we'll consider that when that position comes up for its 12-month sort of review period in May next year. But essentially I think Jared had expressed to me a concern that if he went and did the job, that, you know, things might happen to him where he might need to come back.
30

And certainly at that point in time we were seeing a concerted campaign happening across the branches, targeting whoever was going into those positions on social media and in the media, and a number of people were taking up positions in administration roles then having to exit the administrator's role, and certainly they
35 ran a campaign after Mr Abbott was appointed. He certainly had a campaign ran against him in the media, trying to, you know, besmirch, I guess, his reputation from things that he had been involved in 15 years prior in New Zealand before he entered the trade union movement.

40 **MR COSTELLO:** You say at paragraph 126 that the meeting commenced in the level 5 boardroom shortly after 8 am.

MS KING: Yes.

45 **MR COSTELLO:** And that shortly after that you could hear a lot of noise coming down the street to the front of the Peel Street building.

MS KING: Yes.

MR COSTELLO: So you asked Renee Kempin - who's that?

5 **MS KING:** She's our executive officer.

MR COSTELLO: You asked her to step out, find out what was going on.

10 **MS KING:** Yes. Yes, so Ms Kempin was in the room. She takes the minutes for the management committee, and I asked her if she could step out to find out what was going on. I think we all had a fair idea at that point what was going on from inside, but you can't physically see. The boardroom is at the back of level 5, and it's on the back side of the building to where the noise was coming from, which is in Peel Street itself. She went and had a look at - we have a number of CCTV out the front of the
15 building. She went and looked at the CCTV, and also there was a number of staff who had just arrived that were basically saying, you know, that there were people arriving and it was a CFMEU protest. So -

20 **MR COSTELLO:** The QCU headquarters has got CCTV outside?

MS KING: We - at that point we had fairly rudimentary CCTV, so -

MR COSTELLO: In any event you have -

25 **MS KING:** We had video footage of - as it occurred out the front of the building, yes.

30 **MR COSTELLO:** Yes, it's in the statement, four videos. They're all quite long. I might just play one for now at least. If I could have file 2 on screen. Now, it might be famous last words, but what I'm going to try and do is play this at about double speed because it's quite long.

MS KING: (Indistinct).

35 **MR COSTELLO:** And if we could just skip forward to about two minutes 30, please. This is a camera from the front of your premises?

40 **MS KING:** Yes, it is. So you're looking down there onto the illustrious brown tiles, which is the entrance into the foyer of the building.

MR COSTELLO: And does that date and time stamp in the top corner look right to you?

45 **MS KING:** 8.04 am, yes, that would have been around about the time. We started at 8 am and it was shortly thereafter.

MR COSTELLO: All right. And so you have a group arrive at about 8.04 and make themselves comfortable. If we then skip forward to about 9 minutes 30, it appears what happens, although there's another angle that will make it slightly more clear tomorrow, that another group arrives from the opposite direction -

5

MS KING: Yes.

MR COSTELLO: - a little later, and you can see them here with their flag bearer announcing their arrival. Now, you could hear noises, you said, shortly after the meeting started after 8 o'clock. Could you hear anything in particular or were you too high up on level 5?

MS KING: Too high up. So you could just hear general noises, you know, chanting more than anything, which I think occurred a little bit after this, but it's just like a general, like, you can hear street noise but it was, you know, more than street noise. Like I say, around about this time there was a number of staff had tried to enter the building, probably just after this. So most people arrive at work - our normal start time is around 8.30, but around the corner from this is the actual entrance into the car park.

20

So a number of people had tried to turn off here, off Peel Street into the car park and couldn't get into the car park as people were sort of spilling over into the car park area into the streets, and I had received a text message from Jared as well to say that he couldn't get in and had gone down the street to park. He wasn't invited to - he's normally part of the management committee, but we didn't invite him to it because obviously it's a matter concerning his employment. So it was a conflict.

25

MR COSTELLO: I see. But in any event he was due to come to work but he couldn't get in.

30

MS KING: Yes.

MR COSTELLO: Do you know any of these gentlemen?

MS KING: No.

35

MR COSTELLO: Did anybody from the QCU seek to go down to speak to them?

MS KING: No. I believe one of our employees did a - did a look see and sort of walked through. I wasn't aware of it at the time. Mr (Indistinct). I only remember seeing that from other video footage of this where you can see him wander out through the crowd and then kind of wander his way back in, but other than that, no, we didn't. As I say, we were in the management committee. We weren't going to stop the management committee, because whatever was happening at that point in time, I had asked Renee, Ms Kempin, if she could monitor the situation, and as the crowd kind of got bigger, I then I think asked her at that point in time to call the police just

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45

to ask them to disperse them, not because they were being violent or anything like that. It was just a - we needed to move them on, and they did.

5 **MR COSTELLO:** How often are the QCU's offices marched upon by other trade unions?

MS KING: Never.

10 **MR COSTELLO:** Hadn't happened in your time?

MS KING: No.

15 **MR COSTELLO:** What was the purpose of this march so far as you were concerned?

MS KING: So we had a delegation of - as this sort of went on, as I understand it, there was a delegation. I stayed in the boardroom for all of this on advice that I was told not to go out there; I may have inflamed the situation potentially if I did. But there was -

20 **COMMISSIONER:** Advice from whom?

MS KING: Sorry.

25 **COMMISSIONER:** Advice from whom?

MS KING: Other people in the management committee. And we had a delegation of three members who came in. So at this point I had also asked for the building to be shut down because as a standard we have - there's five floors in the building. There's QCU staff. There is other union staff that work for smaller unions in the building. There's ALP staff in that building. The youth advisory centre works out of the building as a tenant, level 2. There was a meeting of Services Union members that were down on level 2 in the meeting rooms, and then we had health and safety representatives who were undertaking training on level 3, which is a normal weekly or a fortnightly thing that happens.

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40 Because of all of that, you know, I asked for Renee. So as the building manager, owner, as well as, you know, in my capacity as QCU secretary, I asked for the building to be locked down, just to be - make sure that it was secure. We locked that down, which includes locking down the lifts, but at this point they had - the doors into the foyer were open, so there were - you can see other footage of this from different angles where there were - two CFMEU guys were standing on the doors, which have an automatic opening, so they stood against that to keep that open, and I believe the three got into the fire stairs from the ground floor in the foyer.

45 There's a requirement to access the fire stairs from the foyer because if you're stuck in the foyer, there's no other way out except for the fire stairs, and we've had

confirmed advice that we need to allow that to happen, so they got into the fire stairs and came all the way up, and I had staff later tell me that they were apparently knocking on the fire stairs and asking for people to let them in. At some point they did and managed to find their way into the foyer of level 5 where we were, where
5 literally they were demanding to speak to Mr Abbott. They wanted to present him with a petition of some sort or whatever, a message that was written down calling on him not to take up the position of branch executive officer.

As I said before, Mr Abbott was unable to get into the building, so Ms Kempin went
10 out and spoke to them. They were videoing her, and it took about maybe five minutes to convince them that. You know, they were saying that it was a public building, they had every right to be there as unionists, all that sort of things, and Renee just continued to say to them, "You need to leave the building and I will pass on the message to Mr Abbott." And then around that time they did leave, and
15 peacefully, and I think it was around that time shortly thereafter that they - the police had come and they dispersed and went about their business.

MR COSTELLO: So this - now we're up to 8.24. So this has been going on for 20
20 minutes.

MS KING: Yes.

MR COSTELLO: I think if we skip forward to about 3330 will be at the point at which the police arrive. Sorry, 3330 on this video, not on the time stamps. Yes, here
25 they come. The police are coming up the road now from - and that's because you asked somebody to call the police. Who did you ask to call the police?

MS KING: Ms Kempin.

MR COSTELLO: Were you concerned because there were people in the building or were you just concerned about the general disturbance or both?

MS KING: Look, I wasn't personally concerned about - I didn't think that the crowd would do anything violent. They were there to obviously protest about what decision
35 we were about to make. I've always had the view that, you know, every person has the right to protest and to do that peacefully, but - and I think I said this at the time as well - every worker also has a right to feel safe and respected in their own workplace.

And I was very conscious that, as I said, we had members of the public, non-union
40 members who were attending health and safety training. We had, you know, lots of different variety of people in that building, and while personally I may not have been intimidated by that conduct, having been around that a fair bit, whether I like it or not, over my life, I was very conscious and did find out later that, you know, we had
45 a woman who was attending the health and safety reps training very distraught, had to be comforted, she was crying.

5 The president, executive president of the Services Union, Jennifer Thomas, who is a member of the management committee, had been sitting with us in the boardroom on level 5 and when this started to occur, we had a combined online/face to face meeting because some people couldn't make the meeting. She switched to online and took her computer downstairs to level 2 to sit with her members because she was concerned about what they might think as well.

10 Like, this was fairly confronting to some people if you're not used to that sort of behaviour, when reality is people - like, this is how sometimes protests occur. If it is a, you know, a bunch of women and men and whatnot, generally speaking it's not seen to be intimidating, but if you're not used to this, it can be very intimidating for some people, and I was very conscious and aware of that, that we needed to ask them to disperse. So you can see from here that there was quite a big crowd that was up the other side in the driveway but also moving on, that they - they were - like, they obeyed, they were lawful, they moved on, and there was no further repercussions from that.

MR COSTELLO: Commissioner, I've gone over time, for which I apologise.

20 **COMMISSIONER:** Not at all.

MR COSTELLO: Is that a convenient time?

25 **COMMISSIONER:** I just have a couple of questions that arose from some of the evidence you gave earlier this afternoon, Ms King. One was you gave some evidence about some inappropriate behaviour of the CFMEU, and you said you hadn't seen that sort of behaviour since the early 1990s. As between the BLF and the BWIU, which state are you talking about there?

30 **MS KING:** It would have been Queensland.

COMMISSIONER: And you also gave some evidence about the disaffiliation of the CFMEU from the ACTU.

35 **MS KING:** The suspension.

COMMISSIONER: The suspension, I beg your pardon. Thank you. Suspension. Is your evidence that every division of the federally registered body, that is the CFMEU, was suspended from membership of the ACTU?

40 **MS KING:** No, it wasn't, but the maritime division of the CFMEU chose to not pay their affiliations until such times as the construction division is un-suspended, I believe is the position that was put.

45 **COMMISSIONER:** But that's not the approach that the state body has applied to the QCU, because you identified the Maritime Union of Australia as one of the affiliated unions.

MS KING: Yes.

COMMISSIONER: So it's only the -

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MS KING: It's only the ACTU. Because the CFMEU construction division was not an affiliate of the QCU from 2017, it didn't impact on the state branch of the MUA.

10 **COMMISSIONER:** I see. You gave some evidence about versions of the - I'll just get the wording - the versions of the memorandum of understanding in place between the Queensland Police Service and the Office of Industrial Relations, and you gave some evidence about a 2024 version and a version of this year; is that right?

15 **MS KING:** Yes.

COMMISSIONER: You also said that to your knowledge there have been versions of this memorandum of understanding as far back as the 1990s. Do you have any of those earlier versions?

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MS KING: So I think there's two different issues that I've probably confused -

COMMISSIONER: Right.

25 **MS KING:** - you with. From the 1990s, there was - when I was an industrial officer at the Trades and Labour Council, there were discussions that occurred with the Queensland Police Service about training and understanding for police officers in when right of entry is not trespass to a workplace, so that there was, you know, at least some training of police officers that took place. Whereas I think the MOU,
30 which is an interpublic sector agency, which isn't to do with the union movement is -

COMMISSIONER: It's a public sector understanding.

35 **MS KING:** Yes, it's an MOU between the Queensland Police Service and the health and safety regulator as two regulators about what their particular roles are, particularly when there is a incident - serious incident on a construction site, one of which happened at West End this afternoon or lunchtime. So it says police are to take lead agency for X, Y, Z, and OIR or the regulator is to take lead on particular issues. That, I understand, has been in existence since about 2018, but I could be wrong.
40 You'd need to talk to those respective agencies.

But part of that interagency agreement is then an explanation about all the different ways that a union can access a work site, and I believe that both the '24 version that I saw last year and the '25 version, which is dated June I think this year, are potentially
45 misleading in terms of what right of entry actually looks like, and they could be better drafted is a better way of putting it. I don't think that the current version is

done in any way to be malevolent or otherwise; I think it just could do with a proper rewrite so that people actually understand it clearly, what it - what it means.

5 **COMMISSIONER:** And can you say anything at all about earlier versions of this memorandum of understanding between the QPS and the Office of Industrial Relations (indistinct) '24? Sorry.

10 **MS KING:** I think the issue that relates to - there's a paragraph off memory which is in there which talks about the CFMEU Q, and it uses the CFMEU Q as an example, that it is not required to have a federal Fair Work permit - is misleading from the concept - from the - in the context that a state-issued permit for CFMEU Q should only apply for workplaces that fall - either local government or into the state public sector. Whereas you could, in my reading of it and I think every other person that I know has looked at it when we talked about it, that you could clearly infer that you could use that permit to access other workplaces.

COMMISSIONER: That's the issue you gave evidence about -

20 **MS KING:** Yes.

COMMISSIONER: - half an hour ago or an hour ago, but did that issue arise on earlier iterations of this memorandum of understanding, to your knowledge?

25 **MS KING:** Yes, it did.

COMMISSIONER: And how far back?

MS KING: I couldn't say.

30 **COMMISSIONER:** And there has been some evidence given about some memorandum of understanding between the Queensland Police Service and the Queensland Police Association. Are you aware of any such document?

35 **MS KING:** No. I think - I heard that evidence given. I think it was Mr Watson.

COMMISSIONER: Yes.

40 **MR COSTELLO:** I believe that's the confusion of the MOU that existed between the Queensland Police Service and the health and safety regulator.

COMMISSIONER: I see.

45 **MS KING:** Certainly when I've spoken to the police union, of whom they are an affiliate of ours, that there is no such and never has been any agreement, any formal agreement in place between them.

COMMISSIONER: Thank you. Anything arising from that, Mr Costello?

MR COSTELLO: No. Thank you, Commissioner.

5 **COMMISSIONER:** There is one written application to cross-examine Ms King. I wonder whether, Mr O'Grady, you could have some discussions with Ms McMillan and Mr Costello about that issue, because I presume you will want to press that tomorrow morning -

10 **MR O'GRADY:** Yes.

COMMISSIONER: - and just see where that lands. Is that convenient, Ms McMillan?

15 **MS McMILLAN:** Yes.

COMMISSIONER: And in relation to your position, Ms O'Gorman, and your position, Mr Kimmins, I presume that at some point you will make an application to cross-examine this witness. I don't want to put words in your mouth. What do you want to do?

20 **MS O'GORMAN:** Commissioner, I will be. I will need to take some instructions this evening after the evidence today about that, and if I'm in a position to make that application overnight I will certainly speak to Mr Costello about it beforehand, and Ms McMillan, and in any event provide an update to the Commission's solicitors this
25 evening about where we're at.

COMMISSIONER: And you presumably haven't - sorry, Mr Kimmins.

30 **MR KIMMINS:** Sorry, I'm in the same position as Ms O'Gorman.

COMMISSIONER: And presumably you haven't had this statement for a very long period, Ms O'Gorman.

35 **MS O'GORMAN:** We received this statement at about dinnertime on Sunday evening, which has meant there has been some logistical difficulties in being able to make application before this morning, and I consider I might still be facing some logistical difficulties with any cross-examination tomorrow, but I will endeavour to be able to do so if I possibly can.

40 **COMMISSIONER:** If, sorry?

MS O'GORMAN: If I can do it tomorrow, I certainly will be attempting to do so.

45 **COMMISSIONER:** You should feel free to make such application as you deem necessary to protect your client's interests, and that includes bringing Ms King back some other time. Feel free to make that application.

MS O'GORMAN: Thank you, Commissioner.

COMMISSIONER: And the same for you, Mr Kimmins. I don't - sorry, Mr Costello.

5

MR COSTELLO: Not at all. I'm just standing out of politeness.

COMMISSIONER: Thank you. I wonder if you might consider overnight, Mr Costello, whether - although the - our instructions are to conduct this inquiry in an open manner, whether there might be some utility in moving to private sessions to receive some of the evidence concerning Mr Perrett.

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MR COSTELLO: That's a matter I've just been discussing with Mr Smith. I'd want to consider it overnight rather than do it on the fly.

15

COMMISSIONER: Yes.

MR COSTELLO: There will be a live question as to whether tomorrow is the right time or another time, but it may - I want to discuss it with my learned friend as well. But I can say perhaps not more than at this point in time, it is under active consideration on the part of counsel assisting whether or not there ought be some evidence given in private.

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COMMISSIONER: Thank you. Are there any other applications that anyone wants to make? We will adjourn until tomorrow at 10 am.

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<THE HEARING ADJOURNED AT 3.51 PM TO WEDNESDAY, 3 DECEMBER 2025 AT 10.00 AM.