

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

### WITNESS STATEMENT OF MICHAEL O'BRIEN

I, **Michael O'Brien**, Senior Employee Relations Advisor at Brisbane Catholic Education, say on oath that:

#### Background

1. I make this Statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. Attached to this Statement is a Bundle of documents (**Bundle**). I refer to relevant documents by reference to the page number of that Bundle.
3. From February 2023 to July 2025, I was a Senior Industrial Relations Advisor at CPB Contractors Pty Ltd (**CPB**). I worked specifically on the Cross River Rail project (**CRR Project**).
4. I have approximately 20 years' professional experiences in human resources (**HR**) and industrial relations (**IR**). I have worked across a range of sectors including education, construction, business and social services, providing HR services including case management, enterprise bargaining, performance management and payroll.
5. Prior to taking up my current role in July 2025 with Brisbane Catholic Education, my experience included:
  - (a) my role with CPB (mentioned at paragraph 3);
  - (b) various positions, culminating in my position as Senior Workplace Relations Consultant for the Chamber of Commerce and Industry Queensland (July 2018 to March 2023);
  - (c) HR Project Specialist for Mission Australia (November 2017 to July 2018);
  - (d) various positions, culminating in my position as Senior Industrial Relations Advisor for Yourtown (March 2008 to November 2017);
  - (e) Human Resource Consultant, Faculty of Biological and Chemical Sciences for the University of Queensland (February 2007 to March 2008); and
  - (f) various positions, culminating in my position as Business Analyst – Human Resource Management for Corporate Solutions (October 2006 to February 2007).
6. I hold a Bachelor of Business Administration, majoring in Human Resource Management.

#### My experience in the construction industry

7. My time working at CPB has been my only experience in the construction industry.
8. My experience in other industries has generally involved more stable workforces and less complex industrial environments, with a stronger focus on cyclical HR activities such as performance management, workforce planning, policy implementation and endtoend employee lifecycle management. My experience outside construction has also included a

significant amount of complex case management, along with extensive involvement in redundancies, enterprise agreements and the application of employment law.

9. While the core principles of HR remain consistent across industries, construction requires a more operational, risk-focused and commercially pragmatic approach, with HR closely embedded in day-to-day site operations.
10. The main difference I found was the exercise of statutory rights of entry (**ROE**) by Unions into work sites.

#### **How IR operated on the CRR Project**

11. CPB is a member of the joint venture with Ghella Pty Ltd (**Ghella**), BAM International Australia Pty Ltd (**BAM**) and UGL Rail Services Pty Ltd (known as the "**CBGU JV**"). The CBGU JV is the principal design and construction contractor for one of the three packages of works on the CRR Project, being the Tunnel and Stations (**TSD**) works.
12. My position with CPB related to the TSD component of the CRR Project. I reported to Terence "Terry" Prior (**Mr Prior**), IR Manager, Ghella.
13. The HR and IR teams had similar structures, each providing HR and IR expertise respectively to components of the CRR Projects on the different sites. While these teams were constituted by employees employed by different entities in the CBGU JV, we operated collectively as the respective HR and IR teams for the CRR Projects.
14. I worked in a team of four IR advisors, being Alicia Wood, Ben Loakes, Jessica Allam and me.
15. I managed IR on the Boggo Road, Roma Street, Gabba and Albert Street sites.
16. As the Senior IR Advisor, my duties included:
  - (a) managing unions seeking to exercise ROEs to enter CRR Project work sites, including assessing compliance with legislative requirements;
  - (b) managing internal workplace disputes and grievances;
  - (c) conducting workplace investigations and preparing recommendations for disciplinary action (if any); and
  - (d) advising on workforce management matters, including organisational change processes and redundancies.

#### **Entry onto CRR Project work sites**

17. Union officials have a statutory ROE under *the Fair Work Act 2009* (Cth) and *Work Health and Safety 2011* (Qld) to enter workplaces for specific purposes. These statutory regimes impose entry requirements and permit requirements for union officials to satisfy.
18. It was part of my role to assess whether these requirements had been complied with when an official sought to enter CRR Project work sites. Practically, this involved attending the different work sites for the CRR Project (for me, primarily Boggo Road, Roma Street, Gabba, and Albert Street) ensure that all requirements had been complied with before an official was permitted to enter the site.

19. My experience was that there were occasions when CFMEU officials would approach the gate to a CRR Project worksite, speak to the person on the gate, and then enter without having demonstrated compliance with the above-mentioned requirements.
20. I say this because I observed occasions where CFMEU officials were found wandering CRR Project sites without having properly signed in, without having completed a site induction, and without wearing appropriate personal protective equipment. This included some of the tunnelling areas, where CFMEU officials would walk around without wearing a P2 mask, as was required.
21. In this regard, there is one person who stands out to me. Dean Reilly (**Mr Reilly**) went through a period where I can recall him entering sites many times (it could have been as many as 30) without exercising a valid ROE.
22. Mr Reilly would often enter worksites at around 10pm or later at night. In response to this, Mr Prior developed a roster system to have IR representatives available to attend sites at short notice when CFMEU officials were identified on site at night. When approached by IR, Mr Reilly would not tell IR why he was on site.
23. On one occasion at around 10pm or later in the evening, I was called out to attend Boggo Road as Mr Reilly was on site. I said, "*Hey Dean, what are you doing?*" and he replied along the lines of "*Fuck off*". Mr Reilly left the site shortly after I arrived.
24. There were occasions when CFMEU officials entered worksites in a proper and lawful way. On those occasions, the official would be escorted around the site by a member of the IR team. My experience was that the CFMEU official would sometimes try to lose me as an escort as they walked around the site.

#### **Safety reset demands**

25. On 25 July 2023, a worker fell from height at the Boggo Road site of the CRR Project. After the incident, the CRR Project worksites shut down for a period.
26. I think it was the following day that there was a large protest at the Boggo Road site with about 100 or so people outside the gate. The group was chanting my name and had signs with my face on it. This was very intimidating.
27. Mr Reilly was outside and wanted to present a list of demands for the workforce to restart work after the incident. He demanded entry onto the site, which I refused on the basis that he did not have any proper documentation. Despite this, Mr Reilly was eventually able to get inside the gate. Mr Reilly filmed himself walking up to me and handing me a list of demands. After receiving the list, I sent it to head office. I cannot now recall what each of the demands were.
28. I am aware that there was a "safety reset" for the CRR Project and as part of this, CPB agreed to one of the CFMEU's demands, being that CPB employ a number of workers for the purpose of those persons then acting as a health and safety representatives on the CRR Project.
29. Below I deal with matters relating to three of the workers CPB employed as a result of this demand, namely, Richard "Ritchie" Atutolu (**Mr Atutolu**), Sean Korostovetz (**Mr Korostovetz**) and Mark McKean (**Mr McKean**).

#### **Gabba Incident**

30. On or around 20 June 2023, I attended the Gabba site in response to a ROE request issued by two AWU officials. In my experience, the AWU tended to comply with all applicable requirements when they sought entry to site.
31. On this particular occasion, I was escorting the AWU officials around the Gabba site. Mr Atutolu had an office located behind the main office area. From that position, Mr Atutolu could see activity on site. There was also a walkway that provided access around the back of the crib rooms.
32. During the AWU visit, I could not see Mr Atutolu anywhere. This was unusual as he had a habit of making his presence known whenever an AWU official was present on site.
33. After the AWU officials met with their workers, I was walking the AWU officials from the crib room back towards the signoff kiosk. As I turned the corner, I saw approximately 30 men dressed in black standing near the Vulture Street entrance, close to the main turnstiles. I did not identify anyone in the group, other than Mr Atutolu. The group had CFMEU "Youth Crew" shirts on.
34. Mr Atutolu was positioned in front of them. The group was screaming and yelling words like "*You fucken dog*". I was concerned for their safety and I immediately said to the two AWU officials, "*Guys, you're not going out there. We're going out a different way.*"
35. I then called Mark Weiss, Superintendent and said words to the effect that: "*Mate, we've got a problem. Can you get on the cameras and see where the CFMEU guys are, because we need to get the AWU off site, and they're not safe if we have to keep them onsite.*" I understand that Mr Weiss accessed the CCTV cameras shortly after that call.
36. At around the same time, I also contacted Mr Prior to give him an update. Mr Prior told me that if there was a safe way to get the AWU officials off site we should do so, or if not, that we would have to keep them onsite.
37. There was another gate near the main dropoff point close to the Gabba. That gate was mainly used for trucks and not for general pedestrian access. After checking the cameras, we could see no one in that area. Mr Weiss gave permission for the AWU officials to use that gate to exit.
38. I said to the AWU officials, "*All right, there's no one here.*" They responded, "*no problem*" and began walking towards the gate. A large group of people suddenly came around the corner. I said, "*Come back in guys*" and they said "*No, no, no, we're going*" and continued walking out. I remained behind the gate and did not follow them.
39. From where I was standing inside the gates, I saw the AWU officials being mobbed, shoved, shouldered and pushed by the group. The group was yelling at them.

#### **Other matters relating to Mr Atutolu**

40. About 75% of the time I encountered Mr Atutolu on site, even in passing and without any cause, he would give me the finger and tell me to "*Fuck off*". I formed the view that he did this just because I was in IR for the CRR Project.
41. While I cannot recall exactly when, during my time with CPB, I happened to be getting a haircut at a barber near the Coles at Woolloongabba. Mr Atutolu was also in the barber at the same time. He did not see me. He was speaking to the barber and I could overhear what he was saying. He said words to the effect that he was the head of the CFMEU's "Youth Crew".

#### **Mr Korostovetz**


42. Mr Korostovetz first started working on the CRR Project when he was employed by CPB following the safety reset.
43. On around 4 October 2024, some allegations were made against Mr Korostovetz about his conduct during his employment. On 9 October 2024, a letter was sent to Mr Korostovetz, informing him about the allegations and notifying him that his employment had been suspended.
44. The letter to Mr Korostovetz dated 9 October 2024 is at **Annexure MO-1, pages 2 to 4** of the Bundle.
45. The letter to Mr Korostovetz also informed him that I was the point of contact for the investigation.
46. I conducted the investigation into the allegations against Mr Korostovetz.
47. On 15 November 2024, I prepared an investigation report into the allegations.
48. A copy of the investigation report dated 15 November 2024 is at **Annexure MO-2, pages 5 to 12** of the Bundle.
49. I recommended that a show cause letter be sent to Mr Korostovetz.
50. On 18 November 2024, a show cause letter was issued to Mr Korostovetz.
51. The show cause letter dated 18 November 2024 is at **Annexure MO-3, pages 13 to 15** of the Bundle.
52. On 20 November 2024, we received a reply to the show cause letter from the CFMEU on behalf of Mr Korostovetz.
53. The reply dated 20 November 2024 is at **Annexure MO-4, pages 16 to 25** of the Bundle.
54. On 28 November 2024, we sent further correspondence to Mr Korostovetz in relation to his potential termination.
55. A copy of our letter dated 28 November 2024 is at **Annexure MO-5, page 26** of the Bundle.
56. Also on 28 November 2024, Ms Watson sent an email to Vince Sanfilippo (**Mr Sanfilippo**), in which she provided him with the relevant documentation as set out above and asked for his decision about Mr Korostovetz's employment.
57. On 3 December 2024, Mr Sanfilippo replied to Ms Watson's email and said that his decision was to terminate Mr Korostovetz's employment.
58. A copy of the email exchange is at **Annexure MO-6, pages 27 to 28** of the Bundle.
59. On 6 December 2024, Mr Korostovetz's employment was terminated in writing, effective immediately.
60. The letter of termination dated 6 December 2024 is at **Annexure MO-7, pages 29 to 30** of the Bundle.

**Mr McKean**

61. In June 2025, I was asked to assist with an investigation into Mr McKean, which was being run by Lucy Harling (**Ms Harling**) from the HR team. As part of this, I interviewed Mr McKean to obtain his version of events in relation to the allegations. I sent Ms Harling an email setting out what was discussed in the interview. Ms Harling then asked me to provide some comments that would assist her in putting together a credibility statement for Mr McKean. I provided those comments too.
62. A copy of the relevant email exchange is at **Annexure MO-8, pages 31 to 34** of the Bundle.
63. I also conducted an interview with two other witnesses to the events that were the subject of the allegations.
64. I have been shown a copy of an investigation report that was prepared in relation to the allegations, and which recommended that Mr McKean receive a warning. Whilst I assisted with the investigation, I was not involved in preparing the report.
65. A copy of the report is at **Annexure MO-9, pages 35 to 46** of the Bundle.

  
Signature of Deponent

  
Place \_\_\_\_\_ Date 23 14 2026

  
Before me (signature of witness)

TALI ROEBULK  
Full name of witness (please print)

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