



**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 - CAIRNS

**FRIDAY, 15 MAY 2026
AT 9.45 AM**

DAY 28

APPEARANCES

**Mr S. Wood AM KC, Commissioner
Ms M. Stone with Ms G. Feeley, Counsel Assisting
Mr D. de Jersey KC with Ms M. Brooks, Counsel for the State of Queensland
Mr C. O'Grady with Ms F. Fox and Ms A. Hughes, Counsel for the CFMEU
Administration
Mr Rhys Carmady, Witness
Mr Ryan Creighton, Witness
Mr Jake Reid, Witness**

<THE HEARING RESUMED AT 9.44 AM

COMMISSIONER: I don't think there's any need to deal with appearances. They remain the same from yesterday.

5

MS STONE: Yes, Commissioner.

COMMISSIONER: Ms Stone, where are we in relation to your tender?

10 **MS STONE:** Commissioner, I've just been informed by Mr O'Grady that there is no difficulty with me tendering that. So unless he's proposing to jump up and say something about that, I would seek to tender the opening bundle.

15 **COMMISSIONER:** Very well. Is there any objection? Okay. What do you want me to mark this as?

MS STONE: I assume it would become exhibit MS-1, and it should be called the best practice industry conditions case study tender bundle 1.

20 **COMMISSIONER:** 218-page tender bundle 1 in the best practice industry conditions, BPIC, case study will be MS-1.

<EXHIBIT MS-1 218-PAGE TENDER BUNDLE 1 IN BEST PRACTICE INDUSTRY CONDITIONS (BPIC) CASE STUDY

25

COMMISSIONER: Did you find out the answer to the question I asked about the CFMEU Queensland/Northern Territory 34th Delegates' Convention 2020, whether that was, if you like, a meeting of a conference of persons who are elected to participate in it, to govern either the branch of the division of the federal union or the state union, or whether it is a meeting of persons who are shop stewards?

30

MS STONE: Commissioner, my understanding is that it is not only confined to a meeting of individuals who were shop stewards/delegates of the CFMEU; it is a broader attendee list than that.

35

COMMISSIONER: But what's the purpose of this get-together? Do you know the answer to that?

40 **MS STONE:** Commissioner, I - well, the apparent purpose of the convention seems to be as an opportunity for those affiliated or have some capacity or role within the CFMEU to come together, supposedly - or apparently once a year, to move resolutions which have some form of direction or influence with respect to the rest of the union and its activities throughout the state. Beyond that, I'm not sure I can assist you further.

45

COMMISSIONER: Do you know what the document is, Mr O'Grady?

MR O'GRADY: I don't, I'm sorry, Commissioner.

COMMISSIONER: I had a look at the rules, but the rules go as far as the conference for the division - that is, when I looked at the rules, the rules of the federal union, not the rules of the state union, and at least insofar as the division is concerned, there seems to be a conference that's held - I might not be reading the rules correctly - every four years, which is a body which, in effect, is the supreme governing body of the division. But this looks like it's one level below, that is, it's some meeting of the branch, either a meeting of the branch of the division of the federal union or a meeting of - it doesn't look like it's a meeting of the state union, does it, because it's Queensland/Northern Territory.

So it looks like it's a branch of the division of the federal union, but I couldn't see anything in the rules which described how the branch - the ultimate governing body of the branch was to be set out, but perhaps this is how it works. There's a meeting every year, every two years, every four years. People are somehow elected and motions are passed, and presumably those motions are binding. But at some point it would be useful to tender into evidence all the relevant rules of the two entities at the relevant times, and that might help answer these sort of questions.

MS STONE: Yes, Commissioner. I'll take that on notice.

COMMISSIONER: It might be something you can raise with Mr Gisonda.

MS STONE: I will do that, thank you, Commissioner. With respect to my opening, there was also one other matter I wished to correct, and you asked me a few questions about the Joe McDonald Award or the no ticket, no start award that was awarded to Mr Jones in 2022, and I gave a bit of a confused explanation as to who Mr McDonald was. I just wanted to clarify that. Mr McDonald was the CFMEU WA Construction Division assistant secretary before being elected as the CFMEU construction and general national president in 2013. And you might recall, Commissioner, that - apologies, Commissioner. I'm not sure this came out in Mr Hadgkiss' evidence, but Mr Hadgkiss, who we have heard evidence from, has been quoted publicly as explaining that Mr McDonald holds the record as having the highest total penalties awarded against him or against any individual in matters prosecuted by the ABCC and its predecessor agencies, and between 2004 and 2015, Ms Feely and I have been able to identify at least nine instances where penalty orders were made against Mr McDonald.

COMMISSIONER: So he was the - originally the assistant secretary of the WA branch of the Construction and General Division of the federal registered union. Perhaps he held some position in any state union that was registered in Western Australia, and thereafter he became the president of the Construction and General Division?

MS STONE: Yes, Commissioner. And he was the secretary of the CMEU WA, which I understand to be the state division.

COMMISSIONER: He was the secretary of the state union too, but only the assistant secretary of the WA branch of the Construction and General Division of the federally registered union?

5

MS STONE: Yes.

COMMISSIONER: I see. Thank you.

10 **MS STONE:** Commissioner, unless there was anything -

COMMISSIONER: It might not be right to call him the president of the division. It might be more accurate to say he was president of the National Executive of the division. I will have to look at the rules to work out which nomenclature is correct.

15

MS STONE: Yes. Commissioner, if there was nothing else I could assist you with or no other matters anyone else wishes to raise, then I shall call my first witness, Mr Rhys Carmady. Mr Carmady is in the back of the room.

20 **COMMISSIONER:** Mr Carmady, would you come forward to the witness area.

<RHYS WILLIAM DARCY CARMADY, AFFIRMED

<EXAMINATION BY MS STONE

25

COMMISSIONER: Please take a seat, Mr Carmady. Ms Stone will ask you some questions.

30 **MS STONE:** Mr Carmady, would you please state your full name for the Commission?

MR CARMADY: Rhys William Darcy Carmady.

35 **MS STONE:** And you are one of the directors of Status Signs Pty Ltd?

MR CARMADY: Yes, that's correct.

MS STONE: And did you make a written statement to this Commission?

40 **MR CARMADY:** Yes, I have.

MS STONE: And is that statement dated 8 May 2026?

MR CARMADY: Yes, that's correct.

45

MS STONE: And it has 64 paragraphs?

MR CARMADY: Yes, that's correct.

MS STONE: Four annexures?

5 **MR CARMADY:** Yes.

MS STONE: And have you read your statement recently?

10 **MR CARMADY:** Yes, I have.

MS STONE: Are there any errors or corrections you wish to make to that statement?

MR CARMADY: No.

15 **MS STONE:** In that case, is your statement true and correct to the best of your knowledge and belief?

MR CARMADY: Yes, it is.

20 **MS STONE:** Thank you, Mr Carmady. Commissioner, I'll tender Mr Carmady's statement.

COMMISSIONER: Are there any objections?

25 **MR O'GRADY:** No.

COMMISSIONER: Witness statement of Rhys William Darcy Carmady, dated 8 May 2026, 10 pages, 64 paragraphs, with four annexures, will be RWDC-1.

30 **<EXHIBIT RWDC-1 WITNESS STATEMENT OF RHYS WILLIAM DARCY CARMADY DATED 8/5/2026, 10 PAGES, 64 PARAGRAPHS, WITH FOUR ANNEXURES**

35 **MS STONE:** Thank you, Commissioner. Mr Carmady, can you tell me when Status Signs was started as a business?

MR CARMADY: Yeah, it was a family company that my parents had started back in 1997.

40 **MS STONE:** And when did you become involved in the business?

MR CARMADY: Shortly after that, towards the end of 1997.

45 **MS STONE:** And did you at some point take over the directorship and control of that company?

MR CARMADY: Yes, that's correct. I became the director and bought the business in 2010.

5 **MS STONE:** And is it fair to say that Status Signs has been a family business?

MR CARMADY: Yes, it has. Yep, yep.

10 **MS STONE:** And I understand Status Signs supports a number of local sporting teams. Can you tell me about those?

MR CARMADY: Yeah, we're ingrained in the local community there: sponsors of the Cairns Taipans, Northern Pride, a lot of schools and other sporting clubs. Yeah.

15 **MS STONE:** And what kind of business does Status Signs do?

MR CARMADY: Yep. We're a signage manufacturing and installation company based here in Cairns, employing approximately 22 staff. We carry out a variety of different works on government projects, hospitals, airports, medical facilities, schools and other retail-type projects.

20 **MS STONE:** And what kind of geographic area does Status Signs service?

25 **MR CARMADY:** Pretty much from Central Queensland north, so around the Rockhampton/Mackay areas, out west and all the way through to the top of the communities.

MS STONE: So effectively anything above South East Queensland, north?

30 **MR CARMADY:** Yeah. That's correct, yep.

COMMISSIONER: You say you're a manufacturer as well as an installer?

MR CARMADY: Yes, that's correct, Commissioner.

35 **COMMISSIONER:** And where's the manufacturing plant?

MR CARMADY: Here at our factory here in Cairns.

40 **COMMISSIONER:** And how many people do you employ there?

MR CARMADY: 22.

45 **COMMISSIONER:** Is it hard to manufacture here? Are you subject to import competition in terms of the signs that you make?

MR CARMADY: It's sort of a necessity for us, being north of Brisbane. We have to sort of have all these facilities. We're high on technology and equipment and staff,

so, yeah, we've got a variety of team members from graphic designers to wide-format print operators, boiler makers, sign installers, CNC operators and installers, yeah.

5 **COMMISSIONER:** Sorry, what's a CNC operator?

MR CARMADY: They operate CNC laser cutters, CNC routing machines.

10 **COMMISSIONER:** So these are high-tech signs that you say you manufacture and install?

MR CARMADY: Yes, that's correct. So a lot of our work will cover internal directional signage for hotels, schools, as well as high-level identification, wayfinding signs on buildings, hotels, airports and things like that.

15 **MS STONE:** Perhaps this might assist, Commissioner. If I could ask Mr Operator to please bring up page 13 of the annexures to Mr Carmady's statement.

20 **COMMISSIONER:** The map at 12 shows the area. It's a very large area that you service. All the way from Rockhampton or Gladstone to Thursday Island.

MR CARMADY: Yes, that's correct.

COMMISSIONER: Sorry, Ms Stone.

25 **MS STONE:** Mr Carmady, is this a screenshot of the products that Status Signs manufactures and provides?

MR CARMADY: Yes, that's - I think a screenshot through our website there, yes.

30 **MS STONE:** And, Mr Operator, if we could go to the second page. So you seem to offer quite a variety of different signs that you manufacture all of them in Cairns?

MR CARMADY: Yes, everything's manufactured here in-house.

35 **MS STONE:** Okay. Mr Operator, if we could go back a page. These illuminated signs that you can see in the middle of this page, are they something that you manufacture with the electricals as well?

40 **MR CARMADY:** Yes, that's correct. Along with having a QBCC builder's licence there for our industry, we also have an electrical contractor's licence as well to carry out this sort of work, yep.

MS STONE: And so what kind of trades or qualifications do your employees hold to be able to do these sort of works?

45 **MR CARMADY:** Yeah, so we have a combination. We employ apprentices that go through their trade to become a qualified sign manufacturer/installer, but we also

have people outside our trade, including sort of boiler maker, sheet metal workers, automotive spray painters, graphic designers as well. Yeah.

5 **MS STONE:** And those apprentices, do they go through an apprenticeship program, a formal qualification?

10 **MR CARMADY:** Yes, they do, carried out over four years. The training provider we have comes to Cairns to our factory and carries out the training with our equipment, which suits our business.

COMMISSIONER: Just say that again. I just missed that, sorry.

15 **MR CARMADY:** Yeah, with our apprentices we have a training provider that comes to our factory to carry out their training modules, and the apprenticeship is carried out over four years.

MS STONE: And what certification do the apprentices receive at the end of that period?

20 **MR CARMADY:** Yep, cert III in Sign Manufacturing/Installation.

MS STONE: And how many apprentices did you say that you have?

25 **MR CARMADY:** We currently have four.

MS STONE: And is that what you would regularly have in your business?

30 **MR CARMADY:** We try to have between two and four, obviously with the aim that once they become qualified they remain within the business and continue to grow within the company.

MS STONE: And when did you start offering this apprenticeship program through your business?

35 **MR CARMADY:** Approximately 2006/2007 we started employing our first apprentices.

COMMISSIONER: Quite impressive products, by the look of them.

40 **MR CARMADY:** Thank you, Commissioner.

COMMISSIONER: Do you have many competitors?

45 **MR CARMADY:** Yeah, there's certainly other signage companies here in Cairns. We would be sort of the largest north of Brisbane there, and unique with the equipment we have in-house to produce all the work we do.

COMMISSIONER: The largest north of Brisbane?

MR CARMADY: Yes.

5 **COMMISSIONER:** And what's the unique nature of the equipment that you've got?

MR CARMADY: Our wide-format printing machines, a state-of-the-art spray booth, large CNC routing machines, fibre laser machines that sort of aren't a common thing for signage companies.

10

COMMISSIONER: What are they called, sorry?

MR CARMADY: Fibre laser cutting machine. So that cuts large aluminium and steel plate for a lot of our sort of structural signs that we carry out, as well as decorative screens. And then our company also specialises in LED digital screens for building precincts, sporting events and thing things like that with the NBL and Rugby League.

15

MS STONE: Now, obviously, Mr Carmady, the sorts of projects that we put on our advertising tend to be the bigger projects.

20

MR CARMADY: Yep.

MS STONE: But can you tell me a little bit about the range of projects that your company works on and the size of the work you might do?

25

MR CARMADY: As in signage size or dollar values or -

MS STONE: Do you work on mainly large government projects?

30

MR CARMADY: Yeah, predominantly. A lot of the large sort of projects here over the last 15, 20 years, Status Signs has been very successful in, where that's been sort of through universities, hospitals, a lot of the hotels that have been built here and upgraded in the last sort of 10, 15 years we've been involved in. And that's sort of resulted in our company winning 24 national awards over the last 20 years as well.

35

COMMISSIONER: What were those awards for?

MR CARMADY: A variety of projects, Commissioner. Some for hotels, private business enterprises, some for councils, other government projects, yeah. Sort of quite a variety of, yep.

40

COMMISSIONER: There's so many of them you can't remember?

45 **MR CARMADY:** Yes, unfortunately.

MS STONE: In the course of doing those projects, have you worked with many tier 1 builders in North Queensland?

5 **MR CARMADY:** Yes, quite a few.

MS STONE: And what has your experience with them been like generally?

10 **MR CARMADY:** Yeah, mostly good. Yeah, look, signage is normally one of the last sort of trades to be awarded or come in, so there's always tight timeframes and pressures, but we're used to that and we've got a proud history on delivering those projects, which I suppose why we're sought after in that regard.

MS STONE: And did you work on many of those projects prior to 2020?

15 **MR CARMADY:** Yes. Yeah.

MS STONE: On those projects, were you aware of any significant union influence, either from the CFMEU or other unions?

20 **MR CARMADY:** Not too often, not besides what you would potentially hear from other trades or maybe in the newspapers and things like that. With our trade, once again, we sort of some in at the end of most projects, and probably about 90 per cent of our work's carried out in our factory and about 10 per cent is sort of on site fitting off and installing the signage.

25 **COMMISSIONER:** I didn't think that would be covered, and maybe it's not a question I should ask you, Mr Carmady, but I wouldn't have thought as a manufacturing company the installation of manufactured products at the end of a building site would be covered by the CFMEU rules. Mr O'Grady will probably tell me I'm wrong about that, that there is some coverage of the CFMEU of this sort of work.

30 **MR O'GRADY:** It's not a matter I've looked into, Commissioner, but I'll find out the answer and tell you in due course.

35 **MS STONE:** Well, that does feed into my next question, Commissioner. Mr Carmady, does Status Signs have an enterprise agreement with the CFMEU or any other union?

40 **MR CARMADY:** No, we don't.

MS STONE: You have ever had an enterprise agreement with the CFMEU or any other union?

45 **MR CARMADY:** No, we haven't.

MS STONE: Okay. And tell me a little bit about your role within Status Signs and what it is that you do day to day.

5 **MR CARMADY:** My role is general manager within the company. I oversee our sales team and our sales manager, our administration and general finances of the business.

MS STONE: And has your role changed in the last couple of years?

10 **MR CARMADY:** Yeah. In 2023 I had a business partner, Luke Bishop, join the company. He was - and his role predominantly is in operations, so he's been able to sort of relieve me of some of those duties.

COMMISSIONER: When was that, did you say?

15

MR CARMADY: 2023.

MS STONE: And so, Mr Carmady, what percentage of time would you yourself be on work sites in your capacity in the business?

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MR CARMADY: Very little. Normally it would be at the start of a project. Once we are either tendering on a project or once we've been awarded the project, I might go down with my production manager or foreman, as well as our sort of sales manager. We might do introductions down there in the tendering process or once we've won it. After that, generally, our production team will take care of the projects, and we might come in there from often, but not - my role isn't to carry out any works on site.

25

MS STONE: And I think you said a little bit earlier that only about 10 per cent of your work is the on site - and by your work I mean Status Signs' work - is the on site installation.

30

MR CARMADY: Yeah, that's right. The fitting off or installation of the signage. Yeah, that's correct.

35 **MS STONE:** So a very limited window in which you would have employees on the site.

MR CARMADY: Yep, that's correct, yep.

40 **MS STONE:** We'll come back to that topic broadly in a moment, but in your statement, Mr Carmady, you do speak about one early interaction that you had with representatives of the CFMEU. Can you tell me or explain to the Commission what that early experience was?

45 **MR CARMADY:** Yeah. It was in 2010, shortly after I'd purchased the business. We had two employees who were hired by my parents when they owned the business.

They had joined the CFMEU to query - they felt they'd been underpaid on a matter there. We -

5 **COMMISSIONER:** Are they people who'd worked in the manufacturing side of the business or were they installers?

MR CARMADY: They were both, yep. A lot of our teams sort of share roles. They might work in manufacturing and installation, yep.

10 **COMMISSIONER:** Sorry, you go on.

MR CARMADY: Sorry, yep. They then requested for a meeting to bring in two delegates, which I agreed to. I hadn't experienced this before. I'd been general manager of the business for quite a few years, but I sort of hadn't had any
15 interactions with unions there before. I agreed to the meeting. Throughout the course of the meeting they -

COMMISSIONER: Where was the meeting? On site or in your manufacturing site?

20 **MR CARMADY:** Yeah, it was at our office, at our premises. Yep.

MS STONE: And what happened during - apologies, Commissioner. Was there something further you wanted to ask?

25 **COMMISSIONER:** No, no. Thank you.

MS STONE: What happened during that meeting?

MR CARMADY: The delegates there sort of came in quite aggressive there, sort of
30 demanding what they wanted to get achieved there for the two employees. We'd informed them that we'd had legal advice and the matter wasn't - wasn't an issue or we weren't sort of liable for anything there. They made it clear that they wanted to get a union majority within our business, and I think the words were they wanted to then take control off us so the employees could dictate terms on what the
35 employment agreements were. Obviously not having gone through this before and being new to the business, it was a bit distressing, and they - I basically sort of said, "Well, look, we're looking at going to Fair Work if that's the case." One of them made a comment that they own Fair Work and that we wouldn't win that. And then I'd made a comment that financially what you're asking for would cause the business
40 issues, which they replied, "We don't give a fuck if your business goes broke. We're going to get what we want."

MS STONE: And you said that the CFMEU officials were quite aggressive. Other than those comments, was there something else that made you feel that they were
45 aggressive?

MR CARMADY: Yeah. Just their tone, like, instead of talking like we are now, it was just very loud, aggressive. They made it known that other employees within the business could overhear the conversation, which wasn't necessary.

5 **MS STONE:** How do you know that other employees could overhear the conversation?

MR CARMADY: After the meeting, a few employees came up. They were a bit upset and concerned about it. They didn't have the same, I suppose, issue or
10 grievance that the other employees had, that the two other employees did, and sort of just I suppose said they had my back, which was nice, yeah.

MS STONE: Do you recall the names of these individuals from the CFMEU?

15 **MR CARMADY:** No. I tried looking through records. We didn't get any email from them. I just liaised with our employees and sort of just said, yep, fine, let's bring them in. So, sorry, I don't have names or any records of that.

MS STONE: Do you remember what they looked like?
20

MR CARMADY: So long ago, I don't really have any recollection of what they looked like. They were sort of big sort of burly guys. I don't recall them having uniforms on. They might've had hi-vis sort of shirts on.

25 **COMMISSIONER:** Did you say that they said "we owned Fair Work"?

MR CARMADY: Yes, that's correct. Or, sorry, "we own" I think might've been -

COMMISSIONER: "We own".
30

MR CARMADY: Yeah, yeah.

MS STONE: And how did that interaction in that meeting make you feel?

35 **MR CARMADY:** Yeah, it was - as I said before, pretty distressing. I sort of walked out of that, as I said, new to the business, but it did make me want to feel like, you know, giving up to some extent. But, you know, I had financial commitments which I had to make, and I knew we had a great team there; we just had to move on from it.

40 **MS STONE:** And was that dispute ultimately resolved with your employees?

MR CARMADY: I made a settlement for the two employees and the remaining staff who didn't want a part of it, but I just did that as a thing to sort of make the issue go away. In the background, Fair Work reviewed it, and I think a couple of
45 weeks after we made that settlement and ruled in our favour, unfortunately, but yeah.

COMMISSIONER: Do I understand that you had some legal advice - this is at paragraph 18 of your statement - that you were paying your employees correctly?

MR CARMADY: Yes.

5

COMMISSIONER: But after you had this visit from the two CFMEU officials -

MR CARMADY: Yep.

10 **COMMISSIONER:** - you decided to give in to their demand?

MR CARMADY: Yes, that's correct, Commissioner.

COMMISSIONER: And why did you do that?

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MR CARMADY: Legal advice at the time sort of suggested that you could try to have this drag out for months on end or just make a financial settlement so you can get back to running your business, which I chose to do.

20 **COMMISSIONER:** And are we talking a lot of money here?

MR CARMADY: Yeah, it would've been in the vicinity of potentially 40, 50 thousand dollars.

25 **COMMISSIONER:** For two employees?

MR CARMADY: Well, we carried out this across the rest of the team.

COMMISSIONER: Oh, I see.

30

MR CARMADY: Yeah.

COMMISSIONER: So you gave whatever the CFMEU were demanding in relation to two employees to all 22 or however many you had at that time?

35

MR CARMADY: Yeah. Not that they were advocating for the other employees but they - they had made it clear they wanted all the employees to sign up to an EBA which they wanted to dictate terms on.

40 **MS STONE:** And was that a significant amount of money for your business at the time?

MR CARMADY: Yeah, absolutely, especially being new to owning the company, only a couple of months in, yeah.

45

MS STONE: And how big was Status Signs in 2010? Was it roughly the same size as it is now or smaller?

MR CARMADY: It probably would've probably been approximately 16 to 18 staff at the time, yep.

5 **MS STONE:** Okay. So a smaller business?

MR CARMADY: Slightly smaller, yep.

10 **MS STONE:** Marginally? What about in terms of your revenue and success in business at that stage? Is that something you've been able to grow over the past 16 years?

MR CARMADY: Yeah, absolutely, yeah.

15 **MS STONE:** Okay. Now, that wasn't related to any particular project, that incident?

MR CARMADY: No, it wasn't, no.

20 **MS STONE:** Okay. Are you aware of the project in Cairns known as the Cairns Convention Centre Expansion and Refurbishment Project?

MR CARMADY: Yes, I am.

25 **MS STONE:** Is that a project that Status Signs tendered for and was awarded work on?

MR CARMADY: Yes, that's correct.

30 **MS STONE:** And can you tell me a little bit about when you tendered for that project and what it was you were tendering for?

35 **MR CARMADY:** Yeah, so I believe it was around 2019, we were tendering on the project there for the expansion and the refurbishment which involved internal/external signage.

MS STONE: And you were awarded that work?

MR CARMADY: Yes, we were.

40 **MS STONE:** And when were you awarded that work?

MR CARMADY: Approximately 2020 we sort of were awarded and commenced works there, yeah.

45 **MS STONE:** Do you know when in 2020? I think you say in your statement you tendered in July 2020. How long after that were you awarded the work?

MR CARMADY: Yeah, I think it was within the next sort of six to 12 months we were sort of awarded and started the work there.

5 **MS STONE:** Okay. Do you recall the first time that you would have gone on to the Cairns Convention Centre work site?

10 **MR CARMADY:** Yes. Once we were awarded the project, I attended site just to meet some of the staff from Lendlease, and I attended that with Steve Rantall, our production manager at the time.

MS STONE: And do you recall when that attendance was?

15 **MR CARMADY:** I possibly have a date there. I don't know if I had that written in my statement, sorry.

MS STONE: You don't, Mr Carmady, that's why I'm asking you. Do you think it might've been a few weeks, a few months after being awarded the work?

20 **MR CARMADY:** Yeah, it wouldn't have been too long, because we knew we had to sort of get up and running with the project, so it might've been two to three weeks after being awarded the project there.

MS STONE: Okay.

25 **COMMISSIONER:** Is that common that you're the last part of the - I won't call it a build - the finalisation of the project, yet you sign on very early on in the piece?

30 **MR CARMADY:** It is, because a lot of the times, when signage is fitted internally or externally, they generally want to have us come in last once the carpets are all laid, floors are finished, walls are painted and things like that. So yeah, we're typically one of the last trades to come in.

35 **COMMISSIONER:** But even if you're one of the last, you still contract at the very beginning?

MR CARMADY: Sometimes, yeah. Sometimes we can be contracted on various projects right at the very end as well, so yeah.

40 **COMMISSIONER:** But this one was at the beginning?

MR CARMADY: Yeah, somewhat at the beginning, yeah.

45 **COMMISSIONER:** I thought it started in December 2019, you said, I think, yesterday, Ms Stone.

MS STONE: Yes, early works started in December 2019, and then the next stage progressed from May 2020, so around July 2020.

COMMISSIONER: So six months in.

5 **MS STONE:** Yes. And, Mr Carmady, I assume you had to manufacture some of the signs that you would be installing on the Convention Centre?

MR CARMADY: Yes, that's correct.

10 **MS STONE:** And I assume that takes a little bit of planning and time?

MR CARMADY: Yeah, it's something that we coordinate and schedule in with the timing with the project managers on site.

15 **MS STONE:** And do you recall the names of your main contacts from Lendlease who you dealt with on the site?

MR CARMADY: Yeah. There was Jason Mulcahy, Dan Brady, AJ Nona, I think Rob Pockley.

20 **MS STONE:** Was there a Jacob Hillier on side?

MR CARMADY: Yeah, Jacob came in more towards the end of the project.

25 **MS STONE:** So that's individuals that you've just named, were they on the site at different times, were they?

MR CARMADY: Yeah. Generally - Jacob, I think as I said, came towards the end there, but the majority of the other names mentioned would've been probably there from the start, yeah.

30 **MS STONE:** And you say in your statement that to your knowledge Status Signs was one of the few locally owned companies that was engaged on that project. What knowledge do you have about the types of companies that were engaged to work on the Cairns convention centre?

35 **MR CARMADY:** I don't know too much the specifics of the companies that were awarded other projects, probably once again what we would've heard from other contractors on site or in the news. But, yeah, it seemed there was a lot of contractors awarded from either South East Queensland, Victoria/New South Wales. From a
40 business point of view, probably, you know, didn't make sense, especially during that COVID period of time, to have contractors coming so far away, but obviously I'm not sure on how that all eventuated.

45 **COMMISSIONER:** Is there some inability of a town like Cairns to provide plumbers, plasterers and electricians?

MR CARMADY: No, I don't believe so. There's definitely a lot of contractors here in the region that would be able to carry out that work. I'm not sure why there wasn't more local involvement, but, yeah, we definitely would've been one of the few local contractors here.

5

COMMISSIONER: Were you told anything about why the locals were not being preferred and people from Brisbane, New South Wales and Victoria were?

MR CARMADY: Nothing official. You heard stories from some people saying that unless they were CFMEU affiliated, they wouldn't win projects. I heard some contractors didn't want a part of it with the - the new BPIC guidelines and things like that as well, so -

COMMISSIONER: Some local contractors?

15

MR CARMADY: Yeah, that didn't want to sort of join or be part of that new program.

COMMISSIONER: Why is that?

20

MR CARMADY: Once again, not knowing their situation, but they obviously didn't feel comfortable, maybe, with the conditions or the terms on those agreements. I'm not sure.

MS STONE: And what do you know about the terms and conditions or rates of pay on the Cairns Convention Centre?

MR CARMADY: Yeah, look, I think our staff had a lot of stories down on site there from what some trades people were earning, some in the vicinity of \$200,000 and things like that.

30

MS STONE: \$200,000 for what?

MR CARMADY: Look, I'm not exactly sure. Once again, just our staff would come back hearing that a certain trade, whether it be - might be a carpenter or an electrician or plumber or something might've been on these wages. But, yeah, I'm not sure how true all that was, yeah.

35

MS STONE: Would \$200,000 be commensurate with something that you might pay one of your employees?

40

MR CARMADY: No, certainly not in our industry, no.

MS STONE: Not in your industry?

45

MR CARMADY: Yep.

MS STONE: What do you mean by that?

MR CARMADY: In the signage industry, those sort of, yeah, wages or salaries wouldn't be viable.

5

MS STONE: But you had a number of employees that did have trades that could have gone off to work at the Cairns Convention Centre or in other projects to get those wages?

10 **MR CARMADY:** Possibly they could have, yeah.

MS STONE: Did that cause any tension in your business with respect to hearing rumours about what others might be getting?

15 **MR CARMADY:** Yeah, it probably did. I probably didn't hear a lot of it. Maybe some of the other staff were discussing amongst themselves, but yeah, there might've been a bit of frustration or disappointment hearing that was going on. I'm probably once again hearing through our staff that there would've been other employees that left local Cairns projects to join southern companies to work on the project as well.

20

MS STONE: Is that something that your business experienced?

MR CARMADY: No, we weren't affected by that, no.

25 **COMMISSIONER:** You said the rates -

MR CARMADY: Yep.

30 **COMMISSIONER:** I didn't hear what you said before "viable". You said - you might have just said they weren't viable. What did you mean by that?

MR CARMADY: Our company wouldn't be in a position to be paying tradespeople, you know, 150, 200 thousand dollars a year working on - in our industry, installing signage or manufacturing signage.

35

COMMISSIONER: And why not?

40 **MR CARMADY:** I suppose our industry as a standard doesn't generate that sort of leverage on the finished product, I suppose. It is a competitive industry, and yeah, it's probably not - our industry or trade, if you like, probably doesn't get into that vicinity where electricians or carpenters probably get at times.

MS STONE: And have you heard stories about these high wages occurring on other projects outside of Cairns?

45

MR CARMADY: Yeah, we did have a casual employee that worked just for a couple of weeks with us. He'd come up, I think, from the Queens Wharf project and

said that he'd been working I think for a carpentry company there, and he said a lot of employees down were there earning in excess of \$200,000.

5 **MS STONE:** Do you recall the name of that employee?

MR CARMADY: I can't remember his surname. Brad. I'd have to find those details, sorry.

10 **MS STONE:** And did he work for you for a long period of time?

MR CARMADY: Just - it was a couple of weeks. He relocated to Cairns.

MS STONE: Okay. He'd relocated to Cairns?

15 **MR CARMADY:** Yeah.

MS STONE: And when was this, sorry?

20 **MR CARMADY:** Approximately 2024, yep.

MS STONE: Do you know if he took up work on some of the other bigger projects around town?

25 **MR CARMADY:** I believe he did. I'm not sure exactly where he might have worked after that.

30 **MS STONE:** Okay. I took us a little bit off course from something that you raised a little bit earlier, and that was your experience the first time that you attended the Cairns Convention Centre yourself. Do you want to tell me a little bit about what happened on that first occasion?

35 **MR CARMADY:** Yes. So the first time we went down to meet the Lendlease team there, we were in the middle of the work site just doing a bit of a tour around, and as we were discussing a few matters, I was talking and I started getting interrupted by a man in a hi-vis sort of shirt on. Didn't have any logos or uniform, so I'd asked him to give me a few minutes while I finished my conversation. I could see he was sort of impatient and leaned over and sort of - didn't grab my shirt, but sort of the logo on my shirt as he's grabbed the shirt, sort of said, you know, "Fuckin' watch out, we can make trouble. I see how it's gonna be around here," sort of thing. I didn't know who
40 he was. As I said, he didn't have any name or anything on his shirt. It was made known to us later that it was Hayden Jones from the CFMEU.

MS STONE: Okay.

45 **COMMISSIONER:** You say he grabbed your shirt?

MR CARMADY: Yeah. As I said, not forcefully, but sort of more just to look at it, grabbed the logo on my shirt, yeah.

COMMISSIONER: And was this the first time you'd met him?

5

MR CARMADY: Yes, yeah. I hadn't - I hadn't met him before or since after that.

MS STONE: How was - who you've then came to know as Mr Jones, how was he interrupting you?

10

MR CARMADY: Well, he was just standing very close while I was talking to the Lendlease team there, and I said I'd be with him in a sec. As I said, I didn't know whether he was a contractor or someone who just wanted to talk to me. So I asked him to give me a sec while I finished my conversation, but obviously he didn't want to wait.

15

COMMISSIONER: This is the first time you've been on site?

MR CARMADY: Yes.

20

COMMISSIONER: And the first time you've met Mr Jones?

MR CARMADY: Yes, that's correct.

25

COMMISSIONER: Can you just pull up the photo, just see if you can identify - there's a photo of Mr Jones in the tender bundle.

MS STONE: Page 14 of the opening bundle.

30

COMMISSIONER: Page 14. Is that Mr Jones?

MR CARMADY: Yes.

35

COMMISSIONER: And was he wearing - what was he wearing when he came up to you and grabbed your shirt?

MR CARMADY: Yeah, I believe it was an orange, hi-vis sort of shirt. As I said, it didn't have any logos or names on it, so I wasn't aware of who he was or what business he was with.

40

MS STONE: And you said he was standing quite close to you. Was Mr Jones trying to get your attention or was he trying to speak to the other people that you were speaking to?

45

MR CARMADY: I believe he was trying to get my attention and Steve, my employee that was standing beside me, yes.

MS STONE: So was that another employee that you'd taken with you on site?

MR CARMADY: Yes, that's right.

5 **MS STONE:** Who was that employee?

MR CARMADY: Steve Rantall.

10 **MS STONE:** What was his role?

MR CARMADY: His role was production manager, so foreman on site there.

MS STONE: And who else was present when this interaction happened?

15 **MR CARMADY:** I believe it was Dan Brady and Jason Mulcahy that were there.

MS STONE: Just those two, or were there others?

20 **MR CARMADY:** There was a group of us, but I can't remember who was in that group at the time when this happened, yeah.

MS STONE: Okay. And when Mr Jones took your shirt and said to you - what did you say he said? Something like, "I see how this is going to be"?

25 **MR CARMADY:** Obviously I felt he thought I was ignoring him - which I wasn't; I was just trying to finish that conversation - and sort of made the comments of, you know, watch out and we can make life harder or something was the comment.

30 **MS STONE:** And how did the employees from Lendlease react to this?

MR CARMADY: I can't exactly remember if they all witnessed it or saw it, but there wasn't a lot of comment. We then sort of, I think, asked, "Who was that?" And they just sort of said, "Look, don't worry about him," you know, was probably the comment.

35 **COMMISSIONER:** Sorry, say that again. They said what?

40 **MR CARMADY:** I believe they might have made a comment of, "Look, don't worry about him." They might have told him his name and that he's with the CFMEU and don't worry with him might've been the comment.

MS STONE: How close together were you all standing?

45 **MR CARMADY:** Look, maybe in a three-metre sort of semicircle approximately. Yeah, we were sort of in the middle of quite a lot of trades and that as we were walking through the centre.

MS STONE: Okay. But it seems that if you're standing that close to a group of people and having a conversation and someone interrupts and you grabs your shirt, that would be seen by the others in the conversation?

5 **MR CARMADY:** I assume so, but I probably didn't want to make a big deal about it. Being new to site, we just want to get on the job and avoid any issues.

MS STONE: So you were concerned about raising complaints with Lendlease?

10 **MR CARMADY:** Probably at that point, because yeah, we'd just been awarded the project. You know, I suppose after that we were then concerned how - how it was going to unfold after that, but, yeah, I didn't make any - any other issues to Lendlease about it.

15 **MS STONE:** Yep. Okay. How did the interaction make you feel about what would happen on site?

MR CARMADY: Yeah, I suppose concerned. After that, I sort of - we had a discussion about it, whether we were going to have issues ongoing, and - yeah, but we just sort of had to wait to see what would happen, I suppose.

20 **MS STONE:** Okay. And what do you think that Mr Jones was trying to communicate to you when he said, you know, watch out, we can make life difficult?

25 **MR CARMADY:** I assume that might've been his way of asking us to either get the guys to join the union, I'm not sure. If we didn't, that, yeah, there would be problems on site potentially.

30 **MS STONE:** And that caused you enough concern to then talk about it with others in your business afterwards and what you might do?

MR CARMADY: Yes, that's correct.

35 **MS STONE:** What happened after that interaction?

MR CARMADY: As I said, by the time I'd sort of turned around and talked to him, he'd gone, so I think I did try to before we left to go see him just to give him the courtesy to ask what the issue was or talk to him. I didn't find him, and yeah, I think after that we didn't sort of have any interactions that day, yeah.

40 **MS STONE:** The next series of incidents I want to speak to you about seem to come a little bit later.

45 **MR CARMADY:** Yep.

MS STONE: And they involve a spider lift boom. Do you know what I mean when I say a spider lift boom?

MR CARMADY: Yes, I do.

MS STONE: Is that something that you would call a cherry picker?

5

MR CARMADY: Yeah, or an elevated work platform.

MS STONE: Okay. Can you tell me a little bit about how you came to do the window frosting on the work? Was there a variation to your contract?

10

MR CARMADY: Yeah. As the refurbishment and expansion was taking place, there was a big set of windows that used to be at the front facade there of the Convention Centre, so they wanted the windows covered so that the Convention Centre couldn't see the new works going on inside. So we were contracted as a variation to come in and install privacy film on that.

15

MS STONE: So you were coming in a little bit earlier to do work than you might otherwise might have done in your other kinds of projects.

MR CARMADY: Potentially, yeah.

20

MS STONE: Okay. And when were these works scheduled to be?

MR CARMADY: As in times of the day, you mean?

25

MS STONE: No, sorry, dates. What period of time are we talking about?

MR CARMADY: Oh, yeah. Yeah, it was in April 2021.

MS STONE: Okay. And you said that it involved putting some window film on the windows?

30

MR CARMADY: Yep.

MS STONE: How big a job was that for you? What did it involve?

35

MR CARMADY: Yeah, very straightforward job. We had a couple of our employees that were tasked to come down and apply this privacy film over the space of a couple of days. We needed to use the spider boom to reach the very top windows, which was sort of going to be a couple of day job, yep.

40

MS STONE: When you say a couple of days, one day, two day, three day?

MR CARMADY: Yeah, look, potentially two to three days there, approximately, yep.

45

MS STONE: And did you have particular employees that were coming on site to do that work?

MR CARMADY: Yes, we had two installers there: Stewart Carr and Josh Dennien.

5

COMMISSIONER: Just show me on that map - there's a map on page 2 of the tender bundle, and page 3, where you were doing this work.

MS STONE: That's a document you don't have, Mr Carmady.

10

COMMISSIONER: We'll just bring it up on the screen. Page 2 and 3 of the tender bundle. There's page 3. Where were you doing this work?

MR CARMADY: So pretty much where the meeting rooms tag is there, just below that, there was - that was the old original facade there of the Convention Centre.

15

COMMISSIONER: Right.

MR CARMADY: So there was windows there that were obviously going to expose all the building works that were going to carry on for the next stage, so they wanted the existing facade of the windows there covered up with privacy film.

20

MS STONE: And did that job require Mr Dennien and Mr Carr to use particular equipment to do part of the work?

25

MR CARMADY: Yeah, that's correct. So there'd been a previous contractor using the spider boom in there, so Lendlease had asked us to coordinate in taking over the hire of that machine while we carried out the works until the next contractor needed it after us.

30

MS STONE: Does your company have its own spider lift boom?

MR CARMADY: Yeah, we do have a (indistinct) cherry picker and a scissor lift as well.

35

MS STONE: So why wouldn't you use your own equipment? Why would you hire in for that?

MR CARMADY: Two reasons. One, our trailer mount wouldn't have been sort of suitable for the job on a couple of reasons, and the current machine that was in there was electric with rubber-mounted tracks, and it had to be craned up into that level, which had already been done, so Lendlease probably wouldn't have wanted another machine in that vicinity as well.

40

MS STONE: Understood. But it was convenient to use the machine that had already been craned in?

45

MR CARMADY: Yeah, absolutely, yep.

COMMISSIONER: Were you on the outside of the building?

5 **MR CARMADY:** On the inside, Commissioner.

COMMISSIONER: The inside.

10 **MS STONE:** And is that also why it was important that it was an electric machine being used inside?

MR CARMADY: Yeah, correct, yeah.

15 **MS STONE:** Mr Operator, if we could have page 15 of the annexure bundle. Thank you very much. Mr Carmady, is this a photo of a spider boom?

MR CARMADY: Yes, that's correct.

20 **MS STONE:** Now, this isn't a photo of the exact spider boom you used, is it, or your company used?

MR CARMADY: No, it'd be one very similar.

25 **MS STONE:** Okay. And so that little cage at the top, I assume that's where a worker would go inside?

MR CARMADY: Yes, that's correct.

30 **MS STONE:** And there are a few legs on the bottom of the machine. What are they called?

MR CARMADY: They're outriggers.

35 **MS STONE:** Outriggers. And the round things at the end of those legs or outriggers, what are they?

MR CARMADY: Yeah, they are the safety feet there that stabilise the machine, yep.

40 **MS STONE:** Okay. And so how is this machine used?

MR CARMADY: Yeah, it's an electrical machine, can be controlled from the ground or in the basket by a licensed operator.

45 **COMMISSIONER:** Say that again, sorry? I just missed that.

MR CARMADY: The machine can be controlled from within the basket or from the ground by, obviously, a licensed operator.

5 **MS STONE:** And were Mr Dennien and Mr Carr licensed operators?

MR CARMADY: Yes, they were.

10 **MS STONE:** What qualifications did they have that you say make them a licensed operator?

MR CARMADY: So they have to sit for a high risk work licence which allows them to - known as an EWP, elevated work platform. So they had that and also a working at heights high-risk licence as well.

15 **MS STONE:** Okay. And using this kind of equipment, is that something that they would ordinarily do in their job?

20 **MR CARMADY:** Yeah. As mentioned, we've got our own sort of equipment, and they would on average sort of utilise that machinery probably a couple of times a week.

MS STONE: Okay. Now, before using this sort of -

25 **COMMISSIONER:** What would they use it for? To put an electronic sign up or something like that?

MR CARMADY: Yeah, could be any number of things, Commissioner. Billboard signs. High-level building signs. Pylon signs, anything like that.

30 **COMMISSIONER:** What was the last one you said?

MR CARMADY: Pylon signs, like free-standing signs. Anything we can use a scissor lift or EWP is preferred over ladders. Like, the safety is a lot higher.

35 **MS STONE:** And to be able to use a machine like this on a site controlled by someone else like Lendlease, were you required to provide Lendlease any sort of plan or confirmation of what it was you would be doing?

40 **MR CARMADY:** Yeah, look, before we carried out any form of high-risk work, anything, any form of heights, we had to submit Lendlease's own risk assessment as well as Status Signs' safe work method statement, which had to be reviewed by their safety officer prior to us confirming us being on site and then our team would have to sign on and do a pre-start before they commenced work, which is standard across

45 **MS STONE:** And what does the pre-start involve?

MR CARMADY: A pre-start is to go through the safe work method statement, read that thoroughly, identify if there's any changes to the area or any hazards, note those, make any corrections where possible and then sign them once they are ready to go, and then there's also a pre-start and a logbook within the EWP that they would have to sign onto before they worked.

MS STONE: Is that something Mr Dennien and Mr Carr would do, being the ones on site?

MR CARMADY: Yes, that would be carried out by them.

MS STONE: Mr Carmady, I want to show you a document. Madam Associate, if I could ask you to provide these, one to Mr Carmady and one to the Commissioner. And these are documents that have been provided to the other parties, Commissioner, this morning.

COMMISSIONER: Thank you.

MS STONE: Would you have a look at these documents, please, Mr Carmady. There are two that are together.

MR CARMADY: Yep.

MS STONE: Do you recognise these documents?

MR CARMADY: Yes, that's the copy of our safe work method statement and the risk assessment there provided by Lendlease with our template.

MS STONE: And when you say it was provided to Lendlease -

MR CARMADY: Yep.

MS STONE: - was that for this job that we've just been speaking about?

MR CARMADY: Yes, that's correct.

MS STONE: Okay. I can see here that it's not - this doesn't seem to be signed by anyone at Lendlease. Can you explain to me why that is?

MR CARMADY: Yeah. This would've been the copy that we emailed through. There would've been a hard copy signed on site before we commenced works. We don't usually keep those safety docs after two years. The originals usually get destroyed, but we have the originals on file.

MS STONE: Okay. To your knowledge, did anyone at Lendlease raise any concerns about the safety assessment?

MR CARMADY: No.

MS STONE: Or ask you to make any amendments to it?

5 **MR CARMADY:** No.

MS STONE: Was it ever approved, to your knowledge?

MR CARMADY: Yes, it was.

10

MS STONE: Okay. Commissioner, I might tender those two documents together as a bundle.

COMMISSIONER: Where does one stop and the other one start?

15

MS STONE: The first - yes, sorry, Commissioner, I see that they're double sided. The first three pages are the first document, being something produced by Status Signs. The next three pages are the template provided from Lendlease. Is that correct, Mr Carmady?

20

MR CARMADY: Yes, that's correct. Lendlease have their logo on the bottom right-hand corner on those relevant pages.

COMMISSIONER: There's not a date on the first document, is there?

25

MS STONE: The first document has a "date created" in the top right corner of the first page.

COMMISSIONER: I see.

30

MS STONE: That says 8 April 2021.

COMMISSIONER: Thank you. Is there any objection?

35 **MR O'GRADY:** No, Commissioner.

COMMISSIONER: Lendlease safe work method statement dated 8 April 2021 for the Cairns Convention Centre contract package signage, together with Status Signs' - what do I call this document?

40

MS STONE: I understand that this is also a safe work method statement. It's just the part of the statement that comes from Status Signs.

45 **COMMISSIONER:** Together with Status Signs safe work method statement, also dated 8 April 2021, will be RWDC-2.

<EXHIBIT RWDC-2 LENDLEASE SAFE WORK METHOD STATEMENT DATED 8/4/2021 FOR CAIRNS CONVENTION CENTRE CONTRACT PACKAGE SIGNAGE TOGETHER WITH STATUS SIGNS SAFE WORK METHOD STATEMENT ALSO DATED 8/4/2021

5

MS STONE: Thank you, Commissioner. Mr Carmady, before you - when I say you, before Status Signs commenced doing these window frosting works, were you told anything about concerns about how the works might be done or any delays to those works?

10

MR CARMADY: Not from our point of view with the safe work method statement. It was - as we were about to schedule the works, we were asked by Lendlease if we could come and begin the works after work at about 6 pm.

15

MS STONE: And was any explanation given to you as to why you would do the works after 6 pm?

MR CARMADY: They were concerned that the CFMEU might cause us problems or delay us trying to carry out the works.

20

MS STONE: When you say they were concerned about this, did someone tell you that?

MR CARMADY: Yes, they did, yep.

25

MS STONE: And who was that person?

MR CARMADY: That would've been AJ Nona from Lendlease.

30

MS STONE: And would you have usually done those works after hours or at night-time, after 6pm?

MR CARMADY: Not normally. Sometimes if there was other trades in the vicinity, but it wouldn't be a normal thing, no. But once we have provided a safe work method statement and have an exclusion zone which is barricading around our work area to make sure it's safe for other trades to be around us, normally that kind of work should be able to be done during hours.

35

40

MS STONE: So it was a little bit out of the ordinary, then, to be asked to do this as night works?

MR CARMADY: Yes, that's right.

MS STONE: And did that cause some additional cost to you to do as night works?

45

MR CARMADY: Yeah, look, I suppose we would've been paying our installers sort of night-time or overtime rates, yes.

MS STONE: And what would that involve?

5 **MR CARMADY:** They would've been applicable at sort of double time penalty rates there, yep.

MS STONE: So it has the effect of, if it's double time, of doubling your labour cost?

10 **MR CARMADY:** Yes, that's correct.

MS STONE: You ultimately agreed to do the work as night works in any event?

MR CARMADY: Yes, that's right.

15 **MS STONE:** And what happened when you or your employees attended the Cairns Convention Centre to undertake those works?

20 **MR CARMADY:** Yeah, I received a phone call the first night from our staff, basically saying that as they'd gone to site that they'd been - CFMEU turned up - they must've been aware that we were commencing works after hours - and then that night we didn't manage to achieve anything. There was comments made about hoping to sign onto the logbook, and then when our staff went to do our pre-start, to pull out the logbook, there was no logbook in there. It was missing.

25 **MS STONE:** When you say there were comments made about signing onto the logbook, who made those comments?

30 **MR CARMADY:** My staff called me. They didn't have any names or uniforms, but they believe it was CFMEU.

MS STONE: So it was representatives of the CFMEU who were asking about the logbook?

35 **MR CARMADY:** Yes, that's correct.

MS STONE: Okay. And your employees, Mr Carr and Mr Dennien, were on site?

MR CARMADY: Yes, that's correct.

40 **MS STONE:** Were they able to find the logbook and conduct the pre-start?

MR CARMADY: No.

45 **MS STONE:** And I think you gave some evidence a little bit earlier about where the logbook is kept.

MR CARMADY: Yeah, normally it's sort of in a yellow pouch or folder in the basket, usually.

5 **MS STONE:** When you say "usually", would you expect to find it in that pouch?

MR CARMADY: Yeah, absolutely. It shouldn't leave the machine, only unless maybe a safety officer or something has come to grab it to inspect it or verify it or something. But other than that, it always has to remain in the machine.

10 **MS STONE:** And would that safety officer usually take it away from the machine to do the inspection?

MR CARMADY: Probably not normally, no.

15 **MS STONE:** And why does the logbook need to stay with the machine?

MR CARMADY: Because it has safety requirements, the sign-on history and things like that.

20 **MS STONE:** So work did not proceed on that first night?

MR CARMADY: No, that's correct.

25 **MS STONE:** Assume you then went back to work the following night?

COMMISSIONER: So has it got the record of the people who've used the machine or the record of the people who've used the machine and the maintenance on the machine on the logbook?

30 **MR CARMADY:** Yeah, that's correct. All of the above, Commissioner.

COMMISSIONER: So it'd be quite an unsafe thing to do to remove the logbook, because you might lose it and lose the record of the maintenance on the machine?

35 **MR CARMADY:** Yes, that's correct.

MS STONE: And your employees, I take it, would not have started work without being able to verify the safety of the machine?

40 **MR CARMADY:** Yeah, that's correct, and we were advised sort of by Lendlease to sort of pack up for the evening and we'd come back the next night.

MS STONE: Okay. And what happened when you came back the next night?

45 **MR CARMADY:** Yeah, shortly after the boys started there, I received a phone call saying that - that, yeah, they made comments: "I hope it starts for you tonight."

COMMISSIONER: Who made the comments?

MR CARMADY: Once again, our employees believe it was CFMEU delegates or staff there, yep.

5

MS STONE: That's what they told you?

MR CARMADY: Yes, that's correct, yeah.

10 **MS STONE:** Sorry, I think we interrupted you. You said I hope it starts for you again tonight or hope it starts for you tonight.

MR CARMADY: Yep.

15 **MS STONE:** And then what happened with the machine?

MR CARMADY: There was two incidents with the machine: one where the keys were missing, and another incident where the battery had been disconnected.

20 **MS STONE:** Okay. Let's start with the first one.

MR CARMADY: Yep.

MS STONE: Where would the keys ordinarily be kept?

25

MR CARMADY: Normally in the pouch with the logbook there.

MS STONE: Okay. By this night, had the logbook made its way back to the pouch?

30 **MR CARMADY:** Yes, it had.

MS STONE: Was any explanation ever provided -

MR CARMADY: No.

35

MS STONE: - as to where it had been or how it had been located?

MR CARMADY: No, we didn't receive any information.

40 **MS STONE:** But in any event, the keys were missing from the pouch.

MR CARMADY: Yes, that's correct.

MS STONE: Would someone ordinarily take away the keys for any reason?

45

MR CARMADY: Look, once again, only the safety officer. Generally the keys are kept with the machine in case of emergency or someone might need to move it. So, no, generally the keys will be with the machine.

5 **MS STONE:** Okay. And what was the difficulty with the battery?

MR CARMADY: Once again, when the - our team had keys there, they tried to start the machine, which it was failing to start, and it turned out the battery had been disconnected.

10

MS STONE: Okay. So were your employees able to find the keys at some point?

MR CARMADY: Yeah, they were returned to the logbook, I think, for the second night. Yeah.

15

MS STONE: Okay. The battery had been disconnected. Where is the battery in the machine?

20 **MR CARMADY:** Normally the batteries are sort of at the base of the machine, yep, sort of underneath.

MS STONE: When you say they're underneath, are they enclosed in part of the machine or is it an external battery?

25 **MR CARMADY:** No, they were enclosed inside the machine.

MS STONE: So how would a person gain access to the battery?

30 **MR CARMADY:** There would be a service panel or something like that that could be removed or open to, yeah, get access to the batteries.

MS STONE: And would you require some tool or tools to do that?

35 **MR CARMADY:** Yeah, to disconnect a battery, yes, you would, yes.

MS STONE: And I'm not sure I would know where a service panel on a cherry picker is, but is that something that someone would need particular knowledge about or familiarity with?

40 **MR CARMADY:** Yeah, someone that's been around machinery or operated machines would be sort of aware of that.

MS STONE: Okay. And is there any reason someone would go and disconnect the battery of that machine when it was being used for night works?

45

MR CARMADY: Not unless the batteries were getting replaced, but obviously that didn't seem to be the case here.

MS STONE: That's the only circumstance in which you could think -

5 **MR CARMADY:** Yes, that's right, yep. But once again, I don't think the batteries would've needed replacing, because I think Global Hire was regularly doing services on the machine down there.

10 **MS STONE:** And those services on the machine, is that something would you've checked before doing your safe work method statement?

MR CARMADY: Yep, that's correct, and that's something that Lendlease would've required regularly: any plant and equipment on site has to have regular service and maintenance.

15 **MS STONE:** So was work able to commence that night with the battery disconnect?

MR CARMADY: No.

20 **MS STONE:** Did you return to do the work on another night?

MR CARMADY: Yeah, Lendlease had asked us to come back again, and we were basically - then I received phone calls from our staff saying that they didn't want us starting works again because the outriggers that we pointed to before had some scratches on them. That's pretty common on any sort of plant and equipment on sites. EWPs, just over time they get some wear and tear there. It was cosmetic, but they
25 wanted an engineer or structural report on the outriggers to make sure they were sound.

30 **MS STONE:** Again, is that something if there had been a concern and that would've been raised in the safe work method statement when you were doing -

MR CARMADY: Yes, absolutely, and the pre-start check list that our guys carried through would have, if they had any concerns there, yep.

35 **MS STONE:** And are you aware of whether Mr Carr and Mr Dennien did have any concerns about the structural integrity of the machine?

MR CARMADY: No, they were just getting pretty frustrated by that third night.

40 **MS STONE:** Was there also some difficulty with the pads on the feet of the machine?

MR CARMADY: Yeah. The pads on the outriggers there, they raised concerns that they thought there might've been - they weren't structurally sound or had integrity
45 issues with them.

MS STONE: Do you know what those concerns were? Were you given any particular detail?

5 **MR CARMADY:** No, it was just relayed through my staff again, but it was halting us being able to carry out works there.

MS STONE: Okay. And I think in your statement you say there's a crack test. That's the engineering test, is it?

10 **MR CARMADY:** Either - yeah, I think they were after - like, a crack test is normally carried out after a 10-year service on the machine where they pull it all apart and strip it all down. There was reference to that or having an engineer come on site, which at 7 o'clock at night we weren't going to be able to call to get one on site.

15

MS STONE: Understood. So did work commence that night?

MR CARMADY: No, it didn't.

20 **COMMISSIONER:** So this machine had been inspected and serviced by Global Hire & Services?

MR CARMADY: Yes, that's correct.

25 **COMMISSIONER:** There two safe work method statements produced in relation to it?

MR CARMADY: Yep.

30 **COMMISSIONER:** And your staff - experienced staff, from what you've said in terms of operating cherry-pickers - had done a pre-start?

MR CARMADY: Yes, that's correct.

35 **COMMISSIONER:** Didn't raise any issues?

MR CARMADY: No.

40 **COMMISSIONER:** And you still weren't able to use the machine?

MR CARMADY: Yes, that's correct, Commissioner.

MS STONE: Was there also an issue raised with you with respect to the harness used in the machine?

45

MR CARMADY: Yes, that's correct. As we had two operators trying to work out of the basket there, there was harnesses. There was then concerns raised there might've

been dust particles on the harnesses and they needed the harnesses inspected to ensure they were safe to operate.

5 **MS STONE:** And what effect would dust particles have on the harness?

MR CARMADY: Traditionally not, unless, you know, the harnesses had been exposed to sort of some sort of corrosive chemical or something like that, which hadn't happened. Once again, part of our pre-start and checklist is to inspect the harnesses to make sure there's no damage or any fraying or any issues like that.
10 Harnesses also have to be within a certain date range. They have a life span. So once again, they would've had to have been compliant as well on the site.

MS STONE: I think you said earlier these works were happening indoors.

15 **MR CARMADY:** That's correct.

MS STONE: Was the machine or the harness exposed to any outside influence?

MR CARMADY: Not any outside influence. There may have been, you know, potentially some dust from, you know, Gyprock or timber. I'm not sure what trades were going on at the time there. But it would've been minor dust, but nothing that would've been corrosive to cause any integrity issues to the harnesses.
20

MS STONE: And do you recall when that issue with the harness was raised with you or your team?
25

MR CARMADY: I think it was, yeah, the night after the issues with the outriggers there.

30 **MS STONE:** I see, so this was a fourth night?

MR CARMADY: I think it was possibly the third or the fourth night there, yeah.

MS STONE: Okay. And Mr Dennien and Mr Carr would call you and tell you about these issues as they were being raised?
35

MR CARMADY: Yes, that's correct, yeah.

MS STONE: Now, I take it - did work start on the third night after the issues were raised with the outriggers?
40

MR CARMADY: I think - I think we might have gone into the fourth night. I sort of don't have - a lot of these weren't in email, because we were going on the fly there with phone calls during the night there, so yeah.
45

MS STONE: And so each time this work didn't start, what did your employees do? What did Mr Carr and Mr Dennien do?

5 **MR CARMADY:** After usually two hours when they couldn't get any resolution there with the CFMEU or Lendlease, we - they would inform us that they were going to be having to go home for the night. We would obviously have to compensate the employees for their daily shift, I suppose, so they were compensated there.

MS STONE: So they were paid for work that they ultimately weren't required to do?

10 **MR CARMADY:** Yes, that's correct.

MS STONE: And did you pass those costs on to Lendlease, or is that something that Status Signs -

15 **MR CARMADY:** No, we absorbed that.

MS STONE: Okay. Now, was Status Signs ultimately able to perform that window-frosting work?

20 **MR CARMADY:** Yes, in the end we were. Some of the windows, though, we were able to do sort of from ground level off small ladders, and then Lendlease also set up some scaffolding in there to enable us to finish the job.

25 **MS STONE:** And why did Lendlease set up that scaffolding if there was already this cherry picker on site?

MR CARMADY: I think because they just needed to get this done and we obviously weren't getting resolutions there with the attempts we were making at night there.

30 **MS STONE:** Okay. And I think you said that the cherry picker had had to be craned into where the work was being done?

MR CARMADY: Yes, that's correct.

35 **MS STONE:** So I assume, then, or would you agree that it must have been a difficulty to simply - you couldn't simply replace the machine with another one?

MR CARMADY: No, that's correct.

40 **MS STONE:** That would also be -

MR CARMADY: And after we finished in there, I think another trade contractor hired the machine on after that.

45 **MS STONE:** And to your knowledge, did they have any difficulties using that machine?

MR CARMADY: I'm not sure who the contractor was after that, so I sort of can't comment, sorry.

5 **MS STONE:** Did you raise your concerns about what was happening with the cherry picker with Lendlease or make any comment about what had happened over these several nights?

10 **MR CARMADY:** Yes, I did. I sort of couldn't understand why we were having any issues, because the safe work method statement, all the risk assessments were approved. Lendlease, you know, had approved us. Our team's qualified, licensed. Everything was sort of submitted. So we were frustrated. Obviously Lendlease was as well.

15 **MS STONE:** And what did you say to Lendlease, to the best of your memory?

20 **MR CARMADY:** I couldn't understand why they were sort of having to go through this or accept it. There was a comment made to Steve and I there that they don't have a choice. Basically that if they, I suppose, caused a major issue there with the CFMEU, it would result in other problems on other job sites.

MS STONE: That's what Mr Brady and Mr Hillier told you?

25 **MR CARMADY:** Yeah, I can't remember which one it was, but yeah, there was a comment from one or two of those guys there about that, yeah.

MS STONE: And so this was intended - this window frosting was intended to be a two to three-day job?

30 **MR CARMADY:** Yeah, for the area there with the elevated work platform, yep.

MS STONE: And how long did that ultimately take Status Signs to perform the work?

35 **MR CARMADY:** Yeah, look, approximately it might've dragged into sort of 10 to 12 days there in the end.

MS STONE: Right. So at least double but maybe three times the length of time.

40 **MR CARMADY:** Yep, that's correct.

COMMISSIONER: In your statement you say a one-night job into a seven or eight-day -

45 **MR CARMADY:** Yep.

COMMISSIONER: I think there is a typo there - eight-day job, week job. I think week job is a typo.

MR CARMADY: Yes, sorry, Commissioner, it might've been weekdays, possibly.

COMMISSIONER: Sorry, say again?

5

MR CARMADY: It might've meant - referenced weekdays or working days.

COMMISSIONER: Right. But you now said it was a two or three-night job into 12 days?

10

MR CARMADY: Yeah, I think we ended up having the machine on site there for around 12, 13 days there, yeah.

COMMISSIONER: And how long, if you had been able to access the cherry picker on night 1, would have the job have taken?

15

MR CARMADY: Yeah, look, these jobs are always hard to anticipate the timeframe on them, but we would've liked to have thought it was a one to two-night job, maybe a three-night job there.

20

COMMISSIONER: When you say that you bore the additional labour costs for Mr Carr and Mr Dennien, how much were they?

MR CARMADY: We would've been paying them out for a standard sort of 7.6-hour day at double time, even though they might have worked 2 hours, because we would've had them rostered off the next day to then come in again that night, so they would've been compensated for that night shift even though they might have only worked two hours.

25

COMMISSIONER: So, what, 15.2 hours times 12 or 13, times two, for two people?

30

MR CARMADY: Yeah. The whole 12 wouldn't - we were able to do some of that works during the day as that part of it went on, but those first few nights were the issues there where we would've been paying sort of penalty rates, yeah.

35

COMMISSIONER: So how many nights? Seven?

MR CARMADY: Yeah, approximately, yep.

COMMISSIONER: You said you were able to do some of the work during the day.

40

MR CARMADY: Yes.

COMMISSIONER: You said by ladder and scaffolding.

45

MR CARMADY: Yep.

COMMISSIONER: How safe is it to do work by ladder compared to cherry picker?

5 **MR CARMADY:** It's not preferred, but these were the very sort of bottom windows on the ground level there, so they weren't sort of beyond two, two and a half metres, those windows there, yep.

COMMISSIONER: And what about scaffolding compared to an elevated work platform or cherry picker?

10 **MR CARMADY:** Generally, an elevated work platform is quicker and effective for something that we're doing, because the installation process isn't over, say, a couple of weeks like for a painting trade. It's sort of just within hours of days of what we need.

15 **COMMISSIONER:** And what about from a safety perspective? Is there any difference between scaffolding and an elevated work platform?

MR CARMADY: No, look, both methods are equally safe. Yep.

20 **COMMISSIONER:** I would've thought an elevated work platform would be safer because you've got the harness and you've got the - but I don't know much about the trade, so -

25 **MR CARMADY:** Yeah. Look, you could probably argue that point that it would be more efficient and probably safer in that regard, yeah.

COMMISSIONER: Just on safety, though.

30 **MR CARMADY:** Yeah, I'd agree with that, Commissioner.

MS STONE: And when you completed the works, did you ultimately use the cherry picker at all, or did your employees use that cherry picker to do any of the work?

35 **MR CARMADY:** Look, I think they did a couple of windows. I don't know how many they ended up doing, and I'm not sure whether that was with the CFMEU present or not. I'm not sure. But yeah, I do believe they carried out some works with the machine, yep.

40 **MS STONE:** But it wasn't used for the entirety of the works?

MR CARMADY: No, that's correct.

45 **MS STONE:** Yep. Okay. Madam Associate, if I could hand up two documents, please, again one for Mr Carmady and one for the Commissioner. And Commissioner, I am noting the time.

COMMISSIONER: You can keep going for a little while. Just on this cost issue, you say that the cost of the scaffolding was a huge cost to Lendlease. What order of magnitude are you talking there?

5 **MR CARMADY:** I'm not sure, Commissioner. I didn't see how much they ended up setting up down there. But - yeah, I couldn't comment on a cost figure there. They might've had a contractor there or some scaffolding to set that up.

COMMISSIONER: Do you know who the contractor was?

10

MR CARMADY: No, I'm not sure, sorry, Commissioner.

COMMISSIONER: There was some yesterday, Ms Stone, about the CFMEU and Cairns having preferred scaffolding subcontractors. It'd be interesting to know
15 whether the contractor that got this work that would've been done through the cherry picker hired through Global Hire & Services was one of these preferred scaffolding companies.

MS STONE: That is an inquiry we are already taking up, Commissioner. Thank
20 you. Mr Carmady, this document in front of you, can you tell me what this is?

MR CARMADY: Yeah, that looks like the invoice relating to the spider boom we hired off Global Hire.

25 **MS STONE:** And this is the invoice dated 30 April 2021?

MR CARMADY: Yes, that's correct.

MS STONE: And under the description there, can you see:

30

"1 x spider boom, 17 metres, \$2,400 per week for 13 days. Hire continues."

MR CARMADY: Yep.

35 **MS STONE:** Do I take it from that that you had hired the spider boom for 13 days?

MR CARMADY: Yeah. Normally with these sort of machines on site it's more cost effective to have it as a week hire than a daily hire, so we probably would have hired it for the first week and then extended for another week.

40

MS STONE: Because you were unable to do those works in the first week?

MR CARMADY: Yeah, that's correct.

45 **MS STONE:** Okay. And that figure at the end, the \$6240, that's what you paid for the spider boom itself, and then there's an additional damage waiver, is there?

MR CARMADY: Yes, that's correct.

5 **MS STONE:** Commissioner, I'll tender this document. There were - I should say, there were two invoices provided to the parties. Mr Carmady has already informed me the other was not relevant to this particular issue, so it's only this invoice that I seek to tender.

COMMISSIONER: Very well. Any objection?

10 **MR O'GRADY:** No, Commissioner.

COMMISSIONER: Global Hire & Services invoice, spider boom, 17 metres, from 14 April '21 to 13 April '21 - 30 April, to Status Signs, will be RWDC-3.

15 **<EXHIBIT RWDC-3 GLOBAL HIRE & SERVICES INVOICE, SPIDER BOOM, 17 METRES, FROM 14/4/2021 TO 30/4/2021 TO STATUS SIGNS**

20 **COMMISSIONER:** Did you have to pay - did Lendlease reimburse you for the costs that you had to pay?

MR CARMADY: No, we just proceeded and paid that without any charge, yeah.

25 **MS STONE:** Commissioner, that was all that I wanted to ask on this topic. I note that the time is 11 am and you would ordinarily adjourn. I am aware that Mr Carmady does have some commitments that I would -

COMMISSIONER: Let's keep going, then.

30 **MS STONE:** If you're content with that. Mr Carmady, you don't need a break?

MR CARMADY: No, that's fine.

35 **MS STONE:** Thank you, Commissioner, and to the parties who are not objecting. I want to move away from this topic of the spider boom lift now, Mr Carmady. In your statement you detail a few other incidents or interactions between your employees and - with your employees on the Cairns Convention Centre site, and I want to ask you about those. The first issue I want to ask you about is you suggest in your statement that there had been some discussion on the Cairns Convention Centre site with your employees with respect to union membership.

40 **MR CARMADY:** Yep.

45 **MS STONE:** Can you tell me about that and what you were told by your employees?

MR CARMADY: Just that when we were on site, yeah, they'd be asked to sign up, or "you need to sign up", and comments along those lines.

MS STONE: And who were the employees that were on site?

5 **MR CARMADY:** We had a variety of employees. Steve Rantall, Nathan - Hayden Rantall. We had Josh Dennien and Stewart Carr.

MS STONE: And who would tell those employees that they should sign up or had to sign up?

10 **MR CARMADY:**

MR CARMADY: They didn't always know names, but I believe Hayden would've asked them.

15 **MS STONE:** And did those employees tell you about these interactions afterwards?

MR CARMADY: Yeah, they would. Not all the time, I'm sure, but yeah, they would from time to time sort of mention that they'd been asked to join or sign up.

20 **MS STONE:** And how frequently did this occur?

25 **MR CARMADY:** Hard to say. As I said, I probably wasn't informed all the time, but as I mentioned earlier, we weren't on site sort of day in, day out like a lot of other trades there. We were sort of coming down every week or two or something like that to fit off signs, and then the next stage wouldn't be ready for us for a couple of weeks and then we'd come back in. So we weren't down there on a daily basis.

MS STONE: And what would you tell your employees when they would raise these issues with you or raise a conversation with you?

30

MR CARMADY: Yeah, look, nothing more than I'd sort of listen to them. They would just say, "Look, I'm not interested in signing up." And I think a few of them felt, I suppose, frustrated how they might have been treated down there, but they - they'd been told by a couple of other trades, "Don't bother signing up. The issues will still continue even if you sign up," is what I think one of my employees told you.

35 **MS STONE:** So one of your employees told you that another contractor said that to them?

40

MR CARMADY: Yes, that's correct.

MS STONE: And what was meant by that comment?

45 **MR CARMADY:** I think the other contractor, I'm not sure who it was, but they must've seen them interacting with our staff to ask them to sign up, and afterwards I think this contractor mentioned to our staff his opinion.

MS STONE: Okay. And were concerns ever raised with you or Status Signs employees about the work that they were doing on site in terms of electrical work?

5 **MR CARMADY:** Yeah, there was an incident where Steve Rantall, our production manager/foreman, was down on site one day and they were running low-voltage cable for some of the illuminated signs in there. Low-voltage cable is basically like speaker cable, so anyone's licensed to do that. On this occasion, Steve had an
10 interaction there with one of the union officials that was sort of yelling at him, telling him to get down, saying he wasn't licensed to carry out that work. And Steve answered him and said it's 12 volt, it's low voltage, that he could do it, so yeah.

MS STONE: And did Mr Rantall come back to the office and tell you about that experience?

15 **MR CARMADY:** Yes, he did.

MS STONE: And you say in your statement that what Mr Rantall told you was that this person had said, "You're not a fucking electrician. I'm going to report you."

20 **MR CARMADY:** Yes, that's correct.

MS STONE: Do you recall Mr Rantall saying that to you?

25 **MR CARMADY:** Yeah. Yes, he did say something like that.

MS STONE: Do you know the name of the union official who was on site who had that interaction with Mr Rantall?

30 **MR CARMADY:** Yeah. Steve mentioned - he didn't know - he thought he was from the CFMEU. I think he later found out his name was Mitchell Brown.

MS STONE: Mitchell Brown. And in your statement, I think you say that Mr Brown was a delegate of the CFMEU.

35 **MR CARMADY:** Yes.

MS STONE: Or a representative of the CFMEU.

40 **MR CARMADY:** Yeah. Steve didn't know - I think he mightn't have had a uniform on, so might've been hi-vis. So Steve probably just assumed he might've been the CFMEU.

MS STONE: And at the time of making this statement, that's what you understood to be true?

45 **MR CARMADY:** Yes, that's correct.

MS STONE: Do you now understand that Mr Brown, if it was Mitchell Brown, was a representative of the ETU, not the CFMEU?

5 **MR CARMADY:** Yes, I've since been made aware.

MS STONE: Thank you. And how did Mr Rantall take this interaction? What was his response to it?

10 **MR CARMADY:** Oh, look, I think he was pretty angry and sort of frustrated just being spoken to like that. Once again, if he had a safety concern, my staff are always obliging to listen to someone or talk to them, but it was probably the manner in which he was spoken to that he didn't appreciate.

15 **MS STONE:** And these safety concerns, you also speak in your statement to a verification of competency. Can you explain to the Commissioner what that is?

MR CARMADY: Yes. It's basically another level of competency. So as I mentioned, our staff had high-risk licences. When we were operating that equipment mentioned earlier, they requested or we believe CFMEU requested that we have VOCs for our staff, which meant we had to get another layer of competency sort of applied for our members that were operating that equipment.

25 **MS STONE:** And what made you believe that the CFMEU had requested this?

MR CARMADY: I think from memory, our employees had made a comment that that was the requirement, yeah. They called us up one day on site, and I think then we had to book that in with the training organisation, Global Hire, to carry out that.

30 **MS STONE:** And my understanding is that the VOC is not a qualification; it's just a certification that you have done the qualification and are still capable of doing the work?

35 **MR CARMADY:** Effectively, yeah. We haven't done it before or since, but as I said, because our team already had the high-risk licences, they were trained within our own induction process, so we felt the employees were competent.

MS STONE: And I assume there's some time and cost associated with getting a VOC?

40 **MR CARMADY:** Yeah, I think we had to book it in that day or that afternoon, that night, I can't remember. Global Hire were able to sort of accommodate us to keep our team on site. Yeah, I can't remember the cost. It might've been a few hundred dollars per VOC.

45 **MS STONE:** And who paid that cost?

MR CARMADY: That would've been our company, Status Signs.

MS STONE: Okay. Now, much of what we've been speaking about, Mr Carmady, relates to safety.

5

MR CARMADY: Yep.

MS STONE: Can you tell me about a little bit about your attitude towards safety and in your opinion whether you believe that the interactions on the Cairns Convention Centre and the concerns that were raised with your employees were directed towards legitimate safety concerns?

10

MR CARMADY: Yeah, look, I think with all projects we have a proud sort of safety history. We take it very seriously. We take training very seriously. Our standard workday at Status Signs involves a team meeting and a toolbox talk on the jobs that are to occur each day. As I said, all our staff are licensed. We carry out the servicing and maintenance on all our own equipment by third parties, and, yeah, we take safety very seriously with our business.

15

MS STONE: And did you feel like the concerns being raised with you on the Cairns Convention Centre site were legitimate safety issues.

20

MR CARMADY: Definitely not, and our staff were frustrated by that, because, as I said, normally the process there with our team is, obviously, we set up the Safe Work Method Statements from our company to make sure that we're satisfied with that, that there's no element of risk there. Then it obviously goes through Lendlease or the contractor to approve that, and then it's for our team to ensure that they're signing on to carrying out those standards while they're working. Yep.

25

MS STONE: Commissioner, those were the questions that I wish to ask Mr Carmady. Was there anything else that would assist you before I refer to Mr O'Grady?

30

COMMISSIONER: Why did you think this was happening to you in the last 10 days or two weeks of April?

35

MR CARMADY: Commissioner, I just believe our staff felt because they weren't union members, they were, I suppose, being targeted or, yeah, having these requests put upon them. Yeah.

40

MS STONE: Did you think that you were or Status Signs was the only target of that attention?

45

MR CARMADY: It's hard to say. Like, we probably don't have a lot of interaction with other trades down there, so I'm not sure exactly, but probably based on what one of those other contractors said to our team that they'd signed up and they were still

having those issues, so probably based on that there might've been other trades affected by it.

5 **MS STONE:** What about your interactions with Lendlease? Did you get the impression that they might also have some concerns?

MR CARMADY: With?

10 **MS STONE:** With the conduct of the CFMEU representatives on site.

MR CARMADY: Yes, definitely.

MS STONE: And why do you say, "Yes, definitely"?

15 **MR CARMADY:** I think they would've just had to be continually managing, you know, the requirements or issues that would pop up from the CFMEU or what they were demanding, yeah.

20 **MS STONE:** Thank you. Commissioner?

COMMISSIONER: At paragraph 27, just bring that up, you say that the government said when it was first announced it would be a \$176 million project.

25 **MR CARMADY:** Yep.

COMMISSIONER: Since heard rumours from other subcontractors on the Cairns Convention Centre and Refurbishment Project that costs blew out in the hundreds of millions of dollars. What's the basis on which you say that?

30 **MR CARMADY:** Commissioner, probably nothing more than rumours from other contractors or what might've been mentioned in the papers at the time, and probably just the delay with the project as well.

35 **COMMISSIONER:** What was the delay, as far as you understood it?

40 **MR CARMADY:** I can't remember what the specific dates of when the construction was meant to start and finish, but, yeah, obviously I think it got a delayed a couple of years from memory. One of our clients, the Cairns Taipans, were one of the main tenants at the Convention Centre, so I know they were concerned at the time that the deadlines moved, because they had to be relocated to a temporary stadium there at the old Bunnings here in Cairns to carry out the two seasons, maybe.

COMMISSIONER: Were they successful in their new home, the Bunnings Centre?

45 **MR CARMADY:** Somewhat. It was a bit of a tough time with COVID, because, yeah, a lot of teams were based in Queensland over that time.

COMMISSIONER: Mr O'Grady, have you made a written application to cross-examine?

5 **MR O'GRADY:** We have made an application to cross-examine, and I understand it's not objected to, Commissioner.

COMMISSIONER: All right. Very well.

<CROSS-EXAMINATION BY O'GRADY

10

MR O'GRADY: Mr Carmady, I'm appearing for the administrator of the CFMEU.

MR CARMADY: Yep.

15 **MR O'GRADY:** You understand that since the events you've described in your statement, the CFMEU was put into administration and Mr Irving KC is in effect now in control of the union?

20 **MR CARMADY:** Yes, I understand, yep.

MR O'GRADY: And you understand that Mr Irving has put in place a number of measures to address cultural issues within the CFMEU and alter behaviour in respect of the CFMEU?

25 **MR CARMADY:** Yes, I've heard, yep.

MR O'GRADY: All right. You'd accept, wouldn't you, that construction and the work you were doing on the Convention Centre site is inherently dangerous?

30 **MR CARMADY:** Yes, I'd agree there's risks that comes with these projects.

MR O'GRADY: Yes. And you'd also accept that some employers don't take safety seriously enough?

35 **MR CARMADY:** From our company, sorry, Mr O'Grady or -

MR O'GRADY: No, I'm just saying some people in the industry, there are some employers who do not take safety seriously enough.

40 **MR CARMADY:** Yeah, I can't comment on other employers, but I think the majority out there absolutely abide by the safety regulations.

MR O'GRADY: People still die, don't they?

45 **MR CARMADY:** That does happen.

MR O'GRADY: And indeed, in respect of Lendlease they had a death concerning the Curtin University project at around this time.

MR CARMADY: Okay. I wasn't aware of that.

5

MR O'GRADY: And you would agree with me that your core business is to service your customers and to try and make a profit?

MR CARMADY: Yep. Amongst, obviously, maintaining our workforce and their health and safety.

10

MR O'GRADY: I understand that, but from the union's point of view, from the CFMEU's point of view, their core business is to try and improve the terms and conditions of their membership?

15

MR CARMADY: Yep.

MR O'GRADY: And try and keep them safe on work sites.

MR CARMADY: Yep, which is everyone's objective.

20

MR O'GRADY: I understand. All right. Now, you gave some evidence about an alleged underpayment. You'd agree with me that it's legitimate for a union to be concerned about their members not being properly paid.

25

MR CARMADY: Yep, absolutely.

MR O'GRADY: And you'd also agree with me that the fact that a business might go broke if they're properly paying their employees is not a reason for not properly paying their employees.

30

MR CARMADY: Correct.

MR O'GRADY: And there's nothing wrong with a union wanting to try and negotiate an enterprise agreement with an employer; that's how the system works.

35

MR CARMADY: Yep, yep. I have no problems with that, Mr O'Grady.

MR O'GRADY: Okay. But it was your preference not to have an enterprise agreement with the CFMEU?

40

MR CARMADY: At that point, we had a standard employment agreement under the modern awards, which everyone was - had a signed agreement within our business, yep.

45

MR O'GRADY: So under your business model at that point in time at least -

MR CARMADY: Yep.

MR O'GRADY: - you had the minimum conditions set out in the national employment standards?

5

MR CARMADY: Yes, that's correct.

MR O'GRADY: And you had the minimum conditions set out in the modern award.

10 **MR CARMADY:** Yes, that's correct.

MR O'GRADY: And that was the only requirements - regulatory, statutory requirements - you had in respect of how you paid your employees?

15 **MR CARMADY:** Yes, majority of - well, team paid well above over the award.

MR O'GRADY: Yes. But you understand that it's common in industry and across the nation for unions to negotiate enterprise agreements with employers that provide terms and conditions above those contained in the award and the NES?

20

MR CARMADY: Yep, I'm aware of that.

MR O'GRADY: And you understand that as opposed to the position you're in, where you've just got a contract to provide for terms and conditions, if there is an enterprise agreement, then there are statutory rights that flow from having an enterprise agreement in place and the conditions that have to be complied with, subject it to civil penalties.

25

MR CARMADY: Yep, that's correct.

30

MR O'GRADY: And you wanted to avoid that.

MR CARMADY: No, I definitely didn't. It was a case of the conversation in that meeting, that interaction there, they weren't willing to really negotiate or talk. It was, as I mentioned earlier, a very sort of aggressive, short-lived meeting.

35

MR O'GRADY: Yes. I understand. You'd agree with me that the Convention Centre project was a multimillion-dollar project?

40 **MR CARMADY:** Yes.

MR O'GRADY: And you'd accept that from a union's point of view, seeking to capture some of that money for the benefit of their members is a perfectly legitimate thing for them to be doing.

45

MR CARMADY: Yep.

MR O'GRADY: Now, you were asked a question by the Commissioner a moment ago regarding what you say in paragraph 27 of your statement, and as I understand it, your comment about cost blowouts is really just based on rumours from what other people told you?

5

MR CARMADY: Yeah, that's what I mentioned before.

MR O'GRADY: You're certainly not privy to any special information as to what actually happened and what the actual cost was?

10

MR CARMADY: No, but I suppose, as I mentioned, when any project runs behind, there would've been financial implications, yep.

MR O'GRADY: Yes, I understand. But there were a number of reasons why that project went over time, weren't there? You had the aftermath of COVID.

15

MR CARMADY: Yep, I'd agree there was a lot of difficulties there at the time.

MR O'GRADY: So you had COVID itself and the restriction that flowed from that, and then you had all the supply chain issues that we're still battling with flowing on from COVID.

20

MR CARMADY: Yep. There was always issues. I suppose - a completely different project, but we were sort of part of a few hotels that were built at the time that all sort of ran on their time frames. But as I said, I can't comment on the Convention Centre.

25

MR O'GRADY: Well, this was a very big project for Cairns.

MR CARMADY: Yep.

30

MR O'GRADY: It involved a number of people brought up from Brisbane, as you've told us.

MR CARMADY: Yep.

35

MR O'GRADY: And so we had COVID. We had the supply chain issues after COVID.

MR CARMADY: Yep.

40

MR O'GRADY: There was also a Lendlease cyclone policy that was in place. Are you aware of that?

MR CARMADY: Yes.

45

MR O'GRADY: And that contributed to the delays? Sorry, you need to answer for the purposes of the transcript.

MR CARMADY: Sorry. Look, I wasn't aware of when that was activated, but yeah, I'd understand they had that policy.

5 **MR O'GRADY:** And it was also a very wet season, wasn't it?

MR CARMADY: Yeah.

MR O'GRADY: And again, that's necessarily going to affect -

10 **COMMISSIONER:** Which season was wet? I think it went for three years, this build.

MR O'GRADY: Yes. But over that period of time, there were some extreme
15 weather events, as I'm informed, Commissioner.

COMMISSIONER: Right.

MR O'GRADY: All right. Now, you describe interaction with Mr Hayden Jones.
20 Are you aware of the fact now that there was only the one CFMEU representative on the site?

MR CARMADY: No, I wasn't aware, and as I said, I was never formally
25 introduced. I only met him that one occasion.

MR O'GRADY: I understand. It's fair to say, isn't it, that most what you've told the
Commission about this morning - and I'm not being critical - is based on what other
people have told you?

30 **MR CARMADY:** Besides my first account, yeah.

MR O'GRADY: Yeah. But you weren't on site every day?

MR CARMADY: No, that's correct.
35

MR O'GRADY: You weren't on site on the nights when there was the problems
with the elevated work platforms.

MR CARMADY: No, but I was receiving the phone calls.
40

MR O'GRADY: I understand. So you're basing it on what other people have told
you.

MR CARMADY: Yes, correct.
45

MR O'GRADY: And as far as interactions in your statement on a number of
occasions, you refer to CFMEU representatives.

MR CARMADY: Yep.

5 **MR O'GRADY:** If there's only one CFMEU representative, then you don't know who was the person that was engaging?

10 **MR CARMADY:** Correct. There was a few people that were involved in those discussions, but my staff weren't having conversations, getting introduced to who those people were.

MR O'GRADY: I understand. And your staff, and again I'm not being critical, they didn't know where these people were from, as you've told us a moment ago.

15 **MR CARMADY:** Yep.

MR O'GRADY: They identified Mr Brown as a CFMEU representative when he wasn't a CFMEU representative.

20 **MR CARMADY:** Once again, we weren't advised otherwise, and he didn't have a uniform on or he didn't disclose who he was either.

25 **MR O'GRADY:** Yes, and again, I'm not being critical, you just don't know who was speaking to your staff in respect of the matters that you've recounted in your witness statement and your evidence this morning?

MR CARMADY: Well, in conjunction with Lendlease, sort of phone calls with them advising us that they were CFMEU officials there. So once again, just on what between our staff and Lendlease were advising us on.

30 **MR O'GRADY:** And again, I'm not being critical, but it's really what somebody told somebody and then somebody else told you?

MR CARMADY: Yep, correct.

35 **MR O'GRADY:** Thank you. Now, in respect of the work that you were doing on the window film, you'd agree with me that that was high-risk work?

MR CARMADY: Yes, I would.

40 **MR O'GRADY:** And indeed, when you look at the safe work analysis that you did, there were a number of aspects of the work that were at the top level of risk?

MR CARMADY: Yep, I'd agree with that.

45 **MR O'GRADY:** And you'd also agree with me that it's very important that elevated work platforms be properly maintained?

MR CARMADY: Correct.

5 **MR O'GRADY:** And that if they're not properly maintained and/or if there's defects in the footings and the like, they could topple and kill the person who's using the elevated work platform?

MR CARMADY: Yes, definitely.

10 **MR O'GRADY:** And also the people around them?

MR CARMADY: Yes.

15 **MR O'GRADY:** And in that regard, I put it to you that a scaffolding system, even though it might be more expensive and might take more time, is inherently more safe than using an elevated work platform?

MR CARMADY: Well, not if both are set up correctly, operated in the right manner and the people are licensed or experienced to use them.

20 **MR O'GRADY:** I'm not saying you can't try and mitigate the risk, but what I'm putting to you is that it necessarily is going to be safer if you've got a properly erected scaffold which can't topple over than on an elevated work platform where you've got the risk of the thing toppling over, you've got the risk of the footings not being properly placed, you've got the risk of the machinery getting stuck so people
25 are stuck at height.

MR CARMADY: Yep.

30 **MR O'GRADY:** All of those things aren't present with a scaffolding system, aren't they?

MR CARMADY: No, but look, once again, if the machine is set up correct, the pre-start is done, the stabiliser is down, there's no risk to the employee once that's carried out and they're wearing their harness.
35

MR O'GRADY: Yeah, I understand. Now, as far as the issues you had with the elevated work platform, you didn't witness anybody interfering with either the logbook or the batteries, did you?

40 **MR CARMADY:** No.

MR O'GRADY: And none of your employees witnessed anybody interfering with the logbook or the batteries?

45 **MR CARMADY:** No, they just found it very coincidental that the comments were made as they arrived to site, as I mentioned earlier, about hoping it would start or comments along those lines or hope the logbook's in there and that.

MR O'GRADY: I understand, but it could've been anybody who took the logbook or removed the battery.

5 **MR CARMADY:** It's possible.

MR O'GRADY: Yeah. Could've been a former disgruntled employee of yours?

10 **MR CARMADY:** We hadn't had employees leave the company. They wouldn't have been inducted to be able to get back on site.

MR O'GRADY: It could've been someone who didn't like your business or a competitor.

15 **MR CARMADY:** Look, anything's possible, but -

MR O'GRADY: Yeah. It could've been a scaffolder who was hoping to, you know, get some more work by doing some scaffolding.

20 **MR CARMADY:** Possible.

MR O'GRADY: Yeah. You just don't know, do you?

25 **MR CARMADY:** No.

MR O'GRADY: And you certainly can't say in any way that it was Mr Jones who did that, because you didn't witness it and nobody else witnessed it.

30 **MR CARMADY:** That's correct.

MR O'GRADY: Yes. All right. Thank you. Now, in respect of your interaction with Mr Jones, as I understand it, you didn't feel threatened by what he did?

35 **MR CARMADY:** Look -

MR O'GRADY: That's what you say in your witness statement.

40 **MR CARMADY:** Yeah, look, I personally didn't feel threatened. I'm probably glad it wasn't any of my other staff; they may have felt threatened. As I said, I just wanted to move on and get this project under way.

MR O'GRADY: The way you describe it in your witness statement is you thought he was being rude and bizarre.

45 **MR CARMADY:** Yes.

MR O'GRADY: Thank you. You certainly didn't report it to the police?

MR CARMADY: No.

MR O'GRADY: And you didn't even report it to Lendlease?

5

MR CARMADY: As mentioned previously, they may or may not have seen it. We asked who it was and - yeah.

MR O'GRADY: I understand. Sorry. Just bear with me, Mr Carmady.

10

MR CARMADY: Yep.

MR O'GRADY: In respect of the invoice from Global Hire Services, Mr Creighton says he didn't charge you for the four days where you couldn't use the cherry picker. Is he right or wrong about that?

15

MR CARMADY: I - there's potentially other time until the other contractor hired it off us, so they may have absorbed the cost on that part of it. I think, from memory, because this machine was craned in to this location, it couldn't be removed easily. Normally we would off-hire it and the machine would get collected. Because of where the machine was, it was sort of stuck there until the next contractor had it, so we may have been getting charged until that next contractor charged it over and, yeah, possibly Ryan from Global Hire has absorbed that cost, yeah.

20

MR O'GRADY: Well, he in effect says he felt for you and decided not to - he doesn't believe he charged you for it.

25

MR CARMADY: Yeah. Yeah, that sounds right.

MR O'GRADY: Yes. Thank you. Now, you gave some evidence about your employees being encouraged to sign up to the union.

30

MR CARMADY: Mmm-hmm.

MR O'GRADY: Again, you didn't witness that?

35

MR CARMADY: No.

MR O'GRADY: You don't know who approached them?

40

MR CARMADY: No, I don't recall.

MR O'GRADY: No. And you'd agree with me that there's nothing wrong with somebody who is either a member of a union and/or an organiser with a union trying to encourage people to sign up to the union?

45

MR CARMADY: No, certainly have no issues with that.

MR O'GRADY: Sorry, again, just bear with me, Mr Carmady.

MR CARMADY: No problems.

5

MR O'GRADY: Now, you gave some evidence about VOC.

MR CARMADY: Mmm-hmm.

10 **MR O'GRADY:** Are you aware of the fact that that was actually a Lendlease requirement?

MR CARMADY: It wasn't made known to us at the time.

15 **MR O'GRADY:** No, but it is a Lendlease requirement, isn't it?

MR CARMADY: Yep.

MR O'GRADY: Thank you. I have no further questions, Commissioner.

20

COMMISSIONER: Thank you, Mr O'Grady. Anything arising, Ms Stone?

MS STONE: No. Thank you, Commissioner. May Mr Carmady be excused?

25 **COMMISSIONER:** Yes. Thank you very much for your evidence, Mr Carmady. You're excused.

MR CARMADY: All right. Thank you, Commissioner.

30 **MS STONE:** If you just leave those there, Mr Carmady, we'll collect them. Thank you very much.

<THE WITNESS WAS RELEASED

35 **COMMISSIONER:** Just before we have the morning break adjournment - Mr O'Grady, I just wonder how the CFMEU would have been able to enter into an enterprise agreement with this business, given, on the evidence we've heard - you don't need to answer this now, or indeed, it might not come up till submissions, but it does look like a manufacturing business with a small installation aspect. But - maybe
40 there's something I don't understand about the rules, but it doesn't - it doesn't look like, even without the threats in paragraph 19, that they could have lawfully entered into an enterprise agreement anyway.

MR O'GRADY: I'll do some work on that, Commissioner.

45

COMMISSIONER: And again, I'm happy to be told I'm wrong about it.

MR O'GRADY: Yes. As I say, Commissioner, it's not something that I've had the opportunity to explore.

COMMISSIONER: Very well. We will adjourn till 10 to 12.

5

<THE HEARING ADJOURNED AT 11.33 AM

<THE HEARING RESUMED AT 11.48 AM

10 **COMMISSIONER:** Ms Stone.

MS STONE: Thank you, Commissioner. I call our next witness, Mr Ryan Creighton, who is at the back of the room.

15 **COMMISSIONER:** Mr Creighton, will you come forward to the witness area and remain standing, please.

<RYAN JOHN CREIGHTON, AFFIRMED

20 **<EXAMINATION BY MS STONE**

COMMISSIONER: Please take a seat, Mr Creighton. Ms Stone will ask you some questions.

25 **MS STONE:** Thank you, Commissioner. And I should say Mr Creighton has a small piece of paper in front of him in addition to our statement. That is just our names. Mr Creighton was just concerned about his courtesy, so just in case there was any concern as to what he had, that's all that is. I'm sorry to out you immediately, Mr Creighton.

30

MR CREIGHTON: That's all right.

MS STONE: But we don't want any complaints. Mr Creighton, would you please state your full name for the commission?

35

MR CREIGHTON: Ryan John Creighton.

MS STONE: Thank you. And you were formerly a directly of Global Hire & Services Pty Ltd?

40

MR CREIGHTON: That's correct.

MS STONE: And did you make a written statement to this Commission?

45 **MR CREIGHTON:** I did.

MS STONE: And was that statement dated 8 May 2026?

MR CREIGHTON: It was.

MS STONE: And do you have a copy of that statement in front of you?

5

MR CREIGHTON: Yep, I do.

MS STONE: That statement is 82 paragraphs long?

10 **MR CREIGHTON:** I think it is, yep. That's correct.

MS STONE: And it has five annexures?

MR CREIGHTON: That's correct.

15

MS STONE: And the body of your statement, so that text at the front, those pages aren't individually signed by you, but if you turn to page 12 of that statement, the last page, is that your signature in the signature block?

20 **MR CREIGHTON:** Yep, that's my signature.

MS STONE: Have you had an opportunity to read your statement recently?

MR CREIGHTON: I have.

25

MS STONE: Are there any errors or corrections you wish to make to your statement?

MR CREIGHTON: I don't believe so, no.

30

MS STONE: Is your statement otherwise true and correct to the best of your knowledge and belief?

MR CREIGHTON: Yes, it is.

35

MS STONE: Commissioner, I tender the statement of Mr Creighton.

COMMISSIONER: Any objections?

40 **MR O'GRADY:** No, Commissioner.

COMMISSIONER: Witness statement of Ryan John Creighton, 8 May 2026, 82 paragraphs, 12 pages with five annexures will be RJC-1.

45 **<EXHIBIT RJC-1 WITNESS STATEMENT OF RYAN JOHN CREIGHTON, 8/5/2026, 82 PARAGRAPHS, 12 PAGES WITH FIVE ANNEXURES**

MS STONE: Thank you, Commissioner. Mr Creighton, can you tell me a little bit about Global Hire & Services in terms of when it was started and by whom.

5 **MR CREIGHTON:** Yep. So we started the business in 2010, by myself as a full director at the time, and other parties came in, you know, shortly - shortly after that. What we do, we service other people's - sorry, other customers' equipment - EWPs, scissor lifts, boom lifts, elevated work platforms - and we hire them out as well.

10 **MS STONE:** Okay. I just want to take a step back. So when you say the company was founded in 2010, was that here in Cairns?

MR CREIGHTON: I was living in Townsville at the time, yeah. We moved to Cairns - or I moved to Cairns in 2013, to grow - to grow the business in Cairns.

15 **MS STONE:** All right. And I understand that Global Hire & Services has since been sold to another company?

MR CREIGHTON: Yep, that's correct.

20 **MS STONE:** So what I want to ask you about is prior to that sale.

MR CREIGHTON: Yep.

25 **MS STONE:** That sale was in December 2023; that's correct?

MR CREIGHTON: That's correct, yeah.

30 **MS STONE:** Before that sale, did Global Hire & Services have depots only in Cairns and Townsville?

MR CREIGHTON: Yeah, Townsville and Cairns, that's correct.

35 **MS STONE:** And can you tell me a little bit about your service area for that company?

40 **MR CREIGHTON:** Yeah, so from a regional point of view, we would service, like, from Mackay, you know, west out to Mount Isa and then all the way up into the Torres Strait. Anything we could put on a truck, or a barge for that matter, we would put equipment on sites.

MS STONE: Wonderful.

COMMISSIONER: Can you show the map on page 16?

45 **MS STONE:** Mr Operator, if you could bring up the map on the annexure page 16. Thank you.

COMMISSIONER: That's the area you've just described?

MR CREIGHTON: Yes, that's correct.

5 **COMMISSIONER:** Your service area?

MR CREIGHTON: Yes, that's correct.

10 **MS STONE:** So quite a large area north of Mackay, out west to Mount Isa.

MR CREIGHTON: Yep.

15 **MS STONE:** And all the way to the very top of the state. Mr Operator, could we also have, or could we now have page 17. Beautiful. Thank you. Mr Creighton, is this a screenshot of some of the equipment that Global Hire & Services had in its fleet?

MR CREIGHTON: Yeah, that's correct.

20 **MS STONE:** And can you just walk me through briefly what these are?

25 **MR CREIGHTON:** Yeah, so the top left, we've got a straight stick boom, going across to the right, electric scissor lifts, electric knuckle booms. They can be in diesel or electric. Forklifts. Down to the bottom left of the page, telehandlers, then rough terrain scissor lifts, vertical lifts, then spider booms. So those machines, you know, service - depending what they need to do on the job, they can service any - anything on a job site.

30 **MS STONE:** And how many pieces of equipment did Global Hire & Services have?

MR CREIGHTON: Oh - at what time?

MS STONE: Well, immediately before sale.

35 **MR CREIGHTON:** Roughly around 500, in that region.

MS STONE: Around 500 pieces of equipment?

40 **MR CREIGHTON:** Yeah, give or take.

MS STONE: So it was quite a few.

MR CREIGHTON: Yeah, quite a few, yes. Quite a few headaches.

45 **MS STONE:** All of them in Cairns?

MR CREIGHTON: No, no. That's throughout that region, but the depots being in Townsville and Cairns. So yeah, they're not always obviously in the depot, but they would be in that region.

5 **MS STONE:** And when you say in that region, you mean they'd be on site, so machines being used?

MR CREIGHTON: Yeah, on site, yeah, on hire, that's correct, yeah.

10 **MS STONE:** No cranes in that business?

MR CREIGHTON: No, that's - people commonly mistake our business with cranes. Because it's aerial, they think it is - they refer to it as a crane, but it's referred to as an elevated work platform.

15

MS STONE: So we can shorten that to an EWP?

MR CREIGHTON: EWP, correct, yeah.

20 **COMMISSIONER:** What's the difference between a crane and an elevated work platform?

25 **MR CREIGHTON:** Yeah, so a work platform, Commissioner, is purely people get in the basket to access where they need to work. Cranes, generally, like, lifting materials into position. However, cranes can have also a man box or a man cage on it, and that's somewhere where an EWP can't access, so from time to time they put a man box on a crane to get access.

30 **COMMISSIONER:** And a crane then becomes an elevated work platform?

MR CREIGHTON: Actually, I don't know the ruling on that. I would say to the best of my knowledge no, because that's still a crane.

35 **COMMISSIONER:** If an elevated work platform is used to transport goods, does it become a crane or is it still an elevated work platform?

MR CREIGHTON: Still an elevated work platform.

40 **MS STONE:** Now, with this equipment, Mr Creighton, part of the business was hiring this equipment?

MR CREIGHTON: Yes, that's correct, yep.

45 **MS STONE:** Out to contractors in the industry?

MR CREIGHTON: That's correct.

MS STONE: Was that a wet hire or a dry hire business?

MR CREIGHTON: Dry hire.

5 **MS STONE:** And can you just explain to us the difference between wet and dry hire?

10 **MR CREIGHTON:** So dry hire is we send out to a contractor and they have their own operators to use the machine. A wet hire would be like a crane industry, where they send out an operator or a dogman or people that are skilled to use that crane. You can dry hire cranes as well, but generally, rule of thumb, it's a wet hire, where the crane mobs send out their own operators.

15 **MS STONE:** Okay.

COMMISSIONER: Why is that? What's the reason for the difference?

20 **MR CREIGHTON:** Commissioner, once again, best of my knowledge, it'd probably be the expense of the crane. You know, you got millions of dollars worth of machinery. You know, in the hire industry, things get damaged all the time, not purposefully, but the cranes send their own operators because they're in charge of it. And ticketing and licensing, it's very - very strict around who can operate certain levels of cranes.

25 **MS STONE:** Notwithstanding the fact that you did not offer wet hire, you did have a number of employees in Global Hire & Services?

MR CREIGHTON: Yes, that's correct, yes.

30 **MS STONE:** How many employees did you have?

MR CREIGHTON: Pre the sale, you know, roughly around 20 to 25, somewhere, you know, I can't finger-point it, but it'd be in that sort of region.

35 **MS STONE:** And what did those employees do? What were their roles?

MR CREIGHTON: Yeah, so a mixture of administration people, office managers, service technicians, sales reps, yard people, you know.

40 **MS STONE:** And so those service technicians, what were their responsibilities and roles?

45 **MR CREIGHTON:** Yeah, so they were in the service vehicle where they worked not only in the branches but as you can see by the scale of where we sent the machinery, they could be put in a service ute and sent to different locations to carry out whatever they need to carry out at the time.

MS STONE: Right. So it'd be your site service technicians who were going onto work sites and dealing with the machines?

MR CREIGHTON: That's correct, yes.

5

MS STONE: Now, in addition to providing dry hire of this equipment, you also provided servicing of other equipment?

MR CREIGHTON: Yes. Yep.

10

MS STONE: And also training services. Can you tell me what training you offered as a business?

MR CREIGHTON: Yeah. So I'm a trainer and assessor, and I can train people to operate high-risk equipment for boom lift and forklift only, and I also can train people to operate scissor lifts, which is an EWPA yellow card.

15

MS STONE: Okay. And sorry, that yellow card, is that what we call the licence for a scissor lift?

20

MR CREIGHTON: Yeah, it's for a scissor lift. Yeah, it's not a high-risk licence. A high-risk licence is for boom lift and forklift, which I can do, but the scissor lift is, yeah, purely an EWPA yellow card.

25

MS STONE: We heard some evidence earlier today about verifications of competency. Is that something that your business was also able to provide?

MR CREIGHTON: Yeah, yeah. So in order to do a verification of competency, say for a yellow card, the trainee or the person who wants the verification of competency needs to actually hold the yellow card, and then we can go out to site or they can come into the office, which is preferred, and we do a verification of competency.

30

MS STONE: And what's the purpose of a verification of competency?

MR CREIGHTON: So within the industry they want to make sure that obviously the people going to the site can actually use the equipment. They might hold a licence, say, for a yellow card and may have not operated a scissor lift for a period of time. So they just want to make sure that when they go to that job site, they've actually been verified that they can operate that machinery.

40

MS STONE: Okay. And you said a moment ago that if someone hadn't used a scissor lift for a period of time, they might get a verification of competency.

MR CREIGHTON: Yes.

45

MS STONE: So is it something to prove that your qualifications aren't stale, that they're still -

MR CREIGHTON: Yeah, still hold it, yeah, that's correct. And to be honest with you, I haven't come across where the competency is stale. They're generally up to date with it all.

5

MS STONE: And can you tell me a little bit about your personal experience in the construction industry? So when did you first come into the industry?

MR CREIGHTON: Yeah, so I started in the hire industry in 2004, in Townsville, and I've moved around to various other places within Queensland. Lived in Mackay for a period of time, the Sunshine Coast for a period of time, and now Cairns since 2013.

MS STONE: In your statement, you speak a little bit about your role in the construction industry in the sense of the sorts of people that you would speak to or deal with. Do you want to tell me a little bit about who you engaged with as part of your role in Global Hire & Services?

MR CREIGHTON: Yeah, so I was predominantly on the front end of the business and in sales, so, you know, pushing - going to job sites all across the region and, you know, speaking to the - generally the builder or the primary contractor to start with, and then we break our business down from there, speaking to the contractors who are going onto site, you know, pushing, you know, trying to get our equipment on there.

MS STONE: So someone who's in the business of sales is usually in the business of relationships?

MR CREIGHTON: Yep, absolutely.

MS STONE: So that's something that was important to you?

MR CREIGHTON: 100 per cent, yeah, it's a cornerstone of what we do.

MS STONE: And what about your reputation in the industry?

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MR CREIGHTON: That's foremost. You've got to have obviously serviced and well-maintained machinery and obviously offer a service at the back end of it. I'd like to say machinery goes out in a good order, but it doesn't always stay on a good order on a job site, so that's why we've got the mobile service team to fix whatever needs to be fixed.

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MS STONE: Thank you. Mr Creighton, if I ask about the Cairns Convention Centre Expansion and Refurbishment Project, do you know what that project is?

MR CREIGHTON: Yes, I do.

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MS STONE: Before we speak about that project, do you want to tell me a little bit about the Convention Centre itself and the role it has in the community or the importance of that centre to the community?

5 **MR CREIGHTON:** Yeah. The first one that I heard - Event Cairns, we went to listen to a forum, it was a breakfast or something like that, and one of the guys got up and spoke about how he was a chemist and owned different chemist stores in Cairns, and he used to go to the Gold Coast once a year for a national forum. And his thing was, how come we can't have something like this in Cairns? And now that the
10 Convention Centre is complete, they've got the capacity to hold a national forum and bring the likes of, you know, chemist stores all across Australia into Cairns, you know, which promotes the community, promotes business, and, you know, leaves money in the community.

15 **MS STONE:** Okay. So a very simplistic way of saying that is it's quite an important part of the community?

MR CREIGHTON: A very important part, yes.

20 **MS STONE:** And when it was announced that there would be those expansion and refurbishment works to the centre, was that something that was exciting to you and others?

25 **MR CREIGHTON:** As a business owner, that's the sort of thing you stay in business to see projects like this come to - come to your back door, as a figure of speech.

MS STONE: And are those sort of large-scale government projects something that's common in Cairns?

30 **MR CREIGHTON:** Not large scale like that, no. Common as in, yes, they do happen, but not common as in the time. You know, you might be waiting for quite a few years for a project of that scale to come to a region like Cairns.

35 **MS STONE:** So when those opportunities arise, people are eager to get involved?

MR CREIGHTON: Yeah, you're excited, yeah.

40 **MS STONE:** Yeah. And you're aware that the project commenced work in around late 2019?

MR CREIGHTON: Yep, that's correct, yep.

45 **MS STONE:** And do you recall when you first started or Global Hire & Services first started providing machines to -

MR CREIGHTON: I don't recall, like, if it was 2019, Ms Stone. I don't actually recall a date or a time. But I would say we were in there trying to win work, you know, as soon as contracts were let. So if it was 2019, whenever the start date was, we would've had machines rolling in there soon or very soon after it started.

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MS STONE: You give a figure at paragraph 25 of your statement that between May 2021 and September 2023, Global Hire & Services had 180 contracts to supply EWPs.

10 **MR CREIGHTON:** Yep.

MS STONE: Is that a more accurate assessment of when you would've been on site, or is that just a period of time that you were able to pull records for?

15 **MR CREIGHTON:** That would've been the period of time we would've pulled records from.

MS STONE: And was it some difficulty because of the sale that you were -

20 **MR CREIGHTON:** We've since shut that hire program down and we don't have full access to all the, you know, previous - previous hires or hire information on it.

MS STONE: So that figure of 180 contracts, does that mean 180 machines or does - could it be -

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MR CREIGHTON: To my knowledge, Ms Stone, 180 contracts, it's very rare that we put two machines on the same contract, so I would - yeah, I would say it would be 180 contracts with a different, you know, 180 different types of machines. Some of them would've been overlapping, as in the same type of machine, but, yeah, 180 machines.

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MS STONE: So quite a significant portion of your fleet that you would have had in Cairns would have been on Cairns Convention Centre at some point?

35 **MR CREIGHTON:** Yeah, that's correct, yes.

MS STONE: And who was the managing contractor who did the Cairns Convention Centre?

40 **MR CREIGHTON:** Lendlease were the - they're the contractor.

MS STONE: Can you tell me a little bit about your experience when those sort of large companies like Lendlease would come to Cairns?

45 **MR CREIGHTON:** Yeah, so in - we say we've got to go and make a new friend, because generally companies like Lendlease send their management up from southern ports. Could be anywhere; generally Brisbane, Sydney or Melbourne. They

generally don't want to talk to companies like us until the contracts have been let, but once they do, they open their doors and we go in and get information and then, yeah, chase the various contractors who are coming up to do the - to do the job.

5 **MS STONE:** Sorry, you said there were various contractors coming up to do the job. What do you mean by that?

10 **MR CREIGHTON:** Sorry, or contractors, trades, so we chase the trades who are doing the job. Some could be local, and majority when, like, a Lendlease come to town, not a lot of local trades will usually get that business. It's usually southern companies that come up and do it.

MS STONE: And why is that, do you think?

15 **MR CREIGHTON:** Sometimes it's their expertise. There might be an expert trade where a place like Cairns doesn't have that, or others it's just the norm that they bring their friends or companies that they do business with up to do the job with them.

20 **MS STONE:** In your statement, you refer to the Cairns Convention Centre site being quite a unionised site. Can you tell me the basis of why you say it was a unionised site?

25 **MR CREIGHTON:** To my knowledge, generally, you know, it's a union site. You can see their flags flying at the front, whether it's attached to a crane or a bit of scaffold or maybe on the front fence. And then, you know, being a Cairns local, you know, we speak to other - other people within our industry, and you know pretty quick, you know there's going to be union officials on the site.

30 **MS STONE:** Did you see those flags on the Cairns Convention Centre site?

MR CREIGHTON: I would've, yes, definitely. They were on Sheridan Street.

35 **MS STONE:** On Sheridan. When you were on the Cairns Convention Centre work site, did you ever hear conversations that led you to believe that there was union activity or members who were present?

MR CREIGHTON: Yeah, definitely, yep.

40 **MS STONE:** Can you tell me the sorts of things you might hear?

45 **MR CREIGHTON:** Ms Stone, it's hard to - it's sort of vague memories, it's a few years ago, but you just know their presence is - is there, you know. They've got a presence there. Whether you see them, or, you know, someone's escorting you off site after you've had your meeting, you might hear a conversation around, you know, what's happened on the site with the union officials there.

MS STONE: When you were on Cairns Convention Centre, on that site, beyond seeing the flags, did you ever see anything else with the CFMEU logo on it?

5 **MR CREIGHTON:** Yeah. I was - I've got in my statement somewhere there where I was introduced to one of the - a union official, and I went to shake his hand to, you know, be civil and say hello and, yeah, he refused - I wouldn't say he refused to shake my hand. He looked at me like as if my hand wasn't there to be shook.

10 **MS STONE:** Okay. Can you describe that man to me?

MR CREIGHTON: Not very tall, but sort like a stocky build, and white is probably best of my knowledge of describing him.

15 **MS STONE:** And how did you know he was from the CFMEU?

MR CREIGHTON: Generally, they wear some sort of vest that's different to everyone else's, like, vest or - or their demeanour, and their hard hats is distinguished from other people's hard hats. His hard hat was different to mine. And I reckon I recall seeing, you know, stickers on his hat as well.

20 **MS STONE:** So just go over that hard hat with me again. What did that look like?

MR CREIGHTON: Well, the best way to describe it, it's like a rigger's hard hat, and looks like - like, if you watch, like, American construction, they have a different
25 hard hat to the Australian hard hat.

MS STONE: And so that incident where you were on site in and this person wouldn't shake your hand, were they wearing this hard hat?

30 **MR CREIGHTON:** I don't recall if he had it on or - because it's a hard hat zone, you've got to have all your PPE on when you're in those areas - whether he was wearing it or had it, but I recall seeing it, yeah.

35 **MS STONE:** And was there anything else about that gentleman that indicated to you that he was from the CFMEU?

MR CREIGHTON: Oh, yeah, probably the way they talk, you know, a bit of arrogance, you know, a bit of, you know, talking over the top of a conversation, you know. Pushing their weight, as a figure of speech.
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MS STONE: You say in your statement at paragraph 35 that the person that you interacted with who was - refused to shake your hand was kitted out in CFMEU-branded gear. What I'm trying to understand is what he was wearing that made you understand this?
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MR CREIGHTON: Well, he doesn't look like - they don't look like a general tradesperson on the job, you know. They're not kited out like a general tradesperson.

You can - you can distinguish between a tradie and, you know, and an official. As would I, you know, like, I look different when I go to site as well. I'm wearing something different to what the tradespeople are wearing.

5 **MS STONE:** And when this person refused to shake your hand, how did that make you feel?

MR CREIGHTON: Yeah, a little bit put off, I suppose, yeah. Like I wasn't being a threat, I was just being, yeah, polite.

10

MS STONE: And did you have any other interactions with this person on site?

MR CREIGHTON: I reckon I would've gone to site where I've seen him after - I'm not sure if it was after or before. I can't recall, but we were there trying to put machines into a certain area and they were carrying on about the type of machines we were trying to put in there, as in he, the guy that didn't shake my hand, and I thought that was over the top, because he wasn't privy to the conversation. He was just - yeah, I don't know what he was trying to achieve, to be honest with you.

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20 **MS STONE:** And you speak in your statement about there being a sense of feeling intimidated when you went onto that site. What was it about these interactions or other interactions you had on site that made you feel that level of discomfort?

MR CREIGHTON: Well, you hear, obviously, with the circles within the construction industry, you know, certain things that happen on there. Whether they were true or not, you know, whether it was gospel or wasn't gospel, you just hear certain things. From that experience of not having my hand shaken and, you know, seeing him going off about something he wasn't really privy to in the conversation, I felt it's not - it didn't seem like a friendly place to be and somewhere that I didn't really want to go down to.

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MS STONE: Okay. You say that you heard other stories about what was happening on site. What were those stories that you heard?

MR CREIGHTON: Once again, Ms Stone, vaguely, you know, them throwing their weight around to other contractors, you know, swearing and abuse if things weren't going their way. Yeah, just petty stories at the time, I suppose, but things that you think, "That's not something I want to put myself in front of."

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40 **MS STONE:** And you would hear this from other contractors on site or elsewhere?

MR CREIGHTON: I would say a mixture from on site and a mixture, you know, from other trades on other sites. They may be talking to the trades or friends that they have on that particular site.

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MS STONE: And in your industry, is it common for people to talk about the different kinds of projects they work on?

MR CREIGHTON: Yeah, of course. They're always worried about what other trades or what other jobs are doing. Yes, that is common.

5 **MS STONE:** Were you ever aware of or did you ever hear any stories about any requirements to have an enterprise agreement or a particular enterprise agreement on the Cairns Convention Centre?

10 **MR CREIGHTON:** Oh, no, that's - I had really nothing to do - I've heard of those sayings before, but I couldn't explain what they are or what they mean.

MS STONE: Well, in your statement at paragraphs 28 and 29, you speak about some of the contractors who had come up from down south to work on the Cairns Convention Centre.

15 **MR CREIGHTON:** Yep.

MS STONE: Do you want to tell me a little bit about your views there?

20 **MR CREIGHTON:** So knowing that they - you know, that they would have an agreement, that from my little knowledge, I would - would say that if the mobs were coming up, mobs as in contractors were coming up from down south, you would think they would have some sort of agreement to have - to have that job on - on that government site.

25 **MS STONE:** Well, why do you say that? I mean, one of the examples you give is about the plumbing works on the Cairns Convention Centre.

30 **MR CREIGHTON:** Yep.

MS STONE: Could it be that the company that came up from down south had those specialised expertise?

35 **MR CREIGHTON:** Yeah, I would say, yes. I remember talking about that - the plumbing mobs from Victoria. You just think to yourself: how does a Victorian mob come up to a Queensland Government job and win a contract, you know. That's - I've got nothing other than to say it's bizarre, you know. Why does that happen?

40 **MS STONE:** Well, to your knowledge, were there other plumbing companies in Cairns or more locally that might have been able to provide those services?

MR CREIGHTON: Yes, definitely. Whether they had the expertise to do that, that's questionable as well, but yes, I would say there would be plumbing companies in Cairns capable of doing that.

45 **MS STONE:** All right. What about in terms of things like steel fabrication?

MR CREIGHTON: Yes, I think there's - there's steel fabrication mobs in Cairns that could do that work as well.

5 **MS STONE:** And to your knowledge, were those companies engaged on the project?

MR CREIGHTON: No, not to my knowledge.

10 **MS STONE:** You say in your statement here, the example you give is of CSF Industries.

MR CREIGHTON: Yes.

15 **MS STONE:** And you seem to express some surprise that they weren't on the job?

MR CREIGHTON: Yeah, so CFS Industries is a very big steel fabricator not just in North Queensland but in Queensland. They can produce steel fabrication all over the country and into parts of New Guinea. So, yeah, it's surprising that a mob like that can't have a crack, once again as a figure of speech, for a job like the Cairns Convention Centre.

MS STONE: And that was a company you'd worked with or hired equipment to previously?

25 **MR CREIGHTON:** Yeah, they were a customer of ours, that's correct, yes.

MS STONE: On other big projects?

30 **MR CREIGHTON:** Yes, that's correct, yeah.

COMMISSIONER: Do you know whether they were a unionised business?

35 **MR CREIGHTON:** Commissioner, not to my knowledge. I - I - I don't think so, if you ask me. But not to my knowledge, no.

MS STONE: In paragraph 30 of your statement, you refer to a general attitude in the construction industry about sort of getting on with the job.

40 **MR CREIGHTON:** Yep.

MS STONE: Bending over backwards to help each other. Was that something that you felt was occurring on the Cairns Convention Centre?

45 **MR CREIGHTON:** Sorry, I don't understand that question.

MS STONE: So you say in this part of your statement at paragraph 30:

"Things go wrong on every construction project but usually you can rely on your relationships with people, and everyone pends over backwards to make it work and maintain those relationships."

5 Did you think that that was something that was happening on the Cairns Convention Centre site?

MR CREIGHTON: To my knowledge, I probably wasn't on there enough frequently to observe that. I can only speak on other construction sites when things
10 go wrong, for the local content, people want to do people do well and move on to the next job. So yeah, to my knowledge on there, I don't think I could probably have an opinion on that. But I know within any workplace and the people that we deal with, business is all about relationships.

15 **MS STONE:** Okay. Well, let's talk about some of the things on the Cairns Convention Centre that you were involved in.

MR CREIGHTON: Yep.

20 **MS STONE:** So one of the matters that you speak about in your statement is an issue of missing paperwork.

MR CREIGHTON: Yep.

25 **MS STONE:** Do you want to tell me a little bit about, first of all, what paperwork you would need to do in order to hire out your machines to people?

MR CREIGHTON: Yep. So -

30 **COMMISSIONER:** I just wonder whether the witness can be shown page -

MS STONE: I believe it's page 14 of the opening bundle.

COMMISSIONER: Page 14 of the tender bundle. In paragraph 34 you said:

35 "The CFMEU representative at the Cairns Convention Centre also wore a different style hard hat to everyone else and it was decked out in CFMEU stickers."

Do you recognise this person?

40 **MR CREIGHTON:** Commissioner, I don't recall - like, that stature, as in what he looked like, yes, that fits the bill. I knew him as Hayden. I wouldn't know his surname. And I don't reckon I've seen those tattoos, whether he had a long-sleeve shirt on or something like that. But that stature of the person that I recall, you know,
45 fits the bill.

MS STONE: Okay. So the person that you did have those interactions with on Cairns Convention Centre site, you did know their name as Hayden?

MR CREIGHTON: Yes.

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MS STONE: Who told you that?

MR CREIGHTON: I was in a meeting recently, whether it was with you, Ms Stone, and a couple of names were mentioned, and I recall the name as Hayden, yeah. I just remember that name.

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MS STONE: All right. Tell me a little bit about the paperwork that you do in order to hire out?

MR CREIGHTON: So when the job first gets announced, we go down to Lendlease and, you know, we ask that we're going to have machines on this site, and then they gave us paperwork that needs to be completed prior to the units going to site. So we do that in advance. So when we start getting orders for the machine, we're prepped and ready to go. So the machines need to - in the industry, it's called a tick and flick, basically. They ask for the information, we supply it, the machine's gone in accordance with what the sheet requires, as in, the safety sheets. On this particular project, they wanted an electric copy, which would be scanned and sent down to Lendlease, and they'd also require a hard copy. A hard copy had to be sent with the machine.

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MS STONE: Okay. And where would that hard copy of the documents go?

MR CREIGHTON: Yeah, on the elevated work platforms, within the basket, they have a yellow pouch in them. That also has a logbook in them as well, and they're waterproof. So they would be put in the yellow pouch, zipped, zipped up as in just a zip and sent with the machine.

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MS STONE: Okay. And those scanned copies of the machine, was that something that - apologies, scanned copies of the paperwork with the machine - is that something that was instantaneous that you would do as soon as you'd done the physical paperwork?

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MR CREIGHTON: No. I'd like to think it would be, but no, it wasn't always the case. Sometimes it might sit on, like, in a - someone's desk, one of my office people's desks, for a period of time to scan it and send it to Lendlease.

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MS STONE: Okay. How much notice would you get if a machine was required on site?

MR CREIGHTON: Yeah. In our industry, Ms Stone, sometimes very short notice. You know, you might get a phone call at 6.30 and you'd need to jump on it straight away. So it was a matter of, you know, prioritising that, because it was a big part of,

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you know, what we were doing at the time, and we needed to have a project like that. So, yeah, we would get little notice, sometimes you might get a day. So, yeah, but it had to happen either way.

5 **MS STONE:** How frequently were you getting that sort of urgent notice of 6.30, let's get it on site?

MR CREIGHTON: I don't think I can put a figure on that, but that's our industry. Everything's always short notice.

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MS STONE: Okay, so it's a fairly common occurrence for it to be an urgent requirement?

MR CREIGHTON: Yes, that's correct, yep.

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MS STONE: You said you went down to Lendlease, you had a bit of a chat about what was required to do on the checklist.

MR CREIGHTON: Yep.

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MS STONE: Did you then go back to your team at Global Hire & Services and explain that?

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MR CREIGHTON: Yeah, absolutely. So everyone within my business knew the importance of a job like this, and you know we got to get it right, particularly - not just early in the project but throughout the project. So, yes, everyone was aware of that.

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MS STONE: How common is it for paperwork to go missing from that yellow pouch that goes on the side of the machine?

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MR CREIGHTON: Oh - yes, it happens, like, you know, stuff does get misplaced, but in this particular project, you know, it happened, you know, a lot more common than other jobs. Obviously we had a lot more hire contracts. You know, we said 180 hire contracts. So it is common for it to go missing, but it seemed pretty, you know, hard for it to go missing, and it did happen, you know, more - not more times than not, but it definitely did happen.

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MS STONE: And what would happen when the paperwork would go missing?

MR CREIGHTON: Well, then the machine wouldn't be inducted on site. So we would have to down tools, you know, get - take a photocopy of the electronic copy and then run it - run it down to site.

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MS STONE: So is that something where you would do a physical run to site?

MR CREIGHTON: Physical run to a site, which is a pain in the butt, but once again, the importance of the job, we need the work, you'd do anything to keep the project, from our end, running smoothly.

5 **MS STONE:** And so before the person on site gets that paperwork, there's no using the machine?

MR CREIGHTON: No, not to my knowledge, no.

10 **MS STONE:** Okay. You say in your statement in paragraph 49 that you can't remember each time that this happened.

MR CREIGHTON: Yep.

15 **MS STONE:** But then you say it happened around 12 to 15 times. Does that sound about right?

MR CREIGHTON: Yeah, to the best of my knowledge, yes.

20 **MS STONE:** And were there particular machines where it seemed to happen more frequently?

25 **MR CREIGHTON:** Well, we had a lot of electric scissor lifts on the job, so I would say a lot more for the electric machines, which is, you know, an easy tick and flick as such, because there's not much really to check or it doesn't need that much extra put on the machine to do it, so it's a pretty straightforward machine to get inducted on site.

30 **MS STONE:** And was that a machine that was commonly being used on the Cairns Convention Centre?

MR CREIGHTON: Yeah, that's correct.

35 **MS STONE:** What would happen if you just could not get the paperwork to site within the window of time available?

40 **MR CREIGHTON:** Yeah, they would stand - that machine wouldn't be inducted, so obviously the contractor who had it on hire wouldn't be happy, and, yeah, we'd have to do it. But in saying that, we'd try very hard to get it in there in a timely manner.

MS STONE: Because that has other flow-on effects for other work?

MR CREIGHTON: Yeah, correct.

45 **MS STONE:** And did you work on any other jobs where you had that level of missing paperwork or where you had so many occurrences of that?

MR CREIGHTON: Yeah, so it's not uncommon to have to send electronic paperwork and physical paperwork. Mostly on government jobs or - we don't get a lot of tier 1 jobs, but government jobs they require it. It wasn't uncommon for it to go missing, but it did happen from time to time, but probably not as common as what happened on the Convention Centre.

MS STONE: When you say from time to time, how often would it happen on another job? Once? Twice? Three times?

MR CREIGHTON: Three or four times, and in saying that, could be my office's fault where it didn't go, because the pressure wasn't there from that job to have it. It might've been a mishap from our end. And from time to time, like, yes, once or twice, it could be a mishap from their end as well.

MS STONE: Well, those jobs where there was the occasional missing paperwork, were they jobs that were of a comparable size to the Cairns Convention Centre?

MR CREIGHTON: A lot smaller, yes.

MS STONE: Smaller? All right. You say in paragraph 51 of your statement - excuse me, Commissioner - paragraph 51 of your statement, you speak about your suspicions about what was happening with the paperwork -

MR CREIGHTON: Yep.

MS STONE: - that was going missing, specifically on Cairns Convention Centre. Can you walk me through here what it was that you were suspicious of and how you came to form that suspicion?

MR CREIGHTON: Well, it's just suspicious as in, like, why was it going missing? I'd phone my staff, whether I got the phone call, which happened from time to time, as in more than once. I'd ring my staff and ask them, "Have we not put the paperwork in?" And I would get a reply, "I remember zipping it up like 15 minutes ago or an hour ago. I remember zipping the yellow pouch closed with the paperwork inside." So an opinion was, well, how's it going missing, who's playing funny buggers down on site? But my company or a company like us are not in the position where we can go and push it further, because they could potentially say, "Well, you know, take you and your machines and bugger off and we'll find someone else that can do it." So as a figure of - looking at it, it was just who was playing funny buggers? I don't know. I don't think it would've been Lendlease. I don't think - it certainly wouldn't have been the contractor, because they needed to use the machine.

MS STONE: Is it possible that the paperwork could have been innocently misplaced?

MR CREIGHTON: Definitely. You know, yes, and that does happen. But this was happening more regularly.

MS STONE: So it was happening at a frequency that made you concerned this wasn't a one-off or two-off?

5 **MR CREIGHTON:** It was happening with a frequency, like, what are we doing wrong? How else can we get this to you, because it looks like we are stalling your process, and we're not in the business of stalling people's processes. We want to streamline it.

10 **MS STONE:** And did you later have an experience with a company called Status Signs -

MR CREIGHTON: Yep.

15 **MS STONE:** - where there were also issues of missing paperwork?

MR CREIGHTON: I don't recall the missing paperwork with Status Signs. The Status Signs would've been around when they took over a hire of a machine that was already on site.

20 **MS STONE:** Well, let's go through it. So you say in your statement that early 2021, you had a spider lift boom on site, hired out to Stowe Australia. Do you recall that?

MR CREIGHTON: Yes, that's correct.

25 **MS STONE:** Were there any issues or difficulties with that hire-out to Stowe Australia?

30 **MR CREIGHTON:** No, it was a pretty straightforward process. So it's a specific machine that they required to get on a mezzanine floor, not your run of the mill EWPs, as in, we don't have a lot of them. So it was a bit of planning in to get that into where it needed to, as in site attendance to go and make sure it would do the job, the weight, so yeah, we had to get a lot of things right, information to Lendlease, so they can take to their engineers and their parties to work out that they can actually
35 get this machine into where they need to have it.

MS STONE: And that process went smoothly?

40 **MR CREIGHTON:** Yeah, yeah, I don't recall any hiccups.

MS STONE: At the end of Stowe Australia's hire, the machine was hired out to someone else?

45 **MR CREIGHTON:** Yep.

MS STONE: Why was the machine immediately hired to someone else?

MR CREIGHTON: Because the machine was already craned into like a mezzanine area. So rather than crane it out and go through that process again, we would've sent someone down there to do an off hire, as in, check the machine over before it goes on hire to someone else, make sure it's not damaged, you know, it still meets the Australian Standards as in the tick and flick, or the safety paperwork, I should say. So that's common practice for us. So, yeah, that should have just been straightforward, and then Status Signs should've been able to use the machine straight away.

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10 **MS STONE:** Okay. So it's not the case that you simply hand the keys to the next person and say -

MR CREIGHTON: No, no. I wouldn't say that doesn't happen, but on a site like this one here, you definitely wouldn't get away with that.

15 **MS STONE:** And who were your site technicians that you would send to site to do this kind of work?

MR CREIGHTON: So at the time we had Jake, I would've had - and a Brett working for me. Jake no longer works for me. I've still got Brett that works for me as well.

MS STONE: What's Jake's full name?

25 **MR CREIGHTON:** Jake Reid.

MS STONE: And Brett's full name?

MR CREIGHTON: Brett Hammond.

30 **MS STONE:** Brett Hammond. Okay. Now, you say that you would have gone or someone from Global Hire & Services would have gone on site.

MR CREIGHTON: Yep.

35 **MS STONE:** Done the safety checks that were necessary to do.

MR CREIGHTON: Yeah, that's correct.

40 **MS STONE:** Would they have filled out the paperwork and the logbook on the machine?

MR CREIGHTON: Yeah, they would've filled the logbook out to make it's in its 90-day inspection, and they would've filled out - we've gone digital now, but at the time it would've been a manual sheet.

MS STONE: Okay. And were you aware of any difficulties with Status Signs then using that machine on site?

5 **MR CREIGHTON:** As in the problems they had after they were supposed to start their work?

MS STONE: Once the machine went into their hire -

10 **MR CREIGHTON:** Yeah, I was made aware of difficulties, yes.

MS STONE: Yeah, okay. What was the first issue that you were made aware of?

15 **MR CREIGHTON:** I think I said, Ms Stone, at the time I can't recall the exact days and the manner that it happened, but along the lines of they had night-time work. They were doing - they were putting a screen on the windows and they couldn't do it during the day because the windows were too hot. And that's the exciting part, you know, having my job, you get involved in jobs like this. You can go and explain to people, you know, our machinery helped do this. However, the difficulties were union officials, so they - they, as in Status Signs, went there of a night-time to start using the machines, and the union officials made it difficult for them to use the machines for excuses that - I think there was something - an issue with the footpad. They wanted that to be looked at.

25 **MS STONE:** Why don't we just break it down.

MR CREIGHTON: Yep.

MS STONE: So you were not on site when these issues occurred?

30 **MR CREIGHTON:** No, I wasn't.

MS STONE: How did you become aware of them?

35 **MR CREIGHTON:** I would've been made aware the next day. I don't recall whether it was from the owner of Status Signs or through one of his foremen phoning me or through the office, but I would've received one or two of those phone calls, and my office would've received them as well.

40 **MS STONE:** Okay. I appreciate that you say you don't quite remember what order issues were raised in or precisely when. I understand that. In paragraph 60, you speak about - in your statement you speak about an issue with paperwork going missing. Would that be a reference to the logbook on the machine?

45 **MR CREIGHTON:** Yeah. To be honest with you, Ms Stone, I don't recall the actual paperwork going missing. My recall was more the physical aspects of the machine.

MS STONE: Okay. Well, the next incident that you refer to in your statement is an issue with the battery of the machine.

MR CREIGHTON: Yep.

5

MS STONE: And what do you recall about being told about the battery?

MR CREIGHTON: Like a battery going missing on a machine.

10 **MS STONE:** Okay. When you say a battery would go missing, is that something that ordinarily happens with your machines?

MR CREIGHTON: Not on a job site like the Cairns Convention Centre, no.

15 **MS STONE:** Does it happen on other job sites?

MR CREIGHTON: If there's vandalism maybe, yes, but once again, this place - Cairns Convention Centre wasn't like a normal construction site where maybe general public or thieves or whatever can get into. Yeah, the Cairns Convention
20 Centre was pretty hard to get into as a visitor, never mind someone that shouldn't have been there.

MS STONE: Okay, so it was a secure work site.

25 **MR CREIGHTON:** I would say so, yes.

MS STONE: And the machine was inside?

MR CREIGHTON: Yep.

30

MS STONE: And only limited people had access to that work site?

MR CREIGHTON: Best of my knowledge, yes.

35 **MS STONE:** And what about to the area of work where the spider lift boom was? Would everyone on site walk through that space?

MR CREIGHTON: I reckon everyone would probably have access to that, yes.

40 **MS STONE:** With respect to the battery, how easy is it to remove a battery from one of those machines?

MR CREIGHTON: Yeah, I wouldn't say it would be easy. You'd have to have some sort of certain skill level or some sort of tool to get the battery out.

45

MS STONE: Why do you say you need skill or a tool? Is it encased in something or is it attached to something?

MR CREIGHTON: Yeah, it's got cables on it, and that's attached to it, yep.

5 **MS STONE:** Okay. Is there any way that the battery could have fallen out of the machine or become damaged and been removed?

MR CREIGHTON: No, not to my knowledge, no.

10 **MS STONE:** Okay. The third issue that you refer to is an issue with outriggers that stabilise the machine.

MR CREIGHTON: Yep.

15 **MS STONE:** Do you want me tell me what -

MR CREIGHTON: So to my knowledge there, Status Signs have gone in to use the machine again one night and the union officials weren't happy with the plate or the - I'm not actually sure if it's actually the plate on the machine or the plate that sits on the ground as a base plate to stabilise the machine or help stabilise the machine.
20 But they wanted an engineer to sign off on that because they weren't happy with it.

MS STONE: Okay. And these are things you'd be made aware of as the company that had provided the machine?

25 **MR CREIGHTON:** Sorry, what's your question?

MS STONE: Would you be - were you made aware of those issues - who told you about those issues on site?

30 **MR CREIGHTON:** Once again, I don't recall if I got the phone call from Status Signs from that or if I heard that the following morning from my staff, but I definitely was made aware of it.

35 **MS STONE:** Okay, and that's largely a safety issue with the machine if you accept that it's a concern about whether the machine was suitable for use?

MR CREIGHTON: It would've been a safety issue, but that would've been picked up in the pre-hire when we would've sent, like, Jake or Brett to have a look at it.

40 **MS STONE:** And so did you consider that to be a legitimate safety issue or a legitimate problem with the machine that was on site?

MR CREIGHTON: No, I don't believe so, no.

45 **MS STONE:** Okay. And then you also refer to an incident with the harness. Do you want me to tell me what you recall about that?

5 **MR CREIGHTON:** Yeah, so once again I'm not certain on the sequence of events, but we as well as Status Signs have jumped through the hoops to get the machine rectified with the so-called problems that it had, and in my opinion it didn't have, and then Status Signs have gone in there again to use the machine at night-time and the union officials have asked them that the safety harness had been sitting in a machine and it needed to be reinspected because it could have dust particles in the harness.

MS STONE: And what effect would dust particles have on the harness?

10 **MR CREIGHTON:** To my knowledge, not - not a lot, because it was a pretty clean environment. From my experience, where a harness may have issues is in, like, a toxic sort of area, as in chemicals or, you know, a paint that can, you know, affect the integrity of the harness.

15 **MS STONE:** Okay. Is that a common issue to happen to harnesses on your machines?

MR CREIGHTON: I - I haven't ever heard of that before.

20 **MS STONE:** Okay. Have you ever provided machinery to another work site where you've had a series of incidents similar to this happen to one machine?

MR CREIGHTON: I wouldn't be good at my job if I was.

25 **MS STONE:** And why do you say that?

MR CREIGHTON: Because it doesn't happen.

30 **MS STONE:** And that's because you take safety seriously and you make sure your machines are good to go?

MR CREIGHTON: Of course.

35 **MS STONE:** How long was the hire, to your best recollection, of the spider boom lift to Status Signs?

40 **MR CREIGHTON:** Yeah, I remember that, talking to the owner of Status Signs, and it was a week - it was a week. I vividly remember that was the period, because I know from memory as well after they'd finished it, the contract, Lendlease wanted to use the machine for - for something else.

MS STONE: Okay. And so did you then go through the same process of sending someone on site to check the machine and do the paperwork?

45 **MR CREIGHTON:** To the best of my knowledge, yes, we would've, yes.

MS STONE: Okay. And the machine was then provided to Lendlease?

MR CREIGHTON: It would've been, yes.

MS STONE: Were there any concerns with that machine going forward?

5

MR CREIGHTON: Not the same that Status Signs had, definitely not.

COMMISSIONER: So there were no issues beforehand with the previous hire with Stowe Australia, and no issues afterwards, after the hire to Status Signs?

10

MR CREIGHTON: Your question, Commissioner, is, sorry?

COMMISSIONER: I'm just trying to understand your evidence. Do I understand your evidence that during the hire, from 14 April 2021 to either 30 April 2021 or 7 May 2021, whatever date it was -

15

MR CREIGHTON: Yep.

COMMISSIONER: - to Status Signs, you were made aware of various issues that you've just described with the machine that was the subject of the hire?

20

MR CREIGHTON: Yeah, that's correct.

COMMISSIONER: But previously, from 1 February 2021 to 11 April 2021, when the same machine was hired to Stowe Australia, and after 11 May 2021 when the same machine was hired to Lendlease, there were no issues?

25

MR CREIGHTON: Look, there might've been an issue with the machine as in a fault. I can't say that. But there was no issues as in, you know, bullshit reasons why they can't use the machine.

30

MS STONE: And can I take your reference to saying there were no other bullshit reasons why others couldn't use the machines to be a reference to your opinion that these incidents were for bullshit reasons?

35

MR CREIGHTON: That's correct.

MS STONE: So you consider this to be a bit of an anomaly in the treatment of your machines at least.

40

MR CREIGHTON: Just going from my experience when there's an issue with the machine, like - a technical issue would generally come from the people who hire the machine. Something that's wrong with it, as in, you know - that's wrong with it, that comes from Lendlease. Lendlease have their own workplace health and safety person. So if there was something mainly wrong from the machine, from my experience, whether I got the phone call or my office got the phone call, it would

45

come from, you know, someone like that, not - not an official from the union saying, you know, you can't use this machine.

5 **MS STONE:** So who told you it was officials from the union who were causing this issue?

10 **MR CREIGHTON:** I can't be - who it was from Status Signs, but it would've been someone from Status Signs. Whether it was the owner of Status Signs or one of his foremen.

MS STONE: So someone from Status Signs has called you up and given this as the reason?

15 **MR CREIGHTON:** Yes, that's correct.

MS STONE: Okay. Did they ever identify the individuals who were -

20 **MR CREIGHTON:** I can't, no. To my knowledge - they may have, but to my knowledge I don't recall it.

MS STONE: Okay.

25 **MS STONE:** You give some evidence in your statement about stop-work directions and -

COMMISSIONER: Just before you move on this topic, Ms Stone, I wonder if the witness can be handed a copy of RWDC-3, which is an invoice from Global Hire & Services to Status Signs. I'm just trying to work out what your evidence is here, Mr Creighton. Your witness statement says there was a hire to Status Signs from 14 April 2021. That's what you say in paragraph 56.

30 **MR CREIGHTON:** Yep.

35 **COMMISSIONER:** And you say:

"The hire ended on 7 May 2021."

That's what you say at paragraph 68.

40 **MR CREIGHTON:** Yep.

COMMISSIONER: That's three weeks, roughly.

45 **MR CREIGHTON:** Yep.

COMMISSIONER: This hire is - sorry, this invoice, I beg your pardon, is for only two weeks.

MR CREIGHTON: Yep.

5 **COMMISSIONER:** Just over two weeks, 14 April '21 to 30 April '21, and you also say in paragraph 66:

"I also felt bad for Mr Carmady because he had only hired the equipment for a week, and because of the delays getting started Status Signs then needed it for three weeks. So I didn't charge him for the four days the equipment could not be used."
10

MR CREIGHTON: Yep.

15 **COMMISSIONER:** Can you just marry up this invoice with your evidence?

MR CREIGHTON: Yeah. That statement would be correct, Commissioner, with the evidence we would've charged him for that period.

20 **COMMISSIONER:** Which period are you talking about?

MR CREIGHTON: The period that's on the invoice. Whether I didn't charge him or something else on the job or another project to try and make it up, it's not uncommon for me to have to charge an invoice on one thing and then make it up for - make it up to a company like that on another - another job.
25

COMMISSIONER: It looks like you didn't charge him for seven days, to me, reading - if all the dates in your witness statement are correct.

30 **MR CREIGHTON:** Yep. Are we saying here - I'm just trying to follow it here, Commissioner, 7 May is when we started the hire with -

COMMISSIONER: I'll have a look. No, 11 May is when you started the hire with Lendlease, but the Status Signs hire ended on 7 May. That's paragraph 68.
35

MR CREIGHTON: Yep. So one or two things there, Commissioner. To my knowledge, Status Signs might have gone up to or before 7 May and used the machine, and we wouldn't have charged them, or the machine could have sat on site till 7 May until Lendlease required the machine.
40

COMMISSIONER: Sorry, my point is a different one. Paragraph 56 you say:

"The hire started on 14 April 2021."

45 **MR CREIGHTON:** Yep.

COMMISSIONER: You then say the hire - this is the hire to Status Signs - ended - this is paragraph 68 - on 7 May 2021. The invoice is only from 14 April to 30 April, not from 14 April to 7 May.

5 **MR CREIGHTON:** Yep.

COMMISSIONER: April's got 30 days.

MR CREIGHTON: Yep.

10

COMMISSIONER: So you haven't charged for 1 May through 7 May.

MR CREIGHTON: Yep -

15 **COMMISSIONER:** But you say that you didn't charge for four days. On my count, it's seven days you didn't charge for.

MR CREIGHTON: Yep.

20 **COMMISSIONER:** But it could be there's some error in the witness statement, too. I just don't understand.

MR CREIGHTON: Yeah. There's a few variables there, Commissioner. To my knowledge, if that's what we've invoiced for, that's all we've invoiced for, and to my
25 knowledge, whether Status Signs had the machine for a few days into May that we didn't charge them for, I would've said four days, you know, maybe as my best guess, or the machine could've sat there for a few days until - until Lendlease took it on hire.

30 **COMMISSIONER:** Thank you.

MS STONE: Is it also possible that there might've been other hires by Status Signs for other work done on the Convention Centre?

35 **MR CREIGHTON:** They would've hired other machines, Ms Stone, but to my knowledge, I don't recall, you know, around that timeframe, no.

MS STONE: Okay. In your statement, there's some evidence about stop-work directions, and they relate to weather on site.

40

MR CREIGHTON: Yep.

MS STONE: We'll be hearing evidence from others about that. But what I want to ask you about generally is the climate in Cairns.

45

MR CREIGHTON: Mmm-hmm.

MS STONE: So do you want to tell me a little bit about heat, humidity and the rain?

MR CREIGHTON: So, yeah, I can talk today. I woke up, and there's a house being built behind my place at the moment, and it was raining this morning. I could hear
5 grinders. As I was on my way into work this morning, it was raining, and there's a project being built for social housing at the moment, and I've got EWPs on that site, boom lifts, and it was raining and they were up in the air working. As I got further into work, there's asphalt being poured along the access road into Cairns, and they're
10 working. There's a couple of commercial job sites on the access road heading into the Cairns city at the moment, and it was raining and, yeah, they were working.

MS STONE: Okay. So is your point in that in somewhere like Cairns, where rain is not uncommon, tools don't go down for a bit of rain?

15 **MR CREIGHTON:** Yep.

MS STONE: What about when it's very hot?

MR CREIGHTON: Look, it's not uncommon to work in the heat as well. Obviously
20 you put measures into place for your workers. Their safety and health is, you know, priority. But, yeah, it's not uncommon for people to work in the heat. You know, December through to February, even March, it's quite hot in the tropics.

MS STONE: And will you explain to the Commissioner, as someone who lives in
25 the tropics, the difference between what might be the build-up, the wet season and then the remainder of the year?

MR CREIGHTON: Sorry, what's your question?

30 **MS STONE:** Can you just explain to me, do you know what the build-up is? That period of time before the wet season, can you tell me what that is?

MR CREIGHTON: Yeah, so generally from November, you know, through to
35 April is cyclone season. So that's one aspect of weather, but that's also our monsoonal season. That's the tropics. That's when traditionally we get our rain.

MS STONE: And does work stop during that period of time?

MR CREIGHTON: Well, I'm sure there's elements of work that can't happen during
40 that time with different trades, but as a rule of thumb, no. You know, I just described what I seen this morning coming into work. You know, it definitely doesn't stop.

MS STONE: Okay. And were you ever told about an incident on site where one of
45 your fitters was asked to stop working in the rain?

MR CREIGHTON: Yes, I was.

MS STONE: Can you explain to me briefly what you recall being told?

5 **MR CREIGHTON:** Yeah, to my knowledge Jake was down there working. I'm not quite sure on what type of machinery. But there was a drizzle, as he described it to me, different to rain. A drizzle is light, like a mist-like rain. And he was under an awning, or under a cover working on the machine, and he was asked to down tools and leave site because of - because of the rain. Or the drizzle, I should say.

10 **MS STONE:** Okay. Now, you do accept that, as you said in your evidence, there are some circumstances in which it might rain very heavily or it might become dangerous to work in the rain. You accept that?

MR CREIGHTON: Absolutely.

15 **MS STONE:** And on those occasions, you accept that work would stop when it became unsafe?

MR CREIGHTON: Yes, that's correct.

20 **MS STONE:** Is something like drizzling rain one of those circumstances where you would consider it to be unsafe to continue the sort of work that Jake is doing?

25 **MR CREIGHTON:** I can't speak for Jake was doing. He's a tradesman. I'd give him the benefit of the doubt of obviously working or not working. But from my understanding, being undercover and him not actually being affected by the rain, yes, he should be able to still carry out his duties.

30 **MS STONE:** And what kind of impact would it have on your business if someone like Jake, your site technicians and fitters, are unable to do work for periods of time?

35 **MR CREIGHTON:** Well, not only does it stop the contractor from wanting to use it when they - obviously when they are allowed to use it again, but for us, it would be pulling him off site, sending him somewhere and then being allowed to go back to site when - when he's allowed to start doing his duties.

MS STONE: And that has a productivity cost to you?

MR CREIGHTON: Yeah, it would, definitely. Downtime in hours, absolutely.

40 **MS STONE:** Because you've got 500 machines all around the region that need some attention?

MR CREIGHTON: He could be utilised somewhere else, yes, definitely.

45 **MS STONE:** And what about in terms of cost if someone has to do additional travel time?

MR CREIGHTON: That all adds to it, yes, definitely.

MS STONE: And they have to do that because they can't work at this site suddenly; they need to go somewhere else?

5

MR CREIGHTON: Yep, that's correct.

MS STONE: Okay. Paragraphs 76 and 77, you speak about something you've heard about union companies working on the Cairns Convention Centre. Yes. Can you tell me what you heard about this crane company?

10

MR CREIGHTON: Sorry, I'm just seeing what I've said. 77 there for the example with the crane company?

15

MS STONE: Yep, 76 and 77.

MR CREIGHTON: So I would've heard from various trades on the site that the crane company would get - have a minimum for, like, one lift. So an example of that, they might have to do a lift, as in lift materials up into a section of the job, and they would get charged a minimum for, like, it could take them an hour to do the job and they'd get charged a minimum of four.

20

MS STONE: Right. And do you recall what the name of the crane company that -

25

MR CREIGHTON: I don't recall the name of the crane company.

MS STONE: Was it a local company in Cairns?

MR CREIGHTON: Look, yeah, I reckon if I had to - to my knowledge, I reckon it was called Smith's Cranes.

30

MS STONE: Okay. Could it have been Smithy's Cranes?

MR CREIGHTON: If I said Smith and Smithy, yeah, I think that sounds like Jones or Jonesy. I think it would be one or the other.

35

MS STONE: Okay. And so in your view, that's a positive outcome for that company, whoever it was?

40

MR CREIGHTON: Very.

MS STONE: All right. We've been talking about the Cairns Convention Centre project itself. But are there other projects where you've become aware of CFMEU influence or - I shouldn't say - a CFMEU presence on another site in Cairns?

45

MR CREIGHTON: Today or previously?

MS STONE: Any time from 2020. Are there other projects that you can name?

5 **MR CREIGHTON:** Yeah. Look, the only government jobs that I can recall, as in, like, I say "government" because that's generally where you see the union flags is the Cairns Base Hospital.

MS STONE: Cairns Hospital - Cairns Base Hospital being around the corner from us?

10 **MR CREIGHTON:** On Lake Street, yeah.

MS STONE: On Lake Street. And, Mr Operator, if we could have page 85 of the bundle. Is this a photo that you took of that hospital project site?

15 **MR CREIGHTON:** That's a photo I was asked to take of the hospital site, but yes, that's it.

MS STONE: And are they CFMEU flags that are flying above the site?

20 **MR CREIGHTON:** They are the ones that would've been - the black one I definitely recall at the Sheridan Street, at the Cairns Convention Centre. I don't recall seeing the red one at the Cairns Convention Centre, but I would've seen that in my travels before as well. But yes, they're the flags.

25 **MS STONE:** Okay. So I'm just asking about this site. This is a photo of the Cairns Hospital project that's going on currently?

MR CREIGHTON: Yep.

30 **MS STONE:** When did you take this photo?

MR CREIGHTON: Within the last two weeks.

MS STONE: Okay. And so there are two flags there, a black and a red one?

35 **MR CREIGHTON:** Yes, that's correct.

MS STONE: And are you saying that you recall seeing a black CFMEU flag flying over the Cairns Convention Centre?

40 **MR CREIGHTON:** It was on the scaffold on Sheridan Street.

MS STONE: On the scaffolding on Sheridan Street. But you don't recall the red?

45 **MR CREIGHTON:** I don't recall the red, no. I'm not saying it wasn't there, but I don't recall it.

MS STONE: Okay. Commissioner, they're the questions that I wanted to take Mr Creighton through, and I'm noting the time. Is there anything further that would assist you before I hand over to Mr O'Grady, who has also made an application to cross-examine?

5

COMMISSIONER: No, I don't think so.

MS STONE: Thank you. Then I'll hand over to Mr O'Grady.

10 **COMMISSIONER:** Mr O'Grady, you've made a written application to cross-examine?

MR O'GRADY: I've made an application and it's not opposed.

15 **COMMISSIONER:** Very well.

<CROSS-EXAMINATION BY MR O'GRADY

20 **MR O'GRADY:** Mr Creighton, my name's O'Grady. I'm appearing for the administrator of the CFMEU.

MR CREIGHTON: Hello.

25 **MR O'GRADY:** And you understand that, subsequent to the events you've described in your statement, an administrator has been appointed to run the CFMEU?

MR CREIGHTON: To be honest with you, Mr O'Grady, I was only made aware of that - I actually didn't know that was the case. I was only made aware of that recently.

30

MR O'GRADY: Okay. I understand. Can I just ask you about the photo that you just were taken to a moment ago. Why did you take that photo?

35 **MR CREIGHTON:** I was asked to.

MR O'GRADY: By whom?

40 **MR CREIGHTON:** I don't know by whom. I think I was asked by - when I had a chat to Ms Stone. I had it in my statement that the CFMEU were working in Cairns.

MR O'GRADY: Yep.

45 **MR CREIGHTON:** And they said whereabouts, and I said I've seen the flag down at the hospital, and they said are you able to take a photo of that?

MR O'GRADY: I understand. Thank you. All right. You would accept that unions have an important role in monitoring health and safety on work sites?

MR CREIGHTON: Amongst other things, yes, I think they do have an important role.

5 **MR O'GRADY:** Yeah. And you would also accept that working in construction is inherently dangerous?

MR CREIGHTON: Can be, absolutely.

10 **MR O'GRADY:** And working off elevated work platforms can also be very dangerous?

MR CREIGHTON: Yeah, they're called high-risk machinery, so yes, they can be.

15 **MR O'GRADY:** And if the machinery aren't properly maintained or there's some defect with them, then there is a real risk to not just the health and safety of the person operating them but those around them.

MR CREIGHTON: Yeah, that's fair, yes.

20 **MR O'GRADY:** And it's obviously legitimate for a union like the CFMEU to be concerned about the health and safety of their members?

MR CREIGHTON: Yes.

25 **MR O'GRADY:** Now, were you present when Mr Carmady gave his evidence?

MR CREIGHTON: Today?

30 **MR O'GRADY:** Yeah.

MR CREIGHTON: I was in the - a room just outside.

MR O'GRADY: In the anteroom. I'm just asking.

35 **MR CREIGHTON:** Yep.

MR O'GRADY: Thank you. In your statement, on a number of occasions, you refer to representatives of the CFMEU, plural. Do you know the identity of - or who are the representatives of the CFMEU that you are referring to?

MR CREIGHTON: The only one I can make reference to was Hayden that I had the not-nice experience with on the Cairns convention site.

45 **MR O'GRADY:** And that's where he didn't shake your hand and he looked at you in an unfriendly way?

MR CREIGHTON: Yeah, that's correct.

MR O'GRADY: And as I understand your evidence, you only came to realise that his name was Hayden because of a discussion you had with Ms Stone?

5

MR CREIGHTON: No, I did have a discussion with Ms Stone and she - I reckon she mentioned maybe a couple of names, but the name Hayden came to light.

MR O'GRADY: So one of the names she mentioned was Hayden.

10

MR CREIGHTON: Yes, that's correct.

MR O'GRADY: I understand. All right.

15

MR CREIGHTON: Actually, sorry, I'm not sure if that was with Ms Stone or someone else in the room there. Could have been Ms Stone, but I actually don't recall.

20

MR O'GRADY: I'm not being critical. I'm just - in a conversation in the lead-up to you giving your evidence in these proceedings, the name Hayden was mentioned?

MR CREIGHTON: Yep.

25

MR O'GRADY: I understand. But why do you say that there were representatives, plural, of the CFMEU?

MR CREIGHTON: I - on the Cairns Convention Centre?

30

MR O'GRADY: Yes.

MR CREIGHTON: Yeah, I was - I knew there was more than one there, but I never had had any dealings. There could've been two or three there, Mr O'Grady, but the only dealings I had was with one.

35

MR O'GRADY: And when you say representatives, you understand that there was only one delegate from the CFMEU on the site?

40

MR CREIGHTON: I - I - I don't know. I say representatives. If you said I'm using representatives plural, if you say delegate or he was a delegate, official, whatever you want to call it.

MR O'GRADY: I'm just trying to get to the point of who it is you're talking about. You've identified Hayden.

45

MR CREIGHTON: Yep.

MR O'GRADY: But when you say representatives, obviously there was more than one person that you're describing.

MR CREIGHTON: Yep.

5

MR O'GRADY: Do you know whether they were officials of the CFMEU?

MR CREIGHTON: I don't recall seeing any other - like, when I described before there what Hayden looked like, not so much in his stature but what he was wearing, to my knowledge, that's - you know, that's what - that's - you know, that's what all officials wear. I've seen other officials on site from over the years, but to describe him, you know, in what he was wearing, they stand out. From his hard hat to his demeanour to his clothing, they just stand out, Mr O'Grady.

10
15 **MR O'GRADY:** I understand, but what I'm putting to you is that they may have been members of the CFMEU?

MR CREIGHTON: No. I don't - if you ask me what a member of the CFMEU is, I would - my - my opinion would be a worker, as in like someone who's working down there.

20
25 **MR O'GRADY:** I see. So is the effect of your evidence that because of what they were wearing and because of their demeanour, you assumed that they were CFMEU representatives?

MR CREIGHTON: That would be my assumption, yes.

MR O'GRADY: Yes, I understand. Thank you. Now, you gave some evidence about missing paperwork, and as I understand your evidence, you didn't see anybody remove any paperwork at any time?

30
35 **MR CREIGHTON:** No, because we - the machines get delivered, anywhere from tilt trays to low loaders, so we're not in - it's not a part of our process to go and do that - the delivery, unless it was asked upon us to go and do it, but no, we weren't - we weren't there for that.

MR O'GRADY: I understand. And as far as I understand your evidence, nobody told you that they observed anybody remove any paperwork at any time?

40 **MR CREIGHTON:** We never heard anything like that, no.

MR O'GRADY: As I understand your evidence also, sometimes paperwork does go missing because either one of your staff stuff up.

45 **MR CREIGHTON:** Yep.

MR O'GRADY: Or one of the people who are renting the equipment stuff up.

MR CREIGHTON: That's accurate. That's correct.

5 **MR O'GRADY:** I understand. And so you can't say, in any respect, who removed the paperwork?

MR CREIGHTON: No, I can't.

10 **MR O'GRADY:** And as I understand it, at its highest, you had a suspicion that somebody was taking the paperwork.

MR CREIGHTON: I think I used the term "funny buggers", Mr O'Grady. Someone was playing a game, and we weren't real happy with it.

15 **MR O'GRADY:** But who it was and what their motivation was, you can't provide any insight into?

MR CREIGHTON: No, I can't.

20 **MR O'GRADY:** And in respect of the other issues regarding Status Signs, you never witnessed anybody doing anything to the battery?

MR CREIGHTON: No, no.

25 **MR O'GRADY:** You never witnessed anybody talking about problems with the harness?

MR CREIGHTON: Nope.

30 **MR O'GRADY:** You can't even recall who told you about the issues with the battery and the harness?

MR CREIGHTON: No. It happened quite a few years ago. Like, the events did happen, but I did - you know, I can't recall who exactly told me, that's correct.

35 **MR O'GRADY:** I understand. And you would've - well, if you had been here, you would've heard Mr Carmady say he didn't know who removed it. And so, if he didn't know, you certainly couldn't know -

40 **MR CREIGHTON:** No.

MR O'GRADY: - because, as I understand your witness statement, one of the people you're relying upon for your evidence here is what you were told by Mr Carmady or somebody else; you can't recall?

45 **MR CREIGHTON:** That's right. It would've been one of Mr Carmady's, like, site foremen or site personnel.

MR O'GRADY: All right. Thank you. Now, in respect of these stop-work directions, you, as I understand it, had some 180 contracts to supply elevated work platforms at the Convention Centre site?

5

MR CREIGHTON: Yeah, that's correct.

MR O'GRADY: And the only incident where you can recall the details about somebody being directed to stop work is the one that you gave evidence of earlier, where Mr - sorry, just forgive me - Mr Reid, I think it is, was asked to stop work?

10

MR CREIGHTON: Look, that's probably not - that's where it affected me, Mr O'Grady, as in, you know, one of my workers being told to leave site. But being within the industry, you know, hearing what's going on through other people working there and what stories go, I would say that's not the first time it happened on that site, no.

15

MR O'GRADY: I understand, but I'm really concerned to focus on what you can assist the Commission with -

20

MR CREIGHTON: Yep, yep.

MR O'GRADY: - not what you've been told or not what the rumours are.

25

MR CREIGHTON: Yep.

MR O'GRADY: As I understand your evidence, there's only one incident that you can provide us details with, and that's the incident concerning Mr Reid.

30

MR CREIGHTON: That I can recall, yep, that's correct.

MR O'GRADY: And that would've been an incident that would've taken a few minutes at most.

35

MR CREIGHTON: A few minutes to what, sorry?

MR O'GRADY: Well, any interruption. As I understand your evidence, some representatives - again, plural - from the CFMEU -

40

MR CREIGHTON: Yep.

MR O'GRADY: - told Mr Reid to stop work because it was raining.

45

MR CREIGHTON: Yep.

MR O'GRADY: He didn't agree with that. He went out and put his hand out under the awning and he said, "Look, it's not even wet." They then argued with him and

then he went back to work and they stormed off. We're talking about a couple of minutes.

5 **MR CREIGHTON:** Yeah. I'm not following your question there, Mr O'Grady.

MR O'GRADY: Well, what I'm putting to you is that to the extent to which Mr Reid's work was interfered with, it was an interference that went for a couple of minutes where he ultimately refused to stop work and they ultimately left him alone.

10 **MR CREIGHTON:** So, to my knowledge, they asked him to leave the site. So in all respect there, sir, that's not just a couple of minutes. They're asking him to down tools, pack up what he's doing and then leave and then having to come back.

15 **MR O'GRADY:** And he told them he wasn't going to do that, and they left him alone.

MR CREIGHTON: Okay. If you say so, sir.

20 **MR O'GRADY:** Well, I'm just going on what you've said in your witness statement.

MS STONE: I object, Commissioner. (Indistinct) Mr Creighton's witness statement.

COMMISSIONER: Why doesn't Mr O'Grady just ask him what happened?

25 **MR O'GRADY:** Well, you weren't there.

MR CREIGHTON: No, I wasn't.

30 **MR O'GRADY:** And everything you know about what happened is based on what Mr Reid said (indistinct).

35 **MR CREIGHTON:** It would've happened, because it would've got back to me, "Why haven't we fixed this machine?", or something along those lines, and then it would've come out, "This is why we've got to go back."

MR O'GRADY: Yeah, but Mr Reid in his witness statement says he didn't stop work. Did you know that?

40 **MR CREIGHTON:** No, I didn't.

MR O'GRADY: I see. Well, you certainly can't dispute what Mr Reid says in his witness statement, can you?

45 **MR CREIGHTON:** No, I can't.

MR O'GRADY: And if the description of what happened in Mr Reid's witness statement says he was only interrupted for a couple of minutes, you can't dispute that either, can you?

5 **MR CREIGHTON:** No, I can't.

MR O'GRADY: You'd agree with me that working in the rain is dangerous, potentially?

10 **MR CREIGHTON:** In all honesty, sir, it depends what type of work you're doing.

MR O'GRADY: No, I understand. But you certainly accept that, in respect of, say, using elevated work platforms, that can be dangerous?

15 **MR CREIGHTON:** Once again, Mr O'Grady, depending on what work you're doing, yeah. Like, I think I understand your line of questioning. You're asking is it dangerous. Of course. Adding an extra weather event to what you're already doing, yeah, absolutely that can add to it.

20 **MR O'GRADY:** And do you understand that under the award there are provisions for stopping work if there is rain or an extreme weather event?

MR CREIGHTON: Yeah, I'd say yes to that as well.

25 **MR O'GRADY:** And do you understand that under the enterprise agreement that governed the Cairns Convention Centre, there were precisely the same provisions in respect of stopping work if there's rain?

MR CREIGHTON: I'm not privy to that, but I'd say if you said so, yes.

30

MR O'GRADY: And you would accept, wouldn't you, that there's nothing illegitimate in a CFMEU representative or representatives saying to somebody, "Look, there is an award or an agreement that governs this. You should be stopping work."

35

MR CREIGHTON: If that's their job to do that, yeah.

MR O'GRADY: Yes. Thank you. Now, in respect of the contracts or contractors who were engaged on the Convention Centre site, you don't know why certain
40 contractors were chosen or not chosen to do that work, do you?

MR CREIGHTON: No, I'm not privy to that, no.

MR O'GRADY: And you don't know who made the decision to engage those
45 contractors?

MR CREIGHTON: Definitely not.

MR O'GRADY: And in respect of Smithy's Cranes, you don't know why they were engaged?

5 **MR CREIGHTON:** Definitely not.

MR O'GRADY: You don't know what they were paid?

MR CREIGHTON: Nope.

10

MR O'GRADY: You don't know why they were paid it?

MR CREIGHTON: That's correct.

15 **MR O'GRADY:** And any suggestion of CFMEU involvement in respect of Smithy's Cranes is just based on some rumours that you heard?

MR CREIGHTON: Well -

20 **MR O'GRADY:** That's the language you use in your witness statement.

MR CREIGHTON: Yeah, yep. So I would say a rumour would be one person, Mr O'Grady, but I reckon I heard that from one more than one rumour.

25 **MR O'GRADY:** Right. So somebody told somebody - one person might have told 10 people, five of them might have spoken to you, and so you heard it from them?

MR CREIGHTON: To my knowledge, it would've come from more than one - one trade.

30

MR O'GRADY: All right. All right. But you certainly have no direct knowledge of that?

MR CREIGHTON: I've got no direct knowledge, no.

35

MR O'GRADY: Yes. Thank you. I have no further questions, Commissioner.

COMMISSIONER: Thank you, Mr O'Grady. Anything arising, Ms Stone?

40 **MS STONE:** No. Thank you, Commissioner. May Mr Creighton be excused?

COMMISSIONER: Mr Creighton, you're excused. Thank you very much for your evidence.

45 **MR CREIGHTON:** Thank you, Commissioner.

MS STONE: Thank you, Mr Creighton.

<THE WITNESS WAS RELEASED

5 **MS STONE:** Commissioner, again, I have done everyone a disservice in taking us past our scheduled lunch break. I propose we take that now.

COMMISSIONER: Very well. We'll adjourn till 2 pm.

10 **<THE HEARING ADJOURNED AT 1.09 PM**

<THE HEARING RESUMED AT 1.59 PM

15 **COMMISSIONER:** Ms Feely.

MS FEELY: Thank you, Commissioner. There's one final witness which we will call this afternoon. His name is Mr Jake Reid, and he's the former service manager of Global Hire & Services. He's in the courtroom today, and so with him here, I'll call
20 him to give evidence.

COMMISSIONER: Thank you very much. Mr Reid, will you come to the witness area?

25 **<JAKE DAVID HAMISH LENNAN REID, AFFIRMED**

<EXAMINATION BY MS FEELY

COMMISSIONER: Please take a seat, Mr Reid. Ms Feely will ask you some
30 questions.

MS FEELY: Thank you, Mr Reid. Would you state your full name for the Commission?

35 **MR REID:** With the middle names and everything?

MS FEELY: Yes, please.

MR REID: Jake David Hamish Lennan Reid.
40

MS FEELY: Thank you. And what's your current occupation?

MR REID: I'm the managing director of a company I own as a mechanic.

45 **MS FEELY:** And you were the former service manager for Global Hire & Services?

MR REID: That is correct, yes.

MS FEELY: And you have made a written statement for the Commission?

MR REID: I have.

5

MS FEELY: Mr Operator, could the witness be shown the first page of that statement. Mr Reid, this is your statement?

MR REID: Yes.

10

MS FEELY: You can look on the screen just in front of you as well.

MR REID: Oh, yeah. That's easier. Yeah, that's definitely it.

15

MS FEELY: And it's dated 13 May 2026?

MR REID: Is it? The signing of it is, yep.

20

MS FEELY: And if we go to page 6, you'll see that it runs to 43 paragraphs.

MR REID: Yep, that's correct.

MS FEELY: Have you had a chance to read this statement recently?

25

MR REID: Yes.

MS FEELY: Are there any corrections you wish to make to it?

MR REID: No.

30

MS FEELY: If there are no corrections, do you say that everything in your statement is true and correct to the best of your knowledge?

MR REID: Absolutely, yes.

35

MS FEELY: Commissioner, I'll tender that statement.

40

COMMISSIONER: Is there any objection? Witness statement of Jake David Hamish Lennan Reid, 13 May 2026, seven pages, 43 paragraphs, will be exhibit JDHLR-1.

<EXHIBIT JDHLR-1 WITNESS STATEMENT OF JAKE DAVID HAMISH LENNAN REID, 13/5/2026, SEVEN PAGES, 43 PARAGRAPHS

45

MS FEELY: Thank you, Commissioner. Now, Mr Reid, can you tell the Commission a little bit more about your professional background.

MR REID: Okay. I started an apprenticeship in 2007 as an automotive mechanic. I qualified in that apprenticeship in 2011. I then started a second apprenticeship in 2011 for an automotive electrician, and I qualified in that in 2013. From that, I ended up working over building iron ore mines in Western Australia in 2013 and did that
5 for a number of years, four or five years, and that's where I started working on the elevated work platforms. And then after that, I ended up running another business from 2017 to 2020, and then from 2020 to 2023 I worked for Global Hire & Services.

10 **MS FEELY:** Thank you, Mr Reid.

MR REID: That's all right.

MS FEELY: Now, you said in your statement when you were with Downer is when
15 you started work on the elevated work platforms, and you also say that you have only worked on those platforms since that time.

MR REID: Yeah.

20 **MS FEELY:** So that means for a period about 13 years you've specialised in working on them?

MR REID: Correct.

25 **MS FEELY:** Now, when you got to Global Hire & Services, what role did you have?

MR REID: I was a field service fitter.

30 **MS FEELY:** And what was the kind of tasks that you did while you were a field service fitter?

MR REID: We would do our normal 90-day inspections or annual inspections. On top of that, I would do any breakdown work that needed to happen on site.
35

MS FEELY: And can you tell the Commission a little bit about the nature of GHS, so Global Hire & Services. What did they supply?

40 **MR REID:** So they were an access hire company only, compared to a general hire company. They only did elevated work platforms and things like forklifts and stuff.

MS FEELY: And while you were at Global Hire & Services, you got promoted a couple of times. What role did you get promoted to on the first occasion?

45 **MR REID:** The first one was workshop supervisor of Cairns.

MS FEELY: And so how did that role differ from when you were a field service fitter?

5 **MR REID:** I would be in charge of - or instructing the boys or the other fitters on how to - or where to go to maintain equipment, and I would schedule the maintenance.

MS FEELY: And after that, you had another promotion. What was that role?

10 **MR REID:** I went to service manager. So I looked after both workshops in Cairns and Townsville.

MS FEELY: And did that just involve a broader geographical base but doing similar work?
15

MR REID: Basically, yeah.

MS FEELY: And so you said in your statement that your job was to perform the 90-day and annual inspections. I just want to ask you some questions about that.
20 What does a usual 90-day inspection involve?

MR REID: It's a general going-over of the machine, so you give it a really good look-over and make sure everything's fine, there's nothing loose, and then basically you operation test the machine. So you inspect it first. Once you deem that nothing is
25 out of the ordinary, you'll operation test it, and if it works with all its safety cut-outs, then it's happy go back into service.

MS FEELY: And what documentation do you have to fill out once you've done a 90-day?
30

MR REID: You have to log that into the yellow logbook that is fitted to the yellow pouch on the machine.

MS FEELY: And so that's done every time that you conducted a 90-day service?
35

MR REID: Every time, yep.

MS FEELY: And in terms of the annual service, can you explain to the Commission what was required for that, how did it differ from the 90-day service?
40

MR REID: Okay. It depends on what machine you would have or anything like that, but they run under the basic gist of it's a more in-depth - not a more depth inspection, but you generally spend more time lubricating certain parts of the machine. Some machines you replace hydraulic filters. If it was a spider lift, you might adjust the
45 tracks if they needed to be done. It was just a little bit more, and then checking the safety systems, it was a bit more in-depth on an annual inspection.

MS FEELY: And how did you document when an annual inspection had been done?

MR REID: The same way as a 90-day inspection: it would go into that logbook.

5 **MS FEELY:** Was there a particular - you spoke about in your statement at paragraph 10 that it was called a grey card?

10 **MR REID:** Yes, sorry, there is a card on the front of the yellow pouch, and it's called a grey card, and it logs the last date of its last annual inspection. So it gets replaced every year when you do an annual inspection.

MS FEELY: So it's not that it gets updated like the other one, but it gets fully replaced every time there's an annual inspection?

15 **MR REID:** It gets replaced. Yeah.

MS FEELY: And one of the projects that you worked on with Global Hire & Services and you go to in your statement was the Cairns Convention Centre. Is that right?

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

MS FEELY: And it's fair to say that this was one of the biggest projects you worked on while you were with Global Hire & Services?

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

MS FEELY: And if you can give a rough estimate, how many machines did Global Hire & Services have on site at any one time?

30 **MR REID:** I think at any one time probably in between 60 and 70 I would say.

MS FEELY: So there was a significant amount of machinery having to be managed on site at any one time?

35 **MR REID:** Yes.

MS FEELY: And how often would you attend the Cairns Convention Centre site?

40 **MR REID:** Personally myself or the company?

MS FEELY: Yes.

45 **MR REID:** Once every two weeks, I think.

MS FEELY: And how often would other workers from Global Hire & Services attend?

MR REID: It got to a point where we were going every day, but I ended up just starting a bloke there every day just to check over all the machines anyway. So at least once a day.

5

MS FEELY: Yep. And you said that you only attended once every fortnight.

MR REID: Yeah.

10 **MS FEELY:** In your statement you go to two different incidents, really, that happened whilst you were on the Cairns Convention Centre site. I want to talk to you now a little bit about the first time that you worked on that, but before we get to that, in your statement at paragraph 16, you said that this was the first site you'd worked on where there was a very active presence of CFMEU representatives; is that right?

15

MR REID: That's correct, yeah.

MS FEELY: Can you tell us a little bit about other jobs previously and whether there would be any presence at all on site?

20

MR REID: Well, before I was a workshop supervisor or service manager, I was the primary person going to most of these job sites, and I had never met a CFMEU delegate on any other job site other than that one.

25 **MS FEELY:** So this was the first time you had to have any interactions with them?

MR REID: Yes.

30 **MS FEELY:** And if we go to the first of those incidents that you speak of in your statement, this was the first time you went to site to fix a machine?

MR REID: Yes.

35 **MS FEELY:** And can you just give an explanation about why you were called out to site that day?

MR REID: I can't recall what the problem was, but I know I located a problem inside a ground platform control box.

40 **MS FEELY:** And what kind of lift was that on, if you remember?

MR REID: It was on a diesel rough terrain scissor lift.

45 **MS FEELY:** And, Mr Operator, if you could bring up page 2 of the tender bundle that was tendered this morning. That's a depiction of the Cairns Convention Centre site?

MR REID: Yep.

MS FEELY: And is that road closest to the left of the photo, that's Wharf Street?

5 **MR REID:** Yes. Yep.

MS FEELY: Can I have page 4 of that bundle brought up now. So when you attended site, can you describe to us on this picture where you found the scissor lift that day?

10

MR REID: Probably at the bottom where it says "lift". Around there, I reckon.

MS FEELY: So is that -

15 **MR REID:** To the bottom left. Where it says "entry plaza", but it was more towards a wall at the back. So I would say where it says "lift".

MS FEELY: So when you say it's towards the wall at the back -

20 **MR REID:** Yeah.

MS FEELY: - just to make sure we're all on the same page about that, is that towards that entry or the toilet signs that are there or in between?

25 **MR REID:** No, I meant the wall -

MS FEELY: Oh, the other lift.

MR REID: - going that way.

30

MS FEELY: Yep. So closer towards the registration desk, where that says?

MR REID: Yes, yes, sorry, that's what I meant.

35 **MS FEELY:** And what did you have to do that day?

MR REID: It must've had a breakdown that rendered it impossible to use, so I had to diagnose it and repair that fault.

40 **MS FEELY:** And so where it was situated, you say in your statement that it was under cover?

MR REID: Yes, all of that was under cover.

45 **MS FEELY:** Can you describe to the Commission the general location between there and the loading bay you described in your statement as well?

MR REID: So the loading bay, it was predominantly all of Wharf Street. I think from memory they'd closed down Wharf Street and were using that and that little bit of, you know, space they had out the front of the Convention Centre as a loading bay.

5

MS FEELY: And so where you were working, though, was that under cover?

MR REID: Yes, very much so.

10 **MS FEELY:** And so while you were - you were saying taking apart a control box. How long had you been doing that for at that point?

MR REID: Probably 20 minutes or something like that. I had diagnosed it and was just finishing the repair.

15

MS FEELY: And what happened while you were trying to fix that up?

MR REID: I had one of the - right towards the end of the job, I had one of the CFMEU representatives tell me to crib up because it was raining.

20

MS FEELY: So I'll just take you back. Do you recall their names at all?

MR REID: No.

25 **MS FEELY:** Could you describe them?

MR REID: I could only describe them from their hair colour, and I know one was a brunette and the other guy was a - I think he was a redhead or a blond or something.

30 **MS FEELY:** Was there any anyone that you knew they were representatives or someone was a representative of the CFMEU?

MR REID: They definitely had a shirt on that was labelled CFMEU, but I'm fairly certain they had black hard hats on, which is not standard for a construction site, so it was a good way to differentiate them between somebody else.

35

MS FEELY: And had you met them previously while on site?

MR REID: No.

40

MS FEELY: No. So this was just the first time.

MR REID: Yep.

45 **MS FEELY:** Now, can you give us or tell us about the conversation that you had?

MR REID: Okay.

MS FEELY: The best you can recall.

MR REID: Sure. So I was just about to finish the job and he came over and said,
5 "You gotta crib up, it's raining," and I said, "I've got five minutes left in this job. I'll
just get this done and head off." And he said, "No, you can't, you gotta crib up." And
I looked out over my shoulder and I looked out to the loading bay and I said, "It's not
10 even raining." And he went a bit - he said something else and I can't remember what
he said, but at that point I told him to wait where he was standing and I walked out to
the loading bay, opened my - I was out - out in the weather. Opened my hand up,
stared at him the whole time while I had my hand out for five seconds with my palm
facing up, walked back in there, put my hand in front of him and said, "Look, there's
15 not even any water on my hand. How can it be raining?" I said, "And even if it was
raining, I'm working under cover. What would it matter for me - you know, I'm not
working in the rain." So at that point, he said something else, and I ended up - I just
said, "Look, mate, I don't work for you. I work for a company that works for
Lendlease. If Lendlease want me off site, they can come and tell me to get off site,
but I'm not going to listen to you."

20 **MS FEELY:** And so what happened after that?

MR REID: I can't recall what he said, but he had a bit of a hissy fit and then just
stormed off.

25 **MS FEELY:** And were you the - was there anyone else around you at the time?

MR REID: There was other people on that ground floor, but not as many people that
were in the upper levels.

30 **MS FEELY:** Do you know whether they were also directed to stop work or not?

MR REID: Yes, they were.

MS FEELY: Did they stop work?

35

MR REID: Yes.

MS FEELY: So what did you do after you told him that you were going to continue
your job?

40

MR REID: I just finished my job and got out of there, did what I had to do, fixed the
machine and left as I normally would.

MS FEELY: Now, at paragraph 28 of your statement, you said that - you described
45 this entire experience as very frustrating. Can you just expand on that a little bit for
us, why you thought that was -

MR REID: Two reasons. First off, the time I had that conversation with him, I would've almost been done and off site. I would've been finished with the machine and packing up my tools and leaving. But second to that, you can't stop work if it's not raining. I mean, like, even if it is raining, I'm working under cover. Why are you going to stop me from working if getting wet is never going to hurt me, you know? It didn't make any sense.

MS FEELY: And just going back, because you were working under cover, you say in your statement at paragraph 27 there was no water coming inside from the wind or by flooding. Is that correct?

MR REID: Nothing. Yep, there was nothing at all.

MS FEELY: More generally, given that you work primarily in Far North Queensland, what's your experience of working with wet weather and inclement conditions?

MR REID: You gotta get used to it a little bit. It's the tropics, hey. That's just what it does. It won't rain for all day, and then it will rain - bucket down for five minutes and then it will come good again, or might look really good in the morning then bucket down the rest of the day. You just got to get used to it.

MS FEELY: Thank you. Now, I want to show you a picture. You say that you can't recall the name of the delegate.

MR REID: Yep.

MS FEELY: But I want to show you, if we can pull up page 26 of the bundle. If we can zoom in on that photo. Do you recognise that man in the middle as the delegate on site, or is it someone else?

MR REID: No, I'm fairly certain that was him. I'm fairly certain he's the guy that I had a chat to about that scissor lift. I think it was him.

MS FEELY: Okay. Thank you. Now, the other incident you speak to in your statement involved a spider lift boom at the Cairns Convention Centre site, which I want to ask you some questions about now. But first, why don't you explain to the Commission what a spider lift boom is?

MR REID: It's basically a boom lift that has stabilisers that come out the side and level it up on uneven ground or can level it up on uneven ground. So they differ from a normal boom lift because they have the stabilisers that come down and set them up like that.

MS FEELY: Now, this spider lift boom wasn't actually owned by Global Hire & Services, was it?

MR REID: No, it was owned by another hire company.

MS FEELY: Do you know the name of the other hire company?

5 **MR REID:** Yeah, it was Stick 'Em Up Hire in Townsville.

MS FEELY: Would you usually attend the 90-day inspections or the annual service of it?

10 **MR REID:** He - the owner of Stick 'Em Up usually did that, because we didn't have that in our registries of keeping track of those dates. So normally he would do that.

MS FEELY: And in your statement you talk about getting a call about the spider lift boom. Can you just tell us about that phone call?

15

MR REID: Yes. I got a phone call. I estimated it to be about 7 o'clock at night, somewhere in that vicinity, from Dan that worked for Lendlease, that they'd found a spider lift that was out of date for its annual inspection.

20 **MS FEELY:** So you got a call about 7 pm.

MR REID: Yep.

MS FEELY: And what did Mr Brady ask you to do?

25

MR REID: Wanted - because they needed it to do night-works, he wanted me or one of the fitters from the business to come in and do that inspection.

MS FEELY: And did you do that that evening?

30

MR REID: I did.

MS FEELY: Can you tell us what happened when you arrived on site to do it?

35 **MR REID:** Yes. So I parked up and walked in there, and as soon as I got in there, I saw the two blokes that I'm pretty certain - the two workers that were from Status Signs, Dan Brady - I feel like there was another Lendlease bloke there, but I'm not really sure. But both of the CFMEU reps were there when I turned up there.

40 **MS FEELY:** And was it usual to get callouts at night for servicing on the Cairns Convention Centre project?

MR REID: No, that was the only time we had a night phone call.

45 **MS FEELY:** So when you get there, what did they tell you was the problem with the spider lift boom?

MR REID: That it was out of date of its annual inspection.

MS FEELY: And what did you do after that?

5 **MR REID:** After that, I walked down to my car, got my tools ready, and I ended up ringing the owner of Global Hire & Services.

MS FEELY: And who's that?

10 **MR REID:** Ryan Creighton.

MS FEELY: And what did you tell him about it?

15 **MR REID:** I said that - told him that I had to do this annual inspection on site and that I guarantee that the two CFMEU reps were not going to be happy with the inspection I'm going to do or that, you know, I was going to do.

MS FEELY: So did you return to the spider lift boom after that?

20 **MR REID:** I did.

MS FEELY: And what happened after that?

25 **MR REID:** So after that, it took me about probably 45 minutes to do that annual inspection, I think, and then, yeah, that's what I did directly after that. I performed that annual inspection.

MS FEELY: Did everyone wait there while you were -

30 **MR REID:** Yes, yep.

MS FEELY: And so after you'd finished, did you complete any of the paperwork you needed to do for an annual inspection?

35 **MR REID:** I signed it off in that logbook as required, yes, yep.

MS FEELY: And did you have any further conversations with anyone after you'd completed the annual inspection?

40 **MR REID:** Yes. Almost immediately, once I'd turned around and said that the machine was good to go and they could jump back on it and use it, both CFMEU reps stood in front of me and told me that there was no way it could be done that quick, and then we kind of had a backwards and forwards about that for a little bit.

45 **MS FEELY:** And what was the sense you got from them?

MR REID: They did not want that machine being used at any point, I guess, that night, but they definitely - they wanted someone to come and re-inspect that machine again.

5 **MS FEELY:** And was there a specific complaint that they made to you about not trying to start the engine?

MR REID: They did. They said, "You haven't even started the petrol engine," and I looked at them and I said "Are you going to let me start a petrol engine inside?" And
10 they said, "No," and I said, "Well, I don't need it to be running to sign it off." Because it runs off an electric motor, it also has manual overrides for the safety, so if somebody gets hurt you can still use the machine to get the person down. I said it doesn't matter to me if that motor is running or not. If it was outside, I would run it, but it's inside and it's not safe to do that, so -

15 **MS FEELY:** So just to clarify, so the spider lift boom was a hybrid model with both an electric and a petrol engine?

MR REID: That's correct, yep.

20 **MS FEELY:** Now, during the course of that, did you receive any text messages from Mr Brady?

MR REID: I did. So Dan was standing directly behind the two CFMEU
25 representatives, and I could see him clearly over their shoulders, and I had my phone in my top pocket, and I got a text message, and as I opened it the facial recognition opened the phone. There was a text message from Dan saying, "Jake, tell them to fuck off."

30 **MS FEELY:** And so after you received that text message, what did you do?

MR REID: I told them that - I started to get a bit stern with them and told them that they have no idea how to do my job, so they can't sit there and tell me that I haven't
35 done my job properly, and that sort of went backwards and forwards for another couple of minutes.

MS FEELY: And what ended up happening after that? Do you know what happened on the machine after that evening?

40 **MR REID:** So they - while I was there, they wanted to shut the site down until the machine got inspected again. It went backwards and forwards, and I ended up giving up and grabbing my tools and saying, "I've done my job. I've done it legally. You know, the legislation states that I can do it. I'm legal for this machine now." They
45 couldn't understand that, so I just grabbed my tools and left. And then I rang Dan Brady the next morning and asked him how they went, and he said they had shut the site down like they said they were going to.

MS FEELY: And is that because of the spider lift boom that evening?

MR REID: That's correct. They wanted it re-inspected again the next day.

5 **MS FEELY:** And do you know whether it was re-inspected that next day?

MR REID: It definitely wasn't.

MS FEELY: And how do you know that?

10

MR REID: Because if you do that inspection again, you have to change that grey card and sign that into the logbook, and I know for a fact when we off-hired that machine it still said my name on that grey card, so -

15 **MS FEELY:** And when you use the word off-hired, what do you mean?

MR REID: Sorry, when it comes off that site, it comes back to the workshop to get cleaned up.

20 **MS FEELY:** So it still had your name?

MR REID: Yes.

MS FEELY: And you checked that specifically?

25

MR REID: Yes.

MS FEELY: And why did you decide to check that?

30 **MR REID:** Because I wanted to know if anybody had inspected that again since I left that night.

MS FEELY: And you can say with certainty nobody had done it?

35 **MR REID:** Absolutely. No one had done it.

MS FEELY: Commissioner, that's the only questions I had for this witness, but Mr O'Grady has made an application to cross-examine, which isn't opposed.

40 **COMMISSIONER:** Very well. Mr O'Grady will ask you some questions now, Mr Reid.

<CROSS-EXAMINATION BY MR O'GRADY

45 **MR O'GRADY:** Mr Reid, I'm acting for the administrator of the CFMEU. And you understand that since the incidents you've been describing, the CFMEU was put into administration?

MR REID: I - I didn't know that, but yep.

5 **MR O'GRADY:** Okay. All right. Now, you'd agree with me that EWPs are potentially dangerous machines?

MR REID: Yes.

10 **MR O'GRADY:** And the dangers range from them toppling over -

MR REID: Yes.

15 **MR O'GRADY:** - to somebody being injured at height and not being able to get down?

MR REID: Correct, yeah.

20 **MR O'GRADY:** And you would agree that if the petrol engine is not working, then you can't use the manual override to get an injured person down from height?

MR REID: Yes, you can. It's got a manual override on it to do that.

25 **MR O'GRADY:** I see. Now, you'd also agree with me that working in rain is potentially dangerous?

MR REID: Yes.

30 **MR O'GRADY:** And you'd agree that the CFMEU is entitled to be concerned about risks to health and safety of its members?

MR REID: Absolutely.

MR O'GRADY: On a construction site like the Cairns Convention Centre?

35 **MR REID:** Yep. Absolutely.

MR O'GRADY: All right. And you were on the Cairns Convention Centre site regularly? You say you were there once a fortnight?

40 **MR REID:** Yeah. Yep.

MR O'GRADY: And you formed the view that most of the people working on that site were locals?

45 **MR REID:** Yeah, I believe so, yeah.

MR O'GRADY: Thank you. Now, in respect of the incident that you describe at paragraph 17 and following, as I understand it, you were approached by two CFMEU representatives?

5 **MR REID:** No. One.

MR O'GRADY: Just one?

MR REID: Just one.

10

MR O'GRADY: Okay. All right. And he told to you crib up?

MR REID: Yes.

15 **MR O'GRADY:** And you refused?

MR REID: Yes.

MR O'GRADY: And you then had a bit of an argument with him?

20

MR REID: Yes.

MR O'GRADY: Including walking out, putting your hand out, outside for five seconds, I think was your evidence.

25

MR REID: Yes.

MR O'GRADY: Then going back and saying it's not even raining.

30 **MR REID:** Yes.

MR O'GRADY: And you told him that you didn't work for him?

MR REID: Yes.

35

MR O'GRADY: And then he stormed off?

MR REID: Yes.

40 **MR O'GRADY:** So we're talking about an incident that's going to take a couple of minutes at most?

MR REID: Yes, it didn't take long, no.

45 **MR O'GRADY:** Okay. Thank you. And then in respect of the issue with the spider lift boom -

MR REID: Yes.

MR O'GRADY: - that was - you were asked to inspect that because it was over its annual inspection date?

5

MR REID: That's correct, yes.

MR O'GRADY: Could the witness please be shown page 52 of the bundle of material attached to Mr Creighton's witness statement. You'd accept, while that's coming up, that the annual inspections are very important inspections?

10

MR REID: Yes, it is, yes.

MR O'GRADY: And that the Australian Standards dealing with annual inspections - if we could perhaps blow up paragraph 6.4.4.1. The Australian Standards. So this is the Australian Standards regarding the maintenance of these types of equipment.

15

MR REID: Yes.

20

MR O'GRADY: And it makes it very clear that the inspection shall not exceed 12 months.

MR REID: That's correct.

25

MR O'GRADY: And here, the scissor lift boom you were looking at had exceeded its inspection.

MR REID: It had, yes.

30

MR O'GRADY: And you're not allowed to use it until it's been inspected.

MR REID: No, that's correct.

35

MR O'GRADY: And perhaps we could also have a look at 6.4.4.2.

COMMISSIONER: And how long was it out before you did the inspection?

MR REID: I believe it was only a day out. Like, it had only just come out.

40

MR O'GRADY: But whether it's a day or a week, the reality is under the Australian Standards you're not allowed to use it until you've done your annual inspection.

MR REID: You're correct, yes.

45

MR O'GRADY: And it's a very important inspection, isn't it?

MR REID: Yes.

5 **MR O'GRADY:** And indeed, if the elevated work platform is more than five years old, there's a whole additional series of things that have got to be looked as part of an annual inspection.

MR REID: No, that's incorrect. You're thinking of a major inspection which happens after 10 years and then happens after five years after that fact.

10 **MR O'GRADY:** Well, perhaps if we could have a look at paragraph 6.4.4.2:

"After the first five years of service and each and every year thereafter, periodic inspections shall be structured to ensure that all critical components are inspected and tested where appropriate."

15

MR REID: Yeah, no, I don't - I don't think that is correct. I know it's legislation, but I think - it says enhanced periodic inspection. What does the "enhanced" reference mean? I would think that if you ask any EWP person, that is not something that they would know about. See, we do all that stuff as part of an annual inspection anyway, tolerance checking, all that stuff.

20

MR O'GRADY: And if you could then be shown 6.4.5, if we could blow that up. If we could blow up 6.4.5, please. So that's damage with a major inspection.

25 **MR REID:** Yep.

MR O'GRADY: And that's the one that you've got to do after 10 years?

MR REID: Yeah, and then it goes to a five-year standard after that.

30

MR O'GRADY: So we've got, in effect, the 90-day inspections.

MR REID: Yep.

35 **MR O'GRADY:** We've got the annual inspections, and you can't use it unless that's been done with 12 months.

MR REID: Yeah, you can't even use it if they're overdue for their 90-day inspection.

40 **MR O'GRADY:** Yeah, all right. And then you've got these enhanced inspections that are referred to in the standard.

MR REID: Yep.

45 **MR O'GRADY:** And then you've got your major inspections.

MR REID: Yeah.

MR O'GRADY: And you would agree with me that this is a very important part of making sure that these types of equipment are safe?

5 **MR REID:** Absolutely.

MR O'GRADY: And as I understand it, you're quite an experienced mechanic with these types of machinery?

10 **MR REID:** Yes.

MR O'GRADY: And it was your experience that enabled you to do this inspection quicker than might otherwise have been the case?

15 **MR REID:** Yes.

MR O'GRADY: And the union officials on this occasion were concerned that you had rushed?

20 **MR REID:** Yes.

MR O'GRADY: And they raised that with you?

25 **MR REID:** Yes.

MR O'GRADY: And then ultimately you told them you'd done it and you were going to leave because you didn't think - you think you'd done it properly and it wasn't their job to tell you how to do your job?

30 **MR REID:** Yes, that is correct.

MR O'GRADY: All right. I have no further questions, Commissioner.

35 **COMMISSIONER:** Is there anything arising from there?

MS FEELY: No, Commissioner, and if Mr Reid could now be excused.

40 **COMMISSIONER:** Just before we do excuse Mr Reid - you were asked a question about the officials that asked you to crib up, and you said, "Just one."

MR REID: Yes.

COMMISSIONER: Is that - can you bring up page 26?

45 **MS FEELY:** The page I took him to was 26, Commissioner.

COMMISSIONER: 26.

MR REID: Yes, that was him.

5 **COMMISSIONER:** And then you were also asked some questions by Mr O'Grady that the union officials, plural -

MR REID: Yes.

10 **COMMISSIONER:** - were concerned that you rushed. Was -

MR REID: That was on that second job.

15 **COMMISSIONER:** Yes, that's right, the second job was this person on the screen, one of those union officials who were concerned that you had rushed?

MR REID: Yes.

20 **COMMISSIONER:** Thank you. Thank you very much for your evidence, Mr Reid. You're excused.

MR REID: Thank you.

<THE WITNESS WAS RELEASED

25 **COMMISSIONER:** All right. Ms Feely, where are we now?

30 **MS FEELY:** Commissioner, Mr Reid was the final witness we intended to call today. There was another witness we proposed calling this week and was summonsed. We don't anticipate we'll have time for his evidence today, and so we would ask that Mr Rohan Patteson be formally excused.

COMMISSIONER: Okay. He can be excused.

35 **MS FEELY:** Thank you, Commissioner.

COMMISSIONER: What do we do now?

40 **MS FEELY:** Commissioner, that's all the evidence, so we propose that the Commission now be adjourned until the next sittings.

COMMISSIONER: Are there any other applications?

MR O'GRADY: No.

45 **COMMISSIONER:** No? Well, before we adjourn, can I thank the hotel and its staff for accommodating us here. I thank Law In Order and Encore for the fine job they've done with the audiovisual equipment this week. I particularly thank the Queensland

Police Service, both the local police and the ones that are seconded for the Commission, for doing so much to make this trip to Cairns so secure. And, lastly, thank the Commission staff, the investigative team, the lawyers and the secretariat for enabling this trip to be done so efficiently. And, lastly, thank counsel and
5 representatives of the parties for being so accommodating and being able to make the trip to Cairns at short notice. So, with that, we will adjourn to the next sitting dates.

<THE HEARING ADJOURNED AT 2.32 PM