



**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

**TUESDAY, 12 MAY 2026
AT 9.45 AM**

DAY 25

APPEARANCES

Mr S. Wood AM KC, Commissioner
Mr D. Ternovski with Mr A. Thomas, 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
Ms K. Boomer, Counsel for CEPU, ETUQ and PGEUQ
Mr Karim De Ridder, Witness
Ms Shannon Farrington, Witness

<THE HEARING RESUMED AT 9.44 AM

COMMISSIONER: I will take appearances. Mr Ternovski, you appear with Mr Thomas as counsel assisting?

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MR TERNOVSKI: Yes.

COMMISSIONER: And Mr de Jersey, you continue to appear with Ms Brooks for the State of Queensland.

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MR DE JERSEY: Yes.

COMMISSIONER: And Mr O'Grady, you continue to appear as counsel for the administrator together with Ms Brooks.

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MR O'GRADY: Yes, Commissioner.

COMMISSIONER: And Ms Boomer, you're appearing for the counsel for the CEPU, ETUQ, PGEUQ?

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MS BOOMER: Yes, Commissioner.

COMMISSIONER: Thank you. Mr Ternovski.

25 **MR TERNOVSKI:** Commissioner, this is the third hearing block where the Commission will hear evidence from the regulatory capture case study. The underlying theory for this case study is that starting from about 2016, the CFMEU has increasingly captured Workplace Health and Safety Queensland within the Office of Industrial Relations. The CFMEU has then used its influence over the
30 health and safety regulator to weaponise purported safety complaints in order to further the union's industrial agenda. This included targeting particular sites to put pressure on the contractor to enter into a CFMEU enterprise agreement or to use CFMEU's preferred subcontractors and exclude subcontractors that had fallen into disfavour with the union.

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This case theory raises four broad questions. (1) -

COMMISSIONER: So you're saying the purpose was to - to force subcontractors to enter into EBAs -

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MR TERNOVSKI: Yes.

COMMISSIONER: And what was the other point?

45 **MR TERNOVSKI:** To exclude disfavoured - favour-preferred contractors and exclude disfavoured contractors. And the Commission will hear some evidence about those things in this today's - in this week's set of witnesses.

Commissioner, this case theory raises four broad sets of questions. (1) is: to what extent was the safety regulator captured by the CFMEU and who were the public officials over whom the CFMEU had control or influence and how far up the chain
5 did the CFMEU's control and influence go? Secondly, how did the CFMEU capture the regulator? What methods did the CFMEU use to exert control and influence over WHSQ, Workplace Health and Safety Queensland? (3) How did CFMEU use its capture of the safety regulator to further its objectives? What were those objectives? And I've already mentioned some of them, Commissioner. (4) Were there any other
10 government agencies that the CFMEU captured?

Now, in the March and April sittings, the Commission has already heard some evidence at least about the first three questions. In particular, the Commission has heard evidence about Helen Burgess, who became the Director for Construction
15 Compliance and Field Services in 2018, and to assist you, Commissioner, with the timeline, I'm going to hand up a document, a copy of which has been provided to my learned friends. This is the placement history for Ms Burgess which sets out the positions she has held over the years with WHSQ. I tender that document.

20 **COMMISSIONER:** Any objection? What are we up to, Mr Ternovski, in this case study as an exhibit?

MR TERNOVSKI: Let me check that, Commissioner.

25 **COMMISSIONER:** I'll label it as MFI 1 and you can come back to it after the break.

30 **<MFI 1 PLACEMENT HISTORY OF HELEN BURGESS**

MR TERNOVSKI: Thank you. Now, once appointed to the role of Director of Construction Compliance and Field Services or CCFS, Ms Burgess became a key official used by the CFMEU to wield control over WHSQ in several different ways.
35 First, Ms Burgess became the point of contact for CFMEU complaints. Now, Commissioner, you've heard evidence on the previous occasion, and there will be some further evidence about this in this week, that WHSQ -

40 **COMMISSIONER:** When did Ms Burgess become the director? In July or April 2018?

MR TERNOVSKI: She took on the acting role in April 2018 and became permanent later that year.

45 **COMMISSIONER:** September.

MR TERNOVSKI: Yes, 19 September 2018.

COMMISSIONER: So acting 23 April, permanent 19 September.

5 **MR TERNOVSKI:** Thank you, Commissioner. WHSQ had a centralised system for stakeholders and members of the public to notify the regulator about safety issues. That system was referred to as AAA, Assessment and Advisory Service. There was a 1300 number that people could call, an email address and an online form that could be used to submit safety notifications to the AAA service. The AAA service would then triage these complaints and allocate inspectors depending on the level of risk
10 and what other jobs the inspectors were attending at the time.

COMMISSIONER: Mr McKay and Ms Wise gave some evidence about it at the last - last time this case study was presented.

15 **MR TERNOVSKI:** Yes, that's right. With Ms Burgess as director of CCFS, Commissioner, the CFMEU completely bypassed the AAA system, because instead of calling the 1300 number, CFMEU officials from Mr Ravbar down called Ms Burgess directly, requesting that inspectors attend a particular construction site. Ms Burgess then directed her inspectors to immediately attend the site, bypassing the
20 triage system and prioritising CFMEU complaints over all other work. That was one -

COMMISSIONER: When you say "her inspectors", do her inspectors extend to inspectors up here in Far North Queensland, Cairns and the environs?
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MR TERNOVSKI: No. Her region was limited to South East Queensland. However, you will hear evidence in this case study about Ms Burgess and other officials, Brisbane-based officials, interfering in the allocation of inspectors in the north outside their area of responsibility. So one way in which the CFMEU relied on
30 Ms Burgess was to prioritise their complaints and bypass the triage system. Secondly, once inspectors were on site, Ms Burgess pressured inspectors to white enforcement notices that the CFMEU wanted. Now, of course, inspectors are statutory office holders who have significant powers and must exercise those powers according to law. But when inspectors refused to write notices that the CFMEU
35 wanted because they did not believe that the notice was warranted, Ms Burgess abused them and threatened them with disciplinary action.

Thirdly, the Commission has heard evidence about significant concerns held within the OIR that Ms Burgess was leaking internal information to the CFMEU. So Ms
40 Burgess was thus a key mechanism for the CFMEU to build influence in the WHSQ. She was a senior manager within WHSQ that, on the evidence today, appeared to be, to put it bluntly, doing the CFMEU's bidding. However, the Commission has already heard evidence that the CFMEU's influence over WHSQ was not limited to just Ms Burgess. So, for example, in the April hearings, the Commission heard evidence
45 from Peter McKay, who took over as Deputy Director-General of the Office of Industrial Relations in June 2023. He was one of nine people who took - who held that DDG role, either acting or permanent, over the period of the last 10 years.

Now, Mr McKay's evidence, as you will recall, was that by the time that he started, Ms Burgess had been moved out of her role as Director of CCFS and the CFMEU was trying to put pressure on Mr McKay to put her back in charge of construction inspectors. And when Mr McKay refused to do so, the CFMEU started calling him directly to notify of their complaints. Mr McKay gave evidence that he became, in his own words, Queensland's highest-paid and least-qualified construction call centre operator. He would take calls from union officials and then transcribe them into emails to the AAA service. Thus despite being a very senior public servant, the Deputy Director-General and the head of an organisation with over 900 people under him, Mr McKay felt unable to just tell the CFMEU to call the 1300 number and refuse to take their calls. He referred to doing so as "the nuclear option".

Mr McKay's explanation was, in summary, that he was fearful about what the CFMEU would do if he took the nuclear option. He was concerned that the CFMEU would wage a public campaign against the Office of Industrial Relations in circumstances where, as he put it, he knew that Michael Ravbar does have the ear of government. Commissioner, you might recall that Mr McKay denied that his refusal to direct the CFMEU to use the 1300 number was an example of regulatory capture.

COMMISSIONER: Well, that's just his opinion, isn't it? I mean -

MR TERNOVSKI: Exactly, Commissioner, because - in our submission, the point that Mr McKay missed, with respect - his explanation that it wasn't regulatory capture was because he said he wasn't prioritising the CFMEU complaints but merely transcribing them to be triaged under the AAA service. But what he missed, with respect, is that as the head of OIR, he felt unable to control how his organisation interacted with an important stakeholder. He was, in effect, intimidated by the CFMEU into becoming, as he put it, a call centre operator and accepting that process that he himself considered to be inappropriate and he confirmed that if it wasn't for the pressure from the CFMEU, he wouldn't have gone along with that process. And in my submission, that's a clear example of regulatory capture. Not a complete capture, because Mr McKay didn't just do whatever the CFMEU wanted but at least a partial capture at a very senior level. That's one example of CFMEU's influence extending beyond Ms Burgess.

Ms Wise, Sarina Wise, in her evidence, gave evidence about another example, Director of Data Evaluation Services within the Office of Industrial Relations providing internal information to the CFMEU. Again, that's another senior manager at director level that the CFMEU appears to have had influence over. Now another mechanism that the CFMEU used to influence the WHSQ was abuse and intimidation of staff. The Commission has heard evidence of this happening at all levels, from inspector all the way to the Deputy Director-General. As for the latter, you will recall Mr McKay's evidence where he described an incident where Mr Ravbar confronted him in the foyer of 1 William Street, backed him against the wall and shouted abuse at him. All this in a public space in the foyer of a government

building where Mr McKay worked, in front of other people, and Mr McKay did nothing about it.

5 So that's what we've heard to date, or some of the evidence we've heard to date in this case study. Over the next three days, the Commission will hear evidence that sheds further light on the first three questions that I have identified; that is: Who did the CFMEU capture within the OIR, how did they do it, and for what purposes did they wield their influence?

10 The Commission will also hear evidence, as I said, about senior management in Brisbane, Ms Burgess, but others, going outside of their area of responsibility to interfere with the work of WHSQ in the northern region. Now, as part of this - in this block, we're going to call as part of this case study four witnesses, the first of which is going to be Mr Karim de Ridder. Mr De Ridder is currently an acting team leader
15 in asbestos and demolition compliance unit.

COMMISSIONER: So he is still employed by the inspectorate?

MR TERNOVSKI: Yes, he is, based in Cairns or the WHSQ office in Cairns. Yet
20 he previously held various inspector roles at the Cairns office and before that in Townsville. Mr De Ridder will describe and give examples of one of the mechanisms that the CFMEU used to try to exert control and influence over WHSQ, which is CFMEU officials simply abusing and haranguing WHSQ inspectors to pressure the inspectors into writing enforcement notices that the union was seeking. And when
25 inspectors still refused to write the notices, CFMEU would then complain to put OIR management to put further pressure on the inspectors. Examples that Mr De Ridder will give evidence about include Mr Ravbar calling inspectors "fucking dogs" at a construction site in Cairns and then complaining to the then-Deputy Director-General Simon Blackwood that the inspectors were "a disgrace and should be sacked".

30 CFMEU official, another example, Andrew Sutherland writing a letter to WHSQ complaining about WHSQ inspectors, including Mr De Ridder, using language that was so inflammatory and unhinged that Mr De Ridder felt compelled to obtain his own legal advice about defamation. Other examples that Mr De Ridder will talk
35 about include Facebook posts from CFMEU, abusing and ridiculing inspectors. Mr De Ridder will also give evidence about the toll that this behaviour took on him and his fellow inspectors. Mr De Ridder will then give evidence about pressure being put on him by Brisbane-based management to issue enforcement notices that the CFMEU wanted. And he will describe how Peter Twigg, who was Ms Burgess'
40 predecessor, pressured him to writing enforcement unions sought by the union and he will describe a heated decision with Mr Twigg where eventually Mr De Ridder told Mr Twigg, "If you believe there to be a contravention, then you issue the notice." He will also describe a instance where he had succumbed to pressure from Mr Twigg and issued a notice that he himself did not agree with. Mr De Ridder will
45 describe an incident where someone within WHSQ -

COMMISSIONER: I think Mr Hayes said something along those lines when he came to give evidence too, an inspector in South East Queensland.

5 **MR TERNOVSKI:** Yes, Commissioner. Mr De Ridder will describe an incident where someone in the WHSQ appeared to be leaking documents to the CFMEU almost in real-time, within less than an hour and a half of the documents being created. Mr De Ridder will describe being pulled away from urgent inspections involving an imminent risk of harm, including a risk of asbestos exposure, working within the exclusion zone of a powerline and a possible gas leak in order to attend to
10 non-urgent CFMEU complaints. Mr De Ridder will also describe raising complaints about CFMEU behaviour with senior management within the Office of Industrial Relations and their inaction and acceptance of such behaviour.

15 Now, importantly, a lot of Mr De Ridder's evidence deals with the period before Ms Burgess was appointed director of CCFS, and that's because Mr De Ridder left WHSQ within a couple of months of her being appointed to that role. And then by the time he returned, she had been moved on. So this is one of the pieces of evidence you will hear this week that suggests that the CFMEU's capture of WHSQ went far beyond Ms Burgess and started before she was appointed to a senior role and
20 extended beyond Brisbane into the regions. The next witness we're going to call is going to be Shannon Farrington. Ms Farrington is currently a self-employed safety consultant -

25 **COMMISSIONER:** Obviously we're in Cairns dealing with Cairns witnesses, but Far North Queensland witnesses, have you examined how it is that Ms Burgess came to get this role as successor to Mr Twigg?

30 **MR TERNOVSKI:** Yes. This is one of the lines of inquiry we are pursuing but I can't say anything useful at this point. After Mr De Ridder, the next witness is going to be Sharon Fanning - Shannon, I'm sorry, your - Commissioner. Shannon Farrington. Ms Farrington is currently a self-employed safety consultant but relevantly to this inquiry -

35 **COMMISSIONER:** Is currently a what, sorry?

MR TERNOVSKI: A self-employed safety consultant. She is on medical sabbatical for a safety consultancy. Relevantly to this inquiry, she was the Operations Manager for Cairns and the far north region between February 2017 and June 2022. Now, Ms Farrington had previously served in the ADF, including as a Flight Lieutenant in the
40 RAAF. And as an ADDF officer, she was deployed to a number of dangerous areas including Afghanistan where they were frequently targeted by Taliban rockets and improvised explosive devices.

45 Ms Farrington will give evidence about abuse directed at WHSQ inspectors by CFMEU and, in some cases, ETU officials and the impact that this has had on inspectors. She will describe several incidents involving inspector Cameron Beattie, which ultimately led to Inspector Beattie taking extended sick leave and moving

away from construction so that he wouldn't have to interact with the CFMEU. Ms Farrington will describe how the CFMEU again bypassed the AAA system and directly called the director of CCFS, and not just Ms Burgess but her predecessors Peter Twigg and Kym Tollenaere, how she will describe how the situation
5 significantly escalated once Ms Burgess was in that role.

Ms Farrington will describe the reporting structure of WHSQ and other - the geographic authority authority of CCFS was limited to South East Queensland.

10 **COMMISSIONER:** What was she doing directing people up in Far North Queensland, in Cairns?

MR TERNOVSKI: Well, she was going outside of her authority but she succeeded in doing so and the evidence you will hear in this block explains how.

15 **COMMISSIONER:** What was done by her immediate superiors to ensure that she stayed within her bailiwick?

MR TERNOVSKI: In a word, nothing.

20 **COMMISSIONER:** Sorry. Keep going.

MR TERNOVSKI: So the reporting structure Ms Farrington will describe was that she had inspectors reporting to her as operations manager, and then as operation
25 manager she reported to the Regional Director Mr Paul Smith, which is going to be the fourth witness in this block.

COMMISSIONER: He's the regional manager for what area?

30 **MR TERNOVSKI:** He is the Regional Director -

COMMISSIONER: Regional Director, sorry.

MR TERNOVSKI: His area changed. It used to be Central and North Queensland
35 and then it just became in '25, from memory, North Queensland.

COMMISSIONER: So Far North Queensland and then Central -

MR TERNOVSKI: No, the other way around.

40 **COMMISSIONER:** Sorry.

MR TERNOVSKI: Originally Central and North Queensland then the central area was taken away from him when he was given management of the statewide
45 agricultural unit.

COMMISSIONER: So Ms Farrington reported to Mr Smith?

MR TERNOVSKI: Yes. And Mr Smith in turn reported to the Executive Director, which was a position held by Ms Julie Nielsen until 2018 and then Mr Marc Dennett from 2018 onwards.

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COMMISSIONER: Presumably those were the people that Ms Burgess reported to?

MR TERNOVSKI: Yes.

10 **COMMISSIONER:** They did nothing to stop her interfering?

MR TERNOVSKI: No, no, and will you hear evidence about a number of conversations with them and what their response was, how they dealt with Ms Burgess. Now, the Director of CCFS is - the director role is the same level of seniority as a Regional Director, so they both reported to the Executive Director and the Director of CCFS had no authority over the regional directors. But despite the authority being limited to South East Queensland, you will see - Ms Farrington will give evidence that Ms Burgess and her predecessors frequently attempted to interfere with the allocation of inspectors in North Queensland. Ms Burgess will call Ms Farrington and demand that inspectors be sent to respond to CFMEU notifications immediately. Now, Ms Burgess' calls made it clear that she was directly communicating with CFMEU officials, including Cairns organiser Roland Cummins, known as Roly Cummins, who as you will hear was particularly abusive to inspectors. During CFMEU campaigns on particular sites, these calls from Ms Burgess would come weekly or even daily. Ms Burgess was aggressive and raised her voice and swore at Ms Farrington. Now, when Ms Farrington refused to take instructions from Ms Burgess because she wasn't in her chain of command, Ms Burgess would then call Mr Smith and Mr Smith would in turn direct Ms Farrington to send inspectors and you will also hear Mr Smith's side of that story.

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Ms Farrington will give evidence about how this interference from Brisbane regulatory prioritised non-urgent issues, such as insufficient number of portable toilets, over serious safety problems. She gives examples of how she had to pull inspectors, including Mr De Ridder, from high-risk sites to deal with non-urgent CFMEU issues. Ms Farrington will also give evidence about how it was well known within the Cairns offices of WHSQ that these CFMEU campaigns targeting particular sites intensified during time of enterprise bargaining and quietened once the targeted contractor had agreed to a CFMEU enterprise agreement.

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40 In other words, the CFMEU was using its influence over the safety regulator to deploy the powers of the regulator to further the CFMEU's industrial objectives. Ms Farrington will also give evidence about how she raised concerns about Ms Burgess' behaviour with Mr Dennett and in one instance, she put her concerns in very stark terms saying that the inspectors are combatants in a colosseum while the OIR management remained attached in the stands as spectators. Ms Dennett's response to Ms Farrington's concern was to the effect of that "This is the way they're operating at

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the moment in this political landscape. We give them what they want." Ms Farrington also describes a meeting with the deputy - no, no, that's -

COMMISSIONER: So, orally.

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MR TERNOVSKI: No, no, that's -

COMMISSIONER: Oh, sorry.

10 **MR TERNOVSKI:** No, there is correspondence from Mr Dennett in writing that I want to emphasise and I will take the Commission through, but this particular comment was not in writing. Ms Farrington also describes a meeting with the then Deputy Director-General Craig Allen, where inspectors complained about being abused by CFMEU officials. Mr Allen's response was that he also cops similar
15 abuse, as if this was an answer. Ms Farrington then had the courage to push back, saying to Mr Allen, "The standard you allow is the standard you set." And as you will see when we get to Mr Smith's evidence, Mr Dennett subsequently criticised Ms Farrington's comment as inappropriate. Mr Dennett also accused of Ms Farrington of
20 "bias" - this one is in writing - for seeking guidance about the Cairns office of WHSQ should be dealing with the organiser Roly Cummins, who at that point had been convicted of intimidating an inspector. Finally, Ms Farrington will give evidence -

COMMISSIONER: You don't need to stop on this if you don't want to but I don't
25 quite understand what the complaint was. So Mr Cummins has been convicted of an offence of intimidating - offence or a civil wrong?

MR TERNOVSKI: It was an offence.

30 **COMMISSIONER:** An offence.

MR TERNOVSKI: It was a conviction that was overturned on appeal but at that time, that hadn't happened.

35 **COMMISSIONER:** And Ms Farrington sought some advice about what to do with someone who's just been convicted and she was accused of bias by her one-up manager?

MR TERNOVSKI: Two-up.

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COMMISSIONER: Two-up manager?

MR TERNOVSKI: Yes. I think the words used were "clear bias". Can I bring up the email now if that assists but was going to do it in Mr Smith's evidence.

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COMMISSIONER: You do it in your own time.

MR TERNOVSKI: Finally, Ms Farrington will give evidence about the impact that this toxic work environment had on her, despite her military background, and ultimately she did not return to the OIR after taking maternity leave. The third witness we're going to call is going to be Mr John Dalamaras. Mr Dalamaras is currently the operations manager in the Cairns office of WHSQ. He was Ms Farrington's successor. Prior to that, he had various inspector positions at WHSQ from as far back as 2007. As I mentioned, Mr Dalamaras left -

COMMISSIONER: 2007, did you say?

MR TERNOVSKI: Yes. As I mentioned earlier, Commissioner, Mr Dalamaras left WHSQ in June 2018, shortly after Ms Burgess' elevation to the position of director of CCFS and then he returned in early 2023, just as Ms Burgess was removed from that position.

Now, Mr Dalamaras will give evidence about the interference from Ms Burgess as far back as 2016, two years before she was appointed a director of CCFS and back then, she was a principal adviser in the construction strategy unit at the Brisbane office of WHSQ. Now, even in that earlier role, Mr Dalamaras will give evidence that she frequently called him to demand that he immediately send inspectors to attend to CFMEU complaints. And it's a similar theme to what we have seen from other witnesses. First there's demands that inspectors be sent to respond to a CFMEU complaint and then further demands that inspectors write enforcement notices that the CFMEU wanted. Mr Dalamaras will also give evidence that the bypassing of the triage system of the AAA triage system was not limited to Ms Burgess and -

COMMISSIONER: I just don't understand how she had the authority to do that. Didn't Mr Hayes say, presumably talking about this role of Ms Burgess, how it was just a strategy role and there were no inspectors reporting to her? So in this this strategy role, how did she direct inspectors to do things?

MR TERNOVSKI: Well, it appears that she had - that her behaviour was at least tolerated by the Executive Director, who sat above.

COMMISSIONER: Ms Julie Nielsen and then Mr Marc Dennett?

MR TERNOVSKI: That's right. So Mr Dalamaras will actually give evidence about Ms Nielsen and in particular that he received calls from her, and once even the Deputy Director-General Simon Blackwood himself, directing and sending inspectors to deal with CFMEU requests.

COMMISSIONER: It's hard to keep up with all the Deputy Director-Generals. I think you have named four of them so far. Have you got a list or can you at some point just tell me how many Deputy Director-Generals there were during this eight or 10-year period?

MR TERNOVSKI: Well, I have a list of them - I haven't got a printed version but there's a list of nine is the short answer, but there is still a gap in that time period.

COMMISSIONER: What do you mean by a gap?

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MR TERNOVSKI: There was a gap in the timeline in that list which we're filling, but -

COMMISSIONER: Right. So in what period of time are we talking about? In eight
10 years or 10 years?

MR TERNOVSKI: The last 10 years, there were nine people in that role.

COMMISSIONER: And you think there might be a 10th and you're looking into it?
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MR TERNOVSKI: Yes.

COMMISSIONER: Okay.

MR TERNOVSKI: Mr Dalamaras will also give evidence about another kind of
20 interference from Brisbane and that is sending Brisbane-based inspectors up north to
write notices that the CFMEU wanted when the local inspectors refused to do so. Mr
Dalamaras will give evidence about CFMEU officials abusing WHSQ inspectors on
site, again, to pressure them to write notices, including yelling, using derogatory
25 language -

COMMISSIONER: That just seems extraordinary. Sending people 2,000 - 1,700
kilometres, 2,000 kilometres, to do the job that the Cairns inspectors had the
responsibility of doing.
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MR TERNOVSKI: That's right.

COMMISSIONER: Sorry. I cut you off again.

MR TERNOVSKI: Commissioner, Mr Dalamaras will describe several examples of
35 the abuse levelled at inspectors on construction sites and in particular, one of the
incidents he describes is an incident where Mr Cummins, this is Roly Cummins, the
former CFMEU organiser, stood about 2 inches from Inspector Duckworth's face and
repeatedly yelled "You're a fucking dog" at him. Mr Cummins was then charged with
40 intimidating an inspector and he was convicted at first instance. This is probably a
convenient time for me to hand up those decisions.

COMMISSIONER: Very well.

MR TERNOVSKI: I have provided them to my learned friends. You will find two
45 judgments here. One is a transcript of the Magistrates Court reasons for conviction
and then the decision of the District Court overturning that conviction. I'm told, with

respect to the previous tender, that we're up to CA-6 for counsel assisting documents for Ms Burgess's placement history.

5 **COMMISSIONER:** I can't recall whether I asked whether there was any objection to the tender of the Helen Burgess placements document. No? That will be CA-6?

MR TERNOVSKI: Yes. Yes, Commissioner.

10 **<EXHIBIT CA-6 PLACEMENT HISTORY OF HELEN BURGESS**

MR TERNOVSKI: And I also tender the two judgments.

15 **COMMISSIONER:** I don't think we need to tender the judgment, do we? They can just - sorry, not the judgment itself, the reasons for the judgment in Cummins v Guilfoyle.

20 **MR TERNOVSKI:** The District Court judgment is easily available. I'm not sure that the transcript is necessarily.

COMMISSIONER: Is there any objection to tendering the transcript of the - no? The transcript of -

25 **MR TERNOVSKI:** It's the reasons.

COMMISSIONER: - Magistrates Court decision, WHSQ v Cummins, Tuesday 17 March 2020, will be CA-7.

30 **<EXHIBIT CA-7 MAGISTRATES COURT DECISION WHSQ v CUMMINS 17/03/2020**

35 **MR TERNOVSKI:** Now, in connection with this incident with Mr Cummins, Mr Dalamaras will give evidence that the Office of Industrial Relations commenced an investigation into Mr Cummins, an investigation which ultimately led to his prosecution, but then immediately paused that investigation to first investigate the conduct of its own inspectors in response to a complaint from Mr Cummins. So when confronted with the situation where a CFMEU official well known for being highly abusive and aggressive was reported to have tried to intimidate an inspector, 40 the OIR chose to investigate its own inspectors before investigating whether the CFMEU had committed an offence. Mr Dalamaras -

COMMISSIONER: When you say the OIR chose to investigate, who within the OIR chose to investigate?
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MR TERNOVSKI: I think from memory - I'd have to come back to you on that. I think it was Andrew Harris who was then Executive Director but I'll come back to you on that.

5 **COMMISSIONER:** Another one of these Deputy Director-Generals?

MR TERNOVSKI: No, Executive Director.

COMMISSIONER: Executive Director, sorry.

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MR TERNOVSKI: Mr Dalamaras also describes abusive social media posts by the CFMEU. Mr Dalamaras will then give further evidence about how the CFMEU weaponised safety complaints to advance their industrial agenda. He will describe an incident where the CFMEU appears to have planted asbestos on a construction site in an attempt to get WHSQ to shut down the entire site. More broadly, he will describe how the CFMEU targeted building sites where a subcontractor that they did not with like was present. They did so by raising trivial safety concerns to cause disruption on the site. Mr Dalamaras will also describe a pattern where the CFMEU appears to have targeted sites during enterprise bargaining.

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COMMISSIONER: When you say a subcontractor - and this might be a question for Mr Dalamaras, maybe you won't be able to answer it - when you say a subcontractor they did not like, why did they not like that subcontractor? Because they hadn't entered into a CFMEU EBA or some reason -

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MR TERNOVSKI: There is evidence about one subcontractor, a crane company, where - Century Cranes, I think - where the evidence that we have in this lot of witness statements is that the owners refused to effectively sign up their members or force their members to sign up - force their employees, rather, to sign up as CFMEU members. And then the last witness for this regulatory capture case study this week will be Paul Smith, who was referred as the Regional Director at WHSQ, a post he has held since 2013.

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COMMISSIONER: He is still a Regional Director?

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MR TERNOVSKI: Yes, he is, although as I mentioned, his area of responsibility was recently reduced from North and Central Queensland no just North Queensland.

COMMISSIONER: But he got additional responsibilities for the agricultural -

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MR TERNOVSKI: Exactly. Yes. So he's currently responsible for the region which encompasses the Cairns, Townsville and Mackay, but previously he also was responsible for Rockhampton and Gladstone. Now, like Ms Farrington, Mr Smith will give evidence about the reporting structure in WHSQ and similar evidence to her, which is that he - that CCFS director was responsible for South East Queensland, and later Toowoomba and Sunshine Coast, but not his region. He did not report to Ms Burgess - rather, reported to the Executive Director. Mr Smith will

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give evidence about the change in the culture of WHSQ that started around 2015 and 16 and then intensified in 2018 when Ms Burgess became the Director of CCFS.

5 And he will describe how when he was a Regional Director between 2013 and 2015, WHSQ treated all stakeholders equally, including the CFMEU. However, his evidence is that in 2016, there was a shift when the CFMEU complaints started to become disproportionately prioritised. Now at that point, Ms Burgess was a principal adviser in the construction strategy unit, but even in that more junior role, and with her area of responsibility limited to the Brisbane area, Ms Burgess was already
10 interfering in WHSQ affairs in the north, regularly emailing Mr Smith to ask for information such as why inspectors did not issue notices that the CFMEU wanted.

Consistently with other witnesses, Mr Smith will describe how when Ms Burgess became the Director and - first the Acting Director then permanent Director of CCFS
15 in 2018, her interference intensified. He received frequent calls from Ms Burgess demanding that he direct his inspectors to drop everything and attend to CFMEU requests. She was communicating directly with CFMEU officials and bypassing the AAA triage system. Mr Smith will describe how he tried to question or push back on these requests, but ultimately ended up allocating inspectors.

20 Mr Smith will also describe pressure from Ms Burgess to issue notices that the CFMEU wanted. When inspectors refused to issue notices that the CFMEU was seeking, Ms Burgess would call Mr Smith and demand explanations and try to put pressure on Mr Smith to issue notices. She regularly threatened to complain to Mr
25 Dennett. She also regularly made comments to the effect that the Minister's Office won't be happy. Ms Burgess usually made good on her threats to complain to Mr Dennett when an inspector did not write notices that the CFMEU wanted, because when that happened and Mr Smith refused to budge, about 80 per cent of the time he would shortly thereafter get a call from Mr Dennett asking for explanations. And
30 during these calls, Mr Dennett regularly told Mr Smith that WHSQ was getting pressure from the Minister's Office on the issue.

Mr Smith will explain how he thought it was surprising that his Executive Director, Mr Dennett was regularly getting into the weeds so to speak and discussing the
35 minutiae of notices on construction sites with Mr Smith and even more surprising that the Minister's Office should be involved in these low-level operational matters. Mr Smith will give evidence that this practice of getting these calls from the Executive Director only existed under Mr Dennett. It did not exist under his predecessor Julie Nielsen and neither did the practice continue under Mr Dennett's
40 successor Andrew Harris.

COMMISSIONER: When did Mr Harris take over from Mr Dennett as the Executive Director?

45 **MR TERNOVSKI:** February 2022, Commissioner. And then he was replaced by Ms Stacey Ozolins as an acting Executive Director and as you've heard in April, Ms Wise was then selected.

COMMISSIONER: And Ms Wise had her own troubles trying to fix things, in dealing with the -

5 **MR TERNOVSKI:** The triage system.

COMMISSIONER: The triage system, but also with the Deputy Director-General and Acting Director General she had to deal with, I think.

10 **MR TERNOVSKI:** That's right. And Mr Smith gives some further evidence about, which I'm about to get to. Before I do, though, I will just deal with another topic. Mr Smith will give evidence about the compliance, monitoring and enforcement policy and how it became a tool used by the CFMEU and by Ms Burgess to try to pressure inspectors to write notices that the CFMEU were seeking. He will give evidence
15 about how the CMEP removed inspector discretion and required inspectors to issue notices for certain priority breaches. However, he -

COMMISSIONER: When did that policy come into operation?

20 **MR TERNOVSKI:** 2018.

COMMISSIONER: And it was designed by Ms Burgess?

MR TERNOVSKI: Well, that is our theory, but we - that is the theory we're
25 working on.

COMMISSIONER: You're looking into -

MR TERNOVSKI: We're continuing lines of inquiry into exactly how it came
30 about. One of the interesting things about the CMEP as Mr Smith will explain is that in his opinion at least these priority contraventions that were identified in the CMEP as requiring inspector action without any discretion, in many instances, involved relatively minor and non-urgent issues. Mr Smith will give evidence about how, after the CMEP was introduced, the number of notices issued in his region skyrocketed
35 but this did not lead to any reduction in the rate of accidents. Mr Smith will also give evidence about how it was the involvement of -

COMMISSIONER: Sorry, what skyrocketed?

40 **MR TERNOVSKI:** The number of enforcement notices.

COMMISSIONER: Yes.

MR TERNOVSKI: Infringement notices and prohibition notices. Mr Smith will
45 also give evidence about how it was the involvement of Ms Burgess, the enforcement notices written as the result of the CMEP and pressure from the CFMEU and Ms Burgess were then used to assess the contractors' bids for government work, and that

was under the best practice principles which underpinned BPICs. Mr Smith will give evidence about several incidents on construction sites and the behaviour of union officials, and interference from Ms Burgess and Mr Dennett. Among other incidents, Mr Smith will give evidence about that incident I have just described with Mr Cummins and in particular how she was criticised by Mr Dennett in an email after raising questions about how to deal with Mr Cummins post his conviction.

COMMISSIONER: I think Mr Sanfilippo said something similar, didn't he, that CPB were denied government work because of what he and Mr Silvester gave evidence about, which was that there was a record of false safety notices being issued, and that was then used to deny, I think, pre-qualification for either BPIC or the predecessor to BPIC.

MR TERNOVSKI: I'm not familiar with the details of that evidence, Commissioner. However, one of the lines of inquiry we are pursuing is how this enforcement data was then used, including by the QBCC.

COMMISSIONER: The theory being?

MR TERNOVSKI: The theory being that it was another mechanism to exert control, weaponise safety complaints, use that to disrupt building sites. But then, through (a) inspector attendance and (b) the notices, and then using the notices to put further pressure on the builders.

COMMISSIONER: Either through denying them government work or denying them licences through the QBCC?

MR TERNOVSKI: Exactly. That's the theory we're working on. Mr Smith will give evidence about how - dealing now with the triage system, Deputy Director-General Kym Bancroft attempted to implement a triage system for the CFMEU notifications, but that system wasn't introduced and instead WHSQ moved to a system that we heard about in April from Ms Wise where the CFMEU would call regional directors directly. You will also recall evidence from Ms Wise that she then developed her own triage proposal to have a separate construction 1300 number. But the Acting deputy Director-General, Donna Heelan, put it on hold and only approved it after the change of government. Mr Smith gives evidence of a conversation he had with Ms Wise where Miss Wise told him that Mr Heelan was waiting on the outcome of the election before deciding whether to implement the triage proposal.

Mr Smith will give evidence about a complaint he made to CCC about Ms Burgess and what happened with that complaint, and finally, Mr Smith will give evidence about a meeting we had with Minister Grace Grace in January 2023 when Mr Smith was temporarily acting as Executive Director of WHSQ compliance and field services. Mr Smith will give evidence about his conversation with Minister Grace during this meeting and he will also give evidence about how after this meeting he was told by Ms Bancroft, the then Deputy Director-General, that she in turn was criticised by her boss, the Director-General, Michael De'Ath, for lacking judgment in

bringing Mr Smith to the meeting with the Minister in circumstances where build Smith had made a complaint about Ms Burgess.

5 **COMMISSIONER:** So Ms Bancroft is one of these 10 Deputy Director-Generals. She's criticised by Mr De'Ath, who was then the Director-General, I think, of Education, when OIR was part of Education, for bringing Mr Smith to a meeting, the Regional Director for Cairns, and complaining about interference by Ms Burgess in his region?

10 **MR TERNOVSKI:** Yes.

COMMISSIONER: What was -

15 **MR TERNOVSKI:** But -

COMMISSIONER: You go.

20 **MR TERNOVSKI:** He was - I mean, he was there not in his capacity as Regional Director but in his capacity as Acting Executive Director. I just want to - yes. That's why he was at the level to attend the ministerial meeting.

25 **COMMISSIONER:** I don't understand why that wouldn't be - why would that be a source of criticism. The Minister is being told information that she may not otherwise know.

MR TERNOVSKI: Well, this is one of the lines of inquiry that we're pursuing, Commissioner. Ms Bancroft or Mr De'Ath might know the answer.

30 **COMMISSIONER:** Well, who knows what they might say? They might say the conversation didn't happen. Who knows?

35 **MR TERNOVSKI:** They might. Finally, we're conducting further lines of investigation to identify further evidence answering the four questions I've identified, including whether there were any other government agencies - I know there is one agency we're looking at in particular is the QBCC. That's all I wish to say by way of opening. If it's convenient, Commissioner, I'll call the first witness.

COMMISSIONER: Is Mr De Ridder here in the hearing room?

40 **MR TERNOVSKI:** I believe he's just outside.

COMMISSIONER: I wonder whether someone might be able to go and bring him in.

45 **MR TERNOVSKI:** Yes, Commissioner.

COMMISSIONER: Mr De Ridder, please come towards the witness area, and stand while the oath or affirmation is administered.

KARIM EL JILI de RIDDER, SWORN

5

<EXAMINATION BY MR TERNOVSKI

COMMISSIONER: Thank you, Mr De Ridder. Please take a seat. Mr Ternovski will ask you some questions.

10

MR TERNOVSKI: Mr De Ridder, would you state your full name?

MR DE RIDDER: Yep. Karim El Jili de Ridder.

15 **MR TERNOVSKI:** And what is your occupation?

MR DE RIDDER: Currently, team leader with the asbestos and demolition compliance unit Workplace Health and Safety Queensland.

20 **MR TERNOVSKI:** And what is your work address, office address?

MR DE RIDDER: It's Level 6, 5 there is B Sheridan Street, Cairns, Queensland, 4087.

25 **MR TERNOVSKI:** Mr De Ridder, you made a statement - a written statement for the Commission?

MR DE RIDDER: I did.

30 **MR TERNOVSKI:** Could the witness be shown the first page of the statement? Mr De Ridder, is this your statement?

MR DE RIDDER: Yes, it is.

35 **MR TERNOVSKI:** And it's dated 5 May 2026.

MR DE RIDDER: That's correct.

MR TERNOVSKI: There's 58 paragraphs.

40

MR DE RIDDER: Yes.

MR TERNOVSKI: And 16 annexures?

45 **MR DE RIDDER:** Yes.

MR TERNOVSKI: Mr De Ridder, have you had a chance to read the statement recently?

MR DE RIDDER: I did, yes.

5

MR TERNOVSKI: I understand there are some corrections you wish to make?

MR DE RIDDER: Yeah, there are.

10 **MR TERNOVSKI:** The first one is unfortunately to the spelling of your name; is that right?

MR DE RIDDER: Yes, that's correct. So it's capital D-e instead of little d.

15 **COMMISSIONER:** In the first sentence?

MR DE RIDDER: Yeah. Like in the very first.

20 **MR TERNOVSKI:** And then I understand you have a correction to paragraph 7?

MR DE RIDDER: Yeah, that's correct.

MR TERNOVSKI: Could the witness be shown paragraph 7?

25 **MR DE RIDDER:** Yep. So just in relation to the lower part of that paragraph, I have been a member of the Together Union since I started work at Workplace Health and Safety. I started work there in 2008 and the Together Union wasn't formed then, so it was a little after that period of time that I joined the Together Union when they formed. I think it was 2011 they formed.

30

MR TERNOVSKI: So it was after 2011 that you became a member?

MR DE RIDDER: Yeah, yep.

35 **COMMISSIONER:** So what do we do? Just say I've been a member of the Together Union since it was formed?

MR DE RIDDER: A little - I think it was a year or two after, but yes, in proximity of that.

40

COMMISSIONER: Since approximately 2011?

MR DE RIDDER: Would've been about - I think, I couldn't recall but I think it was around 2013.

45

COMMISSIONER: Okay. So delete "I started working at WHSQ" and insert "approximately 2013"?

MR DE RIDDER: Yep.

5 **MR TERNOVSKI:** And then the next one is to paragraph 24. Could the witness be shown the second half of paragraph 24, which is on page 7.

10 **MR DE RIDDER:** Yeah. So this part here, so we had a - the PCBU agreed to immediately amend the SWMS which they did on 21/3/2017, but there was a toolbox talk was only held the day after, which was 22/3/2017. So that's an error with regards to that.

COMMISSIONER: I don't follow what change needs to be made, Mr Ternovski.

15 **MR TERNOVSKI:** I think just about the timing of when the toolbox talk was held. Mr De Ridder, if we deleted the words "by then", would that be accurate?

MR DE RIDDER: Yeah, that would be accurate, so -

20 **COMMISSIONER:** Just in the - after "further".

MR DE RIDDER: Further.

COMMISSIONER: And delete "by then".

25 **MR DE RIDDER:** Yeah. So it was the day after that date there.

MR TERNOVSKI: Finally, there's an amendment to paragraph 41. Could the witness be shown paragraph 41, please.

30 **MR DE RIDDER:** Yes. So this section was - so I attended the site on 4 June 2019 with Ms Farrington and Paul Hutchinson in response to request from assistance from the CFMEU. It included the ETU as well, CFMEU and ETU.

35 **COMMISSIONER:** So in between CFMEU and the full stop, insert "and ETU"?

MR DE RIDDER: Correct.

40 **MR TERNOVSKI:** Subject to those amendments, is your statement otherwise true and correct?

MR DE RIDDER: It is.

MR TERNOVSKI: I tender the statement.

45 **COMMISSIONER:** Are there any objections? No? Statement of Karim de Ridder sworn 5 May 2026, 58 paragraphs, 13 pages, 16 annexures, as amended in the witness box, in the first sentence and paragraphs 7, 25 and 41, will be KADR-1.

<EXHIBIT KADR-1 STATEMENT OF KARIM DE RIDDER 05/05/2026

MR TERNOVSKI: Mr De Ridder, now, your current position is an acting role?

5

MR DE RIDDER: That's correct, yes.

MR TERNOVSKI: But what is your permanent role?

10 **MR DE RIDDER:** It's principal inspector, asbestos compliance.

MR TERNOVSKI: And what are your qualifications?

15 **MR DE RIDDER:** So my university qualifications are a degree in Sport and Exercise Science I got in 2006, end of 2006, and then Postgraduate Certificate in Occupational Hygiene from ECU in the end of 2024.

MR TERNOVSKI: And would you tell the Commissioner your work history with WHSQ starting in 2008?

20

MR DE RIDDER: Yeah, that's correct. So I started in May 2008, actually today I started in May 2008, and undertook general - a role as a general inspector, which we received the training for that inspector work. We got employed on the basis of our - of my degree, I suppose, and my knowledge in ergonomics. Proceeded through inspector training and then was employed as the work health and safety general trained in obviously ergonomics as well as industrial construction. That was between 25 2008, October 2008 and November 2010.

30 So in November 2010 to May 2017, my role was senior work health and safety inspector specialising in construction, and then between May 2017 and May 2019, I acted in basically the same position I'm in now. Back then it was called the asbestos unit, but it's now the asbestos demolition compliance unit. During that time, my substantive remained as senior construction inspector, so I continued to attend the odd construction job if required in the region because of lower numbers of 35 inspectors, and then I went back to senior construction out of the Cairns office at the end of May 2019 to approximately November 2021, where I took up my current substantive role, which is principal inspector, asbestos compliance.

40 **COMMISSIONER:** When you say "lower number of inspectors", compared to what?

MR DE RIDDER: It's probably - obviously we get inspectors coming and going but probably to the south-east corner, our regional office always have a lower number and sometimes - we obviously had more of a permanent focus which in my case was 45 construction, but you obviously do a little bit of everything because you've got to fill the gaps sort of thing.

MR TERNOVSKI: Continue. And after that?

5 **MR DE RIDDER:** Yep. So currently, November - so principal inspector compliance and acting as the team leader at this current stage and that was about September '25, last year, I got that role.

MR TERNOVSKI: And you relocated to Cairns part of the way through that history?

10 **MR DE RIDDER:** Yeah, I did. So about September 2014 I relocated from the Townsville office, so initially I was based in the Townsville office and then moved up to Cairns and just - my wife was moving up here at the time, partner at the time.

15 **MR TERNOVSKI:** During the period when you were based in the Cairns office, when did you - when did you attend the construction sites and when did you stop at the construction sites?

20 **MR DE RIDDER:** I was attending them in Townsville and then it sort of didn't stop it just changed the local I was attending, obviously in Cairns, when I got the Cairns in 2014, I was still attending sites up until that - May 2017, when I went into that acting role, but obviously, because of our - the arrange minute I still had to attend the odd construction role - job if needed during that period of time, between 2017 and May 2019.

25 **MR TERNOVSKI:** And then '19 to '21, were you attending construction sites again?

30 **MR DE RIDDER:** So '19 - yeah, '19 to '21, so May 2019 to '21 I was back to senior work health safety so my substantive position at that stage. So that was back in construction.

MR TERNOVSKI: And then after November '21, when you moved into asbestos compliance, did you attend construction sites?

35 **MR DE RIDDER:** No. So when I took up the permanent role that initial arrangement we had he when I was acting wasn't the case and I just focused on asbestos, so from that '21 onwards.

40 **MR TERNOVSKI:** Now, Mr De Ridder, you describe in paragraph 5 how you used to work as a nightclub bouncer. When was that?

45 **MR DE RIDDER:** Through my uni years, based in Townsville, I - I sort of wanted the work through that time period and I was a bouncer basically for 10 years between - a little bit in Cairns but mostly in Townsville and that was in the various clubs down there. Initially at the uni bar in JCU in Townsville and then in the main street precinct in Townsville and then across to Maggie Island as well later in time, but I kept that sort of something.

MR TERNOVSKI: Were some of the patrons you had to deal with intoxicated and abusive?

5 **MR DE RIDDER:** Every night, basically, you copped abuse. It was sometimes physical, but a lot of swearing and you had to subdue them or control them and try to either remove them from the premises or sometimes you had to call the police as well.

10 **MR TERNOVSKI:** So you had some experience in that role of dealing with abuse?

MR DE RIDDER: Yeah, I did, yeah.

MR TERNOVSKI: Now, we can't really see how tall you are sitting in the witness
15 box but can you tell the Commissioner how tall you are?

MR DE RIDDER: Yes, so about 193 centimetres.

COMMISSIONER: 6 foot 4 or something?
20

MR DE RIDDER: Yeah, about that.

MR TERNOVSKI: And how much do you weigh?

25 **MR DE RIDDER:** About 115 kilograms.

MR TERNOVSKI: You're pretty big?

MR DE RIDDER: Yep, yep.
30

MR TERNOVSKI: Would you say you're easily intimidated, Mr De Ridder?

MR DE RIDDER: No, not really, no.

35 **MR TERNOVSKI:** What was the reason for you moving into asbestos, though?

MR DE RIDDER: The primary reason was to get away from construction and the CFMEU. So the issues I suppose we dealt with with attending sites with those guys on those sites. So that was my primary - primary focus was to get out of the
40 construction part, which was sometimes hard, because there was limited resources in the region, so -

MR TERNOVSKI: Mr De Ridder, you describing being raised in - I think you put it as a strongly pro-union household?
45

MR DE RIDDER: That's correct, yes.

MR TERNOVSKI: Tell the Commissioner about that.

5 **MR DE RIDDER:** Yeah, so through my childhood, in the early days when we were very small, so dad worked on the Kareeya power station based in Koombooloomba sort of west of Tully. He was a member of the ETU and involved in various, I suppose, things they had through the 80s. There was one in particular I recall him talking about a lot was - was the S - south-east electrical board. They had an issue with, I think, the Premier at the time wanted to remove a lot of permanent employees and replace them with casuals, so they had strikes and that sort of thing in those days.
10 So we always sort of - he installed into us the importance of having worker representation, as well as standing up to bullies and that sort of thing, so -

MR TERNOVSKI: Mr De Ridder, in your experience of attending construction sites where CFMEU officials were present, while you were doing that, would you
15 describe to the Commission the general pattern of behaviour that you've observed by CFMEU officials?

MR DE RIDDER: Yeah. Yeah, so most - pretty much all the time, there was this aggressive sort of disrespectful behaviour towards the PCBUs and to us. There
20 wasn't ever a sort of - I didn't recall too many occasions where things were civil and we walked through and discussed things in a civil manner, which you'd expect in a professional capacity. So there was always - you know, there was occasions where they were tis playing rude, aggressive behaviours. In some instances, shouting and getting in our faces, calling us names and that sort of thing, and - and a favourite one
25 of theirs was to basically say that our commitment towards the health and safety of workers wasn't - wasn't there, basically. They were supporting it but we weren't, but we weren't doing what they wanted to happen on work sites.

MR TERNOVSKI: And what is it that they wanted it that you weren't doing?
30

MR DE RIDDER: They want us to issue notices to change whatever they deemed to be a contravention. So they wanted us to issue notices based on what they'd raised and our role isn't to do that. It's to look at, in an impartial manner, how we enforce the legislation in an impartial manner, like, we're public servants, we're supposed to
35 be transparent in how we operate and that's how I've always approached my - my role in doing that so -

MR TERNOVSKI: In what circumstances would you refuse to write a notice?

40 **MR DE RIDDER:** If it wasn't lawful, if it couldn't be supported by the legislation. So that reasonable belief can't be formed, and the reasonable belief is the inspector on site, it's not anyone else. So we've got to support our reasonable belief that a contravention exists for a notice to be issued.

45 **MR TERNOVSKI:** And did you ever explain that to CFMEU officials?

5 **MR DE RIDDER:** Oh, we - you tried to explain things like that but they don't really listen to, you know, normal conversation like that. They just want what they deem or what they deem to be the issue on the site to be addressed, and if it wasn't, you'd cop abuse from them directly or they'd ring the management above us and we'd receive phone calls or communications to say why you did or didn't do things.

MR TERNOVSKI: What type of construction sites did the CFMEU attend in your experience?

10 **MR DE RIDDER:** Yeah, in my experience, especially up in the north, was the main commercial larger bigger sort of more expensive jobs, basically, around town. It was notable to me, we had a lot of issues in housing construction, particularly high-set housing construction with like falls from heights and that sort of thing.

15 **COMMISSIONER:** What sort of housing construction?

MR DE RIDDER: Like two-storey, so there is a little bit more issues with falls from height type situations, but we'd never - you'd never come across them on those sites and I assume they had members on those sites as well, but all our dealings with them were always on these commercial construction projects.

MR TERNOVSKI: And in your experience, which kinds of project presented the greatest safety risk, generally speaking?

25 **MR DE RIDDER:** In my experience, probably - you can always pick a contravention out, it doesn't matter what construction site you go, but the smaller ones, they don't have the budget to implement safety systems like the larger ones do.

30 **MR TERNOVSKI:** Sorry, just pausing there. You said smaller ones and larger ones. What are you referring to?

MR DE RIDDER: So the residential construction guys, they might be a member of HIA or Master Builders, they could get a safety pack, subbie packs, which are like a safety system. Most of those guys fill out their SWMS and work through that, whereas a larger commercial builder will have a safety team, a safety budget. They're more likely to implement these higher order controls or high level of control, I suppose. So the incidents were just - in most cases, were fairly substantial in those residential locations, because they just didn't acknowledge what the safety risks were as much.

40 **MR TERNOVSKI:** You referred to SWMS. Is that the Safe Work Method Statements?

MR DE RIDDER: Yes, that's correct, yep.

45 **MR TERNOVSKI:** Which is something you're required to have?

MR DE RIDDER: Yep, yep. So there's certain I think it's section 291 in the regulations require, they identify what high-risk construction work is, and you develop SWMS based on those situations in the workplace.

5 **MR TERNOVSKI:** And if you can just - when you were - a little bit earlier in your conversation - in your evidence about the two types of sites, you said something to the effect of you can always find an issue. Can you expand that?

10 **MR DE RIDDER:** Yeah. So generally you can arrive - the work health safety legislation is fairly substantial and complex and you can go to any construction workplace and identify certain contraventions. Obviously, with finite resources and time, we tried to target the higher-risk contraventions or issues on site and then work our way through. You could spend days writing notices on some sites because of the contraventions but you sort of encourage the PCBU to, you know, do anything they
15 can on the site on the day, or under an agreement or something like that. But it changed, obviously, through the years, depending on what was accepted by our management as well.

20 **MR TERNOVSKI:** Can you give some examples of the lower-order issues that you might find on any construction site?

MR DE RIDDER: Yeah. So housekeeping. Housekeeping is basically like an untidy workplace, where there's like trip hazards and that sort of stuff. Test and tag. Yeah. Like small, low - like, they call it falls from one level to another, but it's like little drop-offs off slabs and that sort of thing. So, you know, if you're going to deviate
25 your traffic away from those hazard areas, you sort that issue. Sometimes you can't because it's, like, a cluster - like if you're in the middle of the city, you don't have much area, you've got to work in what you've got, but these those are the sort of things that were regularly sort of identified on the complaints from the CFMEU
30 when we were attending. But, yeah. Look, I arrive on site, I always look for the high-risk stuff so if there is a falls from height issue or proximity of powerlines or unstable structures or scaffold, things like that.

35 **MR TERNOVSKI:** I think you said these were the sorts of issues that were regularly identified in the CFMEU complaints. Did you regard those sorts of issues as serious or imminent threat?

40 **MR DE RIDDER:** Some occasions they were, but not - not very often. They were - they were very general, like, access/egress, electrical and then you go out and you'd be trying to assess what exactly was the issue. If they weren't on site you'd be running through the PCBU trying to point out where these issues were raised while they were there.

45 **MR TERNOVSKI:** In paragraph 12 of your statement, you refer to what you describe as a Hit Squad -

MR DE RIDDER: Yeah.

MR TERNOVSKI: - from South East Queensland. Could you tell the Commissioner about that?

5 **MR DE RIDDER:** Yeah. So there was a few occasions over the years that they'd have other CFMEU staff, I suppose, or delegates, whatever they were, from the south-east corner and they'd come up and join up with the local - so our local one was Roly Cummins up in Cairns. In my early days, it was Mick Robinson down in
10 Townsville. But yeah, they'd combine with them and they'd sort of hit these construction sites, wherever I suppose, they wanted to target for whatever reason, and cause a fair - a fair ruckus, so they just, you know, obviously the way they approach people ruffles feathers pretty quickly, the way they try to approach their issues and then basically leave town a day or two later. But I recall it happening a
15 few times over the years. I can't, you know, I wouldn't be able to put my finger on all of them, but three or four times is my assumption that had happened.

MR TERNOVSKI: And the issue you described about inspectors being abused on construction sites by CFMEU officials, was that - was that raised with OIR management, as far as you know?

20 **MR DE RIDDER:** Continually. Our local - so the regional offices like Cairns, we support each other, like we're a firm, tight-knit office, we look after each other, make sure each other's all right. Same with our local management. Shannon in those days, Shannon Farrington, and Paul Smith was our director, but we'd push up the chain -
25

COMMISSIONER: How many people would you have in an office like Cairns in those days?

MR DE RIDDER: How many inspectors or in total -
30

COMMISSIONER: Total. Inspectors and total.

MR DE RIDDER: There was construction, industrial, sometimes the investigators, so probably maybe 15 or 20, dependent on if they had the inspector powers, as well
35 as our admin staff and that sort of thing. I may be inaccurate in that comment, but yeah, it's about maybe 25 max, I would say.

COMMISSIONER: 25 total staff?

40 **MR DE RIDDER:** Yeah, yep.

COMMISSIONER: Of whom 15 to 20 might be inspectors?

MR DE RIDDER: Yeah, yep.
45

COMMISSIONER: And you said that these Hit Squads would come up from South East Queensland.

MR DE RIDDER: Yeah.

COMMISSIONER: You said for whatever reason, they would target a builder.
5 What was your impression of the reasons that the builders were being targeted?

MR DE RIDDER: I couldn't prove it but I assume that they probably had
conversations about EBAs or some sort of an arrangement. The way they focused on
particular builders and not others was always a bit - wondered why they target this
10 particular one and not one down the road, though, so assuming there was some acting
towards.

COMMISSIONER: You said they'd cause a fair ruckus and would ruffle feathers.
What do you mean by that?
15

MR DE RIDDER: Yeah, just the way they approached the PCBUs, I suppose and
how they left the site. They're fairly - because they're so dressive and the way they
want things done, you know, they'd ruffle up the feathers of the PCBU or the
principal contractor usually in these situations and then following up on our dealings,
20 like, trying to - they'd ring through whoever they had contact in upper management
and then they'd be on our case about what we did or didn't issue notices for.

COMMISSIONER: The upper management would be on your case?

MR DE RIDDER: Yeah, yep. Yeah. So above Paul's level. Generally it was from,
25 like, the construction manager, I think it was - I can't recall the name back then, but,
like, the early one that I talk about soon was Peter Twigg and he was like an acting
manager at that time. Later in the years, it was Helen Burgess, Mark Houston. There
might've been a few others over the years, but -
30

MR TERNOVSKI: Now Mr De Ridder, you describe a conversation in your
statement you had with Julie Nielsen about CFMEU abuse. Can you tell the
Commissioner about that conversation?

MR DE RIDDER: Yep.
35

MR TERNOVSKI: When was it, firstly?

MR DE RIDDER: I think it was around - it was probably around - I can't recall the
40 exact date or time because we had quite regular, like regularly through the years in
construction. We'd attend Brisbane. They'd raise, you know, whatever was
controversial, needed addressing as a group. So we'd all sort of go down to Brisbane
for a day or two. I think it was 2017, maybe, before I jumped to the asbestos unit
again, but I recall one of those specific meetings after we'd copped a lot of abuse in
45 more recent times that Julie sort of mentioned that herself and Simon, Director
Simon Blackwood, who it is our Deputy Director-General at the time, they'd cop
abuse from the CFMEU as well, at their level, when they were dealing with those

people. And I think - I think she meant to say it so that they were in the same - like we were all copping abuse, basically, we were all in the same boat. I recall I thought it was - they were accepting that abuse at that level, so how was it of going to change for inspectors on the ground? If you accept the behaviour at a certain level, then it's going to know through your workforce. So that was my sort of take on it, but yeah.

MR TERNOVSKI: Commissioner, I note the time. Is this -

COMMISSIONER: Yes, just before we break, you're talking about this abuse that you copped and you said that the CFMEU were aggressive, disrespectful, rude, never discussed things in a civil manner. Were they more aggressive, disrespectful, rude and abusive than the patrons you had to deal with at nightclubs in Cairns and Townsville?

MR DE RIDDER: In some occasions - in some circumstances, they were. Obviously, you no, nightclubs - when they're under the influence of drugs and alcohol, like, you can have a regular conversation with someone who isn't and then they turn into this different beast or person, I suppose, when they're under the influence. So in some circumstances, you accept that before you go to work, you're trying to, you know, deescalate the emotions of that person. You don't accept that when you go to a construction site and you're trying to deal with PCBU's, you know, these people, the CFMEU and other people. You expect a professional sort of respect between people, and I think in that regard, it was more disturbing to me when you did cop it, because I feel like we're trying to do a role in protecting workers, under legislation that's there to be enforced. So when you're copping abuse and then that pressure from above, because they tell them something that they think that's not right, it's pretty disappointing for inspectors to see that, and that sort of builds through the years when you have to deal with it regularly.

COMMISSIONER: When you say you found it more disturbing, this aggressive and disrespectful and rude, abusive behaviour, why do you think the CFMEU engaged in that behaviour?

MR DE RIDDER: I don't - I'm assuming they - it was, like, a power thing, maybe. Like, they thought by displaying this aggressive nature that they're doing - they're flying the flag for their workers around. Maybe it's an act for whoever's on site to see that type of behaviour or - like, they're all sort of pretty similar type bully people that I've come across. Some of them aren't. Like they're lower in stature or whatever, but all had - they could talk the talk in that manner and I don't know if they get trained in that manner, if they have some training as delegate or whatever they do down south, but it just seemed to be very similar between them. I didn't across too many that were sort of pleasant to deal with over the years. So seemed to be a pretty similar -

COMMISSIONER: You described it as similar bullying behaviour. Was it effective?

MR DE RIDDER: It wasn't effective with me. It might've been with some other people, but to me - like, I've always had the opinion, and like I said earlier, with dad, like, you don't take bullies, and like, you don't do what they say, basically. You've got to hold firm and hold your values and I don't think it's an effective way to do work. Like, they have a function under the legislation and that could - could be a good function, if they just identified hazards and with the PCBU, effected change in an appropriate manner, it would assist - assist us. It would assist the industry. But it seemed to be an ulterior motive the way that they approached it, to me.

10 **MR TERNOVSKI:** Before we break, Mr De Ridder - you refer to them receiving, I think you used the word "them", receiving some incorrect information. What were you referring to there? I think it might have been management but I'm -

15 **MR DE RIDDER:** Oh yeah. So, like, if we attend the site that they've raised concerns, they'll be on the phone straightaway if we've had a conversation about what we are or weren't going to do, like if we're going to issue notices or not. They're pretty regular on the phone straight up the chain, and then we received calls obviously - usually via, like Shannon. I didn't receive too many calls apart from the occasion we'll discuss, but I'm assuming they call whoever their contact is in management down in Brisbane and then they say, "Well, why aren't you doing this or that?" Or "This is an issue." Which, like, the legislation, as I said before, like, it's a reasonable belief when we issue notices, so it's the inspector's reasonable belief, not the belief of senior management because the CFMEU have told them this is what's occurring on site and we have to back up why and why not those occasions, because obviously you've got to show that you're following the legislation as much as you can, so - and that's the intent of it.

30 So if anything, the pressure from management to continually, you know, why or why not things were issued and they just accept them on face value. They're not accepting what we are telling management is the situation. They're accepting what the CFMEU were telling them. That occurred frequently.

MR TERNOVSKI: In preference to, what, information coming from inspectors?

35 **MR DE RIDDER:** Yes. So what we would tell our management, what they'd move up the chain to see what the actual chain was. So to us, it's like you're not showing support to your inspectors. You're showing support to CFMEU and what they believe is what the issue is. It was that constant pressure that sort of made it worse than it needed to be.

40 **COMMISSIONER:** It sounds like an extraordinary situation where the CFMEU doesn't use the AAA line, doesn't speak to you, other than in the abusive manner you're talking about on site, doesn't raise issues with your boss, Ms Farrington, or her boss, Mr Smith.

45 **MR DE RIDDER:** Yeah.

COMMISSIONER: Goes round them to Brisbane, to people who are at the same level of Mr Smith.

5 **MR DE RIDDER:** Yep. I thought it flies in the face of transparency. Like, we're supposed to be the transparent, you know, the regulator that - we're not favouring any side. We're the middle person that - yeah. We weren't comfortable with the way it was done, but we didn't have any say in what was happening.

10 **COMMISSIONER:** Why do you say you had no say?

MR DE RIDDER: If we did mention - like, just from the reflection - you get words like supportive words back when we faced these sort of aggressive situations, but this what is no change. Like if there's going to be support from management, there'd be change in behaviours and change in certain ways things were done, and it wasn't - so
15 we just continually faced the same situation. If not, it got worse over the years and CMEP process and all that sort of thing. It just - it progressed through the years rather than got better.

20 **MR TERNOVSKI:** Is that a convenient time, Commissioner?

COMMISSIONER: Yes. We'll adjourn till 25 to 12.

<THE HEARING ADJOURNED AT 11.07 AM

25 **<THE HEARING RESUMED AT 11.34 AM**

COMMISSIONER: Mr Ternovski.

30 **MR TERNOVSKI:** Mr De Ridder, if we can now go through some of the specific incidents that you describe in your witness statement, starting with the incident at Keir Constructions site on 21 March 017. What was that site, Mr De Ridder?

MR DE RIDDER: It was - Keir Constructions was the principal contractor. They referred to it in their SWMS, I suppose, as the Earlville redevelopment site. It was at
35 532 Mulgrave Road, opposite Stocklands shopping centre in Cairns but previous to that, there was an old Sizzlers there, some people refer to it as the old Sizzlers site.

MR TERNOVSKI: And why did you attend that site?

40 **MR DE RIDDER:** I got asked to attend by Shannon Farrington, so my OM at the time, in regards to concerns that had been raised by the CFMEU concerning the site, and I think Frank initially received the information a little bit prior to me. I sort of attended with Frank.

45 **MR TERNOVSKI:** Who's Frank?

MR DE RIDDER: Frank Honsa was one of the other construction inspectors in Cairns. So, yeah, I was requested to attend with Frank that site.

5 **MR TERNOVSKI:** And you said Ms Farrington was your OM. Is that Operations Manager?

MR DE RIDDER: Yeah, Operations Manager for the Cairns office, yeah.

10 **MR TERNOVSKI:** When you arrived at the site, where did you go, first of all?

MR DE RIDDER: When we arrived on the site, we attended the sort of site sheds, which is, like, a crib hut and where the manager - site manager was based, basically. So the site office location, and the CFMEU were already there and there was two representatives from Kier as well.

15 **MR TERNOVSKI:** Who was there from the CFMEU?

MR DE RIDDER: So initially, obviously, Roly Cummins, so our local CFMEU member, and then introduced himself as Barry Higgins, which he was from the south-east. I wasn't aware of him prior to to or after but he introduced himself as Barry Higgins. And then there was another CFMEU representative there as well. He didn't introduce himself initially, but we came to find out that his name was Michael Ravbar. So at the time, he was the State Secretary for the CFMEU, Queensland and Northern Territory, I think.

25 **MR TERNOVSKI:** So this was one of the - one of those delegations you described as the Hit Squad or is that something else?

30 **MR DE RIDDER:** Yeah, that's correct, yeah. So Roly was a local guy and then guys were from Brisbane or the south-east, so -

MR TERNOVSKI: And could you describe for the Commission, briefly, what were the CFMEU complaints at that site?

35 **MR DE RIDDER:** Yeah. So there were four general complaints. So the site - it was a commercial construction site, fairly sort of large footprint in that area, but they didn't have a dedicated first-aid room or facilities to render first aid, was their sort of concerns with it. There was a slab that was, like, identified on the front of the site, the Mulgrave Road-facing side of the site, and it was approximately - it was between 40 1.9 and 2 metres, basically, and it had - it was a finished slab. It had bollards with flagging draped through between them, and they didn't like the fact that they were using that as a control measure for falls or the possibility of falls, I suppose. They wanted fixed handrails installed on that slab.

45 **MR TERNOVSKI:** Can I just pause you, Mr De Ridder, because it may be more convenient to go through them one by one.

MR DE RIDDER: Yep.

MR TERNOVSKI: So going back to the first-aid room, what the CFMEU officials want you to do about it?

5

MR DE RIDDER: They basically wanted us to issue a notice to require them to implement or install a first-aid room at the facility, so -

MR TERNOVSKI: And what did you decide about that issue on the site?

10

MR DE RIDDER: Yeah. So in the circumstances, we arrived at the site office, we discussed these issues with them before doing the walk-around, but we decided that it wasn't required because the PCBU indicated that the total number of workers on the site at the time was 30 workers, and the code of practice at the time, 2014, first aid code of practice for Queensland, recommended a first-aid room for high-risk workplaces over 100 workers, and obviously it didn't meet that threshold and we didn't think it was required on that site. They had adequate first-aid kit which had been replenished fairly recently before we arrived on site and they had running water, cold and hot water, so - and they were using their site shed and the crib room if they needed to it for a first aid area f required.

20

MR TERNOVSKI: So that's on the first aid room. What conclusion did you come to with respect to the slab?

MR DE RIDDER: Yeah, so the front slab, we didn't have any concerns in relation to the control measure they were using. They were using its a a delineation line to identify, like, the live edge, the risk of a fall.

25

MR TERNOVSKI: What is a delineation line?

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MR DE RIDDER: It's like a - basically, it's a seclusion area to pull back work away from a risk. So it was a delineation, it was like a soft barricade, basically, they call it as well, and it's there to identify a risk and keep the work away from the risk, so you can't go into a fall, I suppose, or risk of a fall. It's a very low-order control as such, but it's a funny grey area that we sort of accepted through the years as construction inspectors. And I think it originated from the - from work code of practice when talks about when they build form work to build the live edge, you can use that as a control measure 1.8 from a controlled edge. I think it got used through the industries based on that.

35

40

MR TERNOVSKI: So that's the second CFMEU complaint. What was the - I think you said there was four, what was the third one?

45

MR DE RIDDER: Yeah, so the other one was they hadn't conducted evacuation drills on the site. When we were discussing that with the PCBU, they actually had two specific medical emergencies that required to activate that anyway. I - I wasn't pursuant, particularly on the - like, on the regulations at that stage, and I

thought - my indication at that stage that that wasn't required, based on, you know, they've had two evacuation procedures where they've actually evacuated for medical emergencies, so -

5 **MR TERNOVSKI:** Real-life witness.

MR DE RIDDER: The real-life ones, no. And the other one that was raised later was apparently the site when they were constructing the roof area, they'd used scissor lifts - EWP scissor lifts to access the roof, and they had - they told us that apparently
10 that was prohibited to use that for access and I wasn't aware of that at the time and I didn't think it was a breach. But it wasn't actually occurring when we arrived on that site. It had already been finished, basically.

MR TERNOVSKI: So did you, in effect, at that point reject all four complaints?
15

MR DE RIDDER: Yeah, at that stage. The interesting part with this one was generally you have a discussion about the issues, you talk to both sides, the CFMEU with their concerns and the PCBU with what they considered, and obviously we've got to come to - give our views on what's required under the legislation and they
20 argued otherwise. But usually you do your walk-through of the site to verify the concerns they've raised but that didn't occur with those guys on that day because they were agitated and aggressive, with us, with regards to what we were telling them.

MR TERNOVSKI: So with regards to your at least initial decision not to issue
25 notices, was that communicated to the CFMEU?

MR DE RIDDER: Yeah, I think - I think they were just - they were - they were getting agitated because we weren't agreeing with them initially. They weren't sort of identifying what notices they wanted issued or anything but we weren't supporting
30 their views in regards to both sides of the information we were getting at the time so that sort of made them a bit aggressive and angry.

MR TERNOVSKI: What was said?

MR DE RIDDER: I recall - I think Barry Higgins at one stage, he - he said, "Oh this is a bullcrap. They're not listening to us," and basically stormed out of the office. And I recall probably finishing that conversation with Roly, who was talking about the use of the scissor lifts to access the roof, which was sort of an offhand thing, because it wasn't obviously affecting the site at the time, but he said to me that Helen
40 Burgess had told him that the use of scissor lifts for accessing these rooftops was prohibited and I said - I didn't agree. I hadn't been told that by anyone in particular or anyone from down in Brisbane. As far as I was concerned, if they use a scissor lift, then there was no risk of a fall, accessing the scissor lift to the roof through, you know, vertical handrails or whatever system they had in place, then there wasn't
45 going to be an issue, so -

COMMISSIONER: But the whole point of the scissor lift is to get to height, isn't it?

MR DE RIDDER: Yeah. It's like moving people, some light materials, depending on what the scissor lift can carry. But yeah, basically it was -

5 **COMMISSIONER:** But it was also moving people.

MR DE RIDDER: Yeah, yeah.

10 **COMMISSIONER:** So what's the problem with a scissor lift up to the roof?

MR DE RIDDER: I'm not too sure why they - it happened in later years, and there was some determinations about the IPS about the use of it and where it could be used and that sort of thing -

15 **COMMISSIONER:** Who's IPS?

MR DE RIDDER: Inspector Policy Support. That's our, like, legal-ish - they look at the legislation, make a determination of how we're going to follow sort of our - how we apply the legislation. I think in later years there was something put out by those
20 guys about it, but I can't recall exactly when, but there was - I recall there wasn't an actual prohibition on it even in these later years. It was like you had to control certain aspects of the years so it doesn't move and there's no gap to fall between, but I don't know why they just decided that that was a contentious issue and they wanted to press us about it, so -

25 **MR TERNOVSKI:** Mr De Ridder, you describe how you stepped out of the site office during this conversation. What did you observe?

MR DE RIDDER: Yeah. So I - I got another call from - so that was sort of the end
30 of that conversation with Barry and Roly and I sort of stepped out of the office because I got a call from Peter Twigg, who was the acting manager of the construction strategy group down in Brisbane, and he requested us to attend another site in north of Cairns. It was an ATCO it is JCU site. Apparently the unions had identified issues on that site and he wanted us to go straight there and deal with
35 those.

MR TERNOVSKI: Which union was it, Mr De Ridder?

40 **MR DE RIDDER:** Beg yours?

MR TERNOVSKI: Which union?

MR DE RIDDER: For the ATCO site?

45 **MR TERNOVSKI:** Yes.

MR DE RIDDER: I think it was the CFMEU as well. There might've been another mob of them up there. I wasn't too - I didn't get any details about who that was. I was aware it was another union, like people, basically, other Hit Squad, maybe. But, yeah, while I was on that phone call, I recall Frank was sort of approached by Ravbar and I think Barry and Roly were there as well, and I noticed that he was having sort of a heated conversation with him but I was on the phone to Twigg at the time, but I recall hearing "effin' dogs" or "fuckin' dogs", basically, in sort of a raised voice, and -

COMMISSIONER: From whom?

MR DE RIDDER: From Ravbar, so Michael Ravbar. So he was sort of in Frank's face and telling him basically "effin' dogs". At the time, I assumed it is a directed to us. When I finished the call, I recall that the three of them were leaving, sort of walking away from Frank out towards the exit gate. They were still sort of cursing, swearing, "dogs" and this and that, but I conferred with - like, I had a discussion with Frank and I said, "Well, what's happened here?" Because I expected them to walk around the site with us and identify and point out their issues and have sort of a discussion about what they wanted in regards to the physical, you know, observations of the site, but they just left and - in a bit of a rage and, and yeah.

MR TERNOVSKI: Could the witness be shown attachment KDR-1 on page 15. Firstly, we'll zoom into this document in a moment, but just looking at this whole page, Mr De Ridder, do you recognise this type of record?

MR DE RIDDER: Yeah. So this is CISR. So it's our, like, database, basically, that we put all our activities when we attend sites. So that's an excerpt out of that particular site and my activities, by the looks, as far as I could see - oh, there's a couple of Frank's there as well.

MR TERNOVSKI: If we could zoom in now on the outcomes section, in under the three numbered dot points under that which is about two-thirds of the way down the page. Now, firstly, who wrote this, Mr De Ridder?

MR DE RIDDER: Frank wrote this one, I'm pretty sure, by the look of it, but that's what Frank told me as well when I questioned him about what - what had occurred in that conversation where he we were being called "effing dogs". So basically he'd been talking to Simon Blackwood and he was telling Simon that we were a disgrace to Workplace Health and Safety Queensland and should be sacked on the spot, that we were dogs and the safety standard in Cairns was, in his opinion, was - was disgraceful, and basically said we - he wasn't going to bother dealing with us and didn't want to do the site visit with us after that confrontation.

MR TERNOVSKI: The reference there to Michael Robar, is that a typo?

MR DE RIDDER: Yeah. He introduced himself to Honsa at the time, and he said, "This guy's Michael Robar," and when I debriefed with Julie later - later in the - I think the next day or on the phone and by email he corrected me and said "His name

is actually Michael Ravbar, not Robar." I wasn't aware of what he was at the time. I looked after the fact and realised he was a higher-up CFMEU guy but there was a bit of a spelling error on our part.

5 **MR TERNOVSKI:** You referred to Julie. Is that Julie Nielsen?

MR DE RIDDER: Yeah, Julie Nielsen.

MR TERNOVSKI: So after the union officials walked on the site, what did you do?

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MR DE RIDDER: So we undertook our site inspection of the site, basically a look at their concerns, and yeah, so we just wanted to cover all the aspects they had raised, just to make sure they were physically there and if there is any issues. Like, we could've gave incorrect information if we weren't seeing it. It was during that
15 time period that we noticed there was a mezzanine floor inside the constructed sort of building part. That was greater than 2 metres and they were using the the delineation line again on that mezzanine floor. We could only observe it from the ground floor because there was a concrete pour in the access stairs to that mezzanine floor. There was no works occurring up there, but I pointed out to the PC that the flag line was
20 like - it appeared to be too close to the edge to be used in that manner.

If it's - you know, if you've got a flag line set up on the edge of the mezzanine floor, then realistically you should use handrails because it's going to try to stop a fall so it needs to be able to deal with, you know, the forces of a person. But if they're using it
25 in the manner that they were attempting to use it, they needed to push it back. I confirmed that during that site visit they didn't have that in their SWMS, so in their statement, so I implied to them that I was going to issue an improvement notice to implement that into their SWMS if they were going to use that control method. Yeah, we continued on around the site. There were a couple of minor things we pointed
30 out.

MR TERNOVSKI: Going back to the mezzanine, did you end up issuing an improvement notice?

35 **MR DE RIDDER:** No. So even though I implied I would, when we were on the way to the other site, I received an email directly from Darren Gibbs the manager from Kier, and they'd already complied with the SWMS side of things, so they had implemented it in their SWMS and if there's no contravention that exists, then you can't write the improvement notice after the fact. So to me that was evidence
40 received and no requirement to issue that notice.

MR TERNOVSKI: And this mezzanine floor issue, was this one of the issues raised by the CFMEU?

45 **MR DE RIDDER:** Yeah, at the time, it was subsequently identified by myself. At the time, I wasn't aware of it being the issue with regards to it. It probably made a bit more sense after I spotted it that they were raising that as the issue by it was referred

to me that it was the concrete slab at the front of that which was under that 2-metre mark. So, yeah, at the time, that's what I made my determinations, initial replies to them, based on, and yeah, that's why I - but at the same time, there's no requirement to put - if the fall risk is under 2 metres, there's no requirement to put that control measure in a SWMS because it's not actually a high-risk construction activity then if it's under 2 metres. It's only if the fall risk is over 2 metres.

MR TERNOVSKI: So is it fair to say that the union had raised four complaints which you had at least initially dismissed.

MR DE RIDDER: Yeah.

MR TERNOVSKI: But then when you actually went to inspect those things, with the union having walked off, you found an actual issue?

MR DE RIDDER: Yeah, yeah, yeah, yep, and that was to be addressed by improvement notice but then they had addressed it prior to that anyway.

MR TERNOVSKI: And you mentioned receiving a call from - to attend an ATCO site. Did you attend?

MR DE RIDDER: Yeah, we did, yeah. So I was a bit - I was - when I received the call from Twiggy and it was probably all built up this that time, but I was a bit - I was annoyed, because you get sent to a site, especially a contentious site like this, you expect the time and time to do a proper site visit and we were being directed straight away to another site with more issues. But we sort of completed that inspection at a quicker pace than they probably should've or would've with no pressure and then attended that ATCO site directly from there. We went straight north of Cairns and - so JCU is up in Smithfield area, so it was the other side of town, basically.

MR TERNOVSKI: And how long did you stay at the ATCO site?

MR DE RIDDER: Not very long because we arrived on site and met with the safety adviser and manager for ATCO and it wasn't long after I received another call from Twiggy, Peter Twigg. So he said basically words to the effect that he'd spoken to the CFMEU representatives that we'd dealt with on the Kier site and they basically didn't like what we'd told them and he wanted us to return and address their concerns, re-inspect the site. I recall that particular conversation because he made a comment that apparently a certain CFMEU member - I wasn't aware who it was - but they said I smiled too much during my - my inspection. So it was a little bit of an interesting comment to be made to the senior manager and then down to me. But I didn't know really what to say to Peter Twigg at the time but I mean, I assume because I smile too much it was probably because I was in a difficult situation I was dealing with, you know, trying to defuse the situation. So you like to approach my work with a smile rather than anything else, so it wasn't really an intention.

MR TERNOVSKI: Now, Mr De Ridder, you described a series of phone calls you had with Mr Twigg with regards to issuing notices. Could you walk the Commission through those phone calls?

5 **MR DE RIDDER:** Yeah, yep. So after we left the ATCO site and returned to the office, I rang Shannon, I told her that we were leaving, and then I rang Inspector Robert Duckworth, who was one of our senior PIs for construction, just to let him know that we were leaving the site, there were was issues identified and he'd address them.

10 **COMMISSIONER:** PI is principal inspector?

MR DE RIDDER: Yeah, for construction. He's been there a long time, he knew a lot about the construction, and it was - I can't recall exactly the location I was at
15 when I received another call from Twiggy which he was running through the issues that had been raised and in particular, he wanted me to issue a notice - an improvement notice for the first-aid room, because apparently his determination of the regulations was that they weren't providing facilities, which was under a certain section of the legislation in the regulations. And then the other thing was that he
20 wanted me to write him an improvement notice for the evacuation mock - basically run-through that they had done. I sort of was still sticking to me guns but I hadn't briefed the legislation yet at that stage.

I just wanted to look at the particulars of that section, because that was a standard
25 tactic, that the CFMEU when they arrive on site, they might have identified or pre-identified or been informed of a specific part of the regulations that they assume that we don't know about and they'll, like, attack that particular part, and to inspectors, we've got to know about where to find stuff and we've got that much codes of practice, legislation, that you don't know the particulars. So you always sort
30 of have to reference back to your legislation to confirm your knowledge about that particular part. So I wanted to do that prior to making sure that - confirm there was a contravention, basically. I told him, because I was aware that there wasn't a requirement for the first-aid room for over 30 people for - I mean, unless it was over 100 people, this was 30 people at that work place at the time. He was pretty adamant
35 that I needed to issue that notice, but - so, yeah, I went through that - the particular parts of the legislation, basically, to confirm what it said in there.

MR TERNOVSKI: This is after the phone call, is it?

40 **MR DE RIDDER:** Yeah, after the phone call, yeah.

MR TERNOVSKI: And after reviewing the legislation, what conclusion did you come to?

45 **MR DE RIDDER:** So basically, I was still adamant that there was no requirement for a first-aid room. You can't - you couldn't issue a notice to require someone, a company, to implement a first-aid room, which would be, in their situation, would be

another whole separate donga or attachment, which - it's a massive cost to the PCBU, and you can't just issue a notice based on, you know, on that, because it was a recommendation even just in the code of practice, it wasn't even a requirement, it wasn't a "must", it was a recommend. So I was adamant I wasn't going to issue a notice in regards to that.

MR TERNOVSKI: Just pausing there. You said recommended. Is that recommended for high-risk work sites over 100 workers that you've identified?

10 **MR DE RIDDER:** Yeah, that's right, over 100 people.

MR TERNOVSKI: So it didn't even meet the requirement for the threshold?

15 **MR DE RIDDER:** Yeah. On our discussions with the PCBU, it was a maximum of 30 they had on that site at one time so it didn't meet that threshold, let alone being it just a recommendation out of the code.

20 **COMMISSIONER:** So why was Mr Twigg being adamant, in your words, that a notice should be issued?

25 **MR DE RIDDER:** He was going via the wording in the regulations for that particular part of the regulations, so that particular part of the regulations where it talked about facilities. I don't - I don't know where his thoughts were exactly at that time. I thought I explained myself of my position in regards to my reasonable belief and I confirmed with that regulation and I still didn't think that - that wasn't a situation of them not providing facilities by not having a first-aid room. Because I'd already confirmed they had an equipped first-aid kit that was in date, they had, you know, access to all the other requirements.

30 I recall, like, when I went back to site I recommended them to get a fold-up sort of treatment bed, first-aid bed, because they did say they were going to use the crib hut or the site office as their - if they needed it for a first-aid room, so that obviously gives them that flexibility if they needed to treat a person on a surface, they can use that. But, yeah, it was just a situation where - I don't know if it was the pressure he was copping from the CFMEU or above him, but he was pretty adamant that I needed to write that notice.

40 **COMMISSIONER:** Hand how could he be in a position to override your assessment? You'd been out there. You've worked there at that point for a decade.

MR DE RIDDER: Mmm.

COMMISSIONER: You'd spoken to the occupier, the PCBU.

45 **MR DE RIDDER:** Yep.

COMMISSIONER: You'd spoken to the union officials. You'd assessed the facilities. You looked at everything that was on offer.

MR DE RIDDER: Yep.

5

COMMISSIONER: And he's 2,000 kilometres away in Brisbane.

MR DE RIDDER: Yep, and that was reflected through our years as to what we copped. They were too - they accepted their word, not ours, basically, what we told them was like dismissive in some situations.

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MR TERNOVSKI: When you say "they", who are you referring to?

MR DE RIDDER: As in like Peter Twigg. You'd tell him, "This is what the situation is. This is what I've seen. They're saying this is the issue." And it flies against the legislation. It's our reasonable belief as an inspector, if that notice was challenged in QIRC, I'm the only one on the stand that's got to challenge my reasonable belief and based on that issuing of the notice. There'd be no Peter Twigg behind me supporting that, so -

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MR TERNOVSKI: You've reviewed the regulations and you've come to the same conclusion that the first-aid room was not required. What about on the emergency testing of the emergency procedures issues. Did you review the regulations on that?

MR DE RIDDER: Yeah, I did. I reviewed the wording. So that particular section 43(1)(b) referred to the testing of emergency procedures, including frequency. So although they'd have their mock run-through which tested it, in my opinion, it tested it, it wasn't sort of taking into account probably the frequency, it wasn't, like a planned frequency of testing. So you could - I could see two sides of the story. Like if you looked at that particular legislation, you could say, well, they've tested it but then they're not taking into consideration of continued testing, I suppose. In those situations, it's such a minor thing that I'd probably direct - well, encourage the PCBU to run through, do a mock test, record it and show when they're going to do the next one. It's not something that I would have issued a notice through at that stage and I issued the notice on - on the basis that Twigg was pressuring me to do that, and I thought I was probably going to get management disciplinary action based on how adamant he was for me to issue that notice on that day.

35

COMMISSIONER: Why do you say that?

40

MR DE RIDDER: Just how - how persistent he was, and in my - I was pretty certain that - I mean, that one had that particular, you know, you could look at it either way so that maybe inclined me to issue the notice more. I definitely wasn't with the first-aid room. And it just felt like we - my view wasn't being taken into consideration, and it was, like, well, this is what you're doing. You're not doing this. So basically, issue the notice." He didn't say that in words, but that's what it felt like to me.

45

COMMISSIONER: Why do you say you were concerned that you'd be subject to disciplinary action?

5 **MR DE RIDDER:** Just like it - it was a situation where if we didn't - it felt like they were judging our reasonable belief in regards to our observations, and if it was picked apart, I'd be - I'd be, you know, taken up further and complained about or HR process or whatever would be the case. I've never faced that in the past but that was my concern at the time that maybe I wasn't doing my job properly. I was
10 second-guessing what my interpretation of the law is. And, yeah, that's sort of what led me to that belief or feeling, I suppose, at the time.

MR TERNOVSKI: Could the witness be shown KDR-1 again, starting at page 15? And if we could blow up the section at the bottom under Description, just the first
15 four lines. You see there it says that the second line from the bottom and towards the right:

"Stated that an improvement notice was requested to be issued in relation to testing and emergency procedures."
20

Specifically requested by whom?

MR DE RIDDER: By Peter Twigg.

25 **MR TERNOVSKI:** And if we go to the next page, if we could blow up the first outcomes on page 16. You see it says there:

"Improvement notice to be issued under direction of Peter Twigg."

30 Whose note was this? Who wrote this?

MR DE RIDDER: There where's the source? I can't really see with the zoom.

35 **MR TERNOVSKI:** Perhaps if we could see the couple of lines above and below.

MR DE RIDDER: Oh, there. It might be shown on the one back. I've got my name there but I assume that's the next entry. If you go back one. Me. Yeah, so that's my entry into CISR based on -

40 **MR TERNOVSKI:** Why did you write the words "under direction of Peter Twigg"?

MR DE RIDDER: Because that's what I was being directed to. At the time, I didn't agree with it. I didn't think - I wouldn't have issued the notice, apart from the pressure of Twiggy, and that particular section of the legislation, I felt like I was
45 being directed to issue that notice.

MR TERNOVSKI: And so, what, you wanted to record that fact?

MR DE RIDDER: Yeah, I wanted to record that, because to me it was - it was a movement away from my ethics, I suppose.

5 **MR TERNOVSKI:** And did you - those decisions that you've described, not to issue a notice for the first-aid room but to issue an improvement notice in relation to the testing of the evacuation procedures, did you communicate that to Mr Twigg?

10 **MR DE RIDDER:** Yeah, I - I - I undertook the site visit that afternoon with Frank; just went back through all the concerns they'd raised. There was no sort of change in our judgment based on the initial observations we'd made earlier in the morning. But the fact - I actually verbalised that to Aaron Gibbs. I said, "Basically I'm being directed to issue this notice." I didn't agree with it - I made it clear I didn't agree with the first-aid room. I didn't think it was a requirement. After that site visit, I made
15 another call to Twigg and confirmed what - I would be issuing that notice and that I wouldn't be issuing the first-aid room notice and he was still adamant that I needed to issue that facility's first-aid room notice and it was a little bit of a heated phone call discussion with Twigg after the fact. I basically said to finish the conversation, "If you think it's a contravention, you can issue the notice," and that sort of finalised that
20 communication.

MR TERNOVSKI: Mr De Ridder, you describe how following this -

25 **COMMISSIONER:** Did Mr Twigg have power to issue a notice from Brisbane?

MR DE RIDDER: Yeah, he would've had inspector powers. He's a pretty experienced inspector and I think he was the operations manager as well.

30 **COMMISSIONER:** How could he form a reasonable belief that one was required if he hadn't spoken to anyone on site and inspected the site?

MR DE RIDDER: Yeah, well, I think that's why it probably finished, because he knew he couldn't issue the notice.

35 **COMMISSIONER:** Does that happen? Do people issue notices without speaking to the occupier, the PCBU and inspecting the site?

40 **MR DE RIDDER:** I'm not aware of any circumstances that it has occurred, but it wouldn't be in accordance with the legislation. You can't form a reasonable belief based on someone's telling you something.

MR TERNOVSKI: So I think you were describing the conversation with Mr Twigg about those issues. So what - how did he take your response?

45 **MR DE RIDDER:** Basically, that conversation concluded after I told him basically he can issue the notice himself. And then I got a follow-up email later in the afternoon basically asking what actions I'd taken on the site, because he had to

inform people that wanted to know what had occurred or what notices were issued and that sort of thing.

5 **MR TERNOVSKI:** Mr De Ridder, you then described briefing your Executive Director, Julie Nielsen. How did that come about?

10 **MR DE RIDDER:** Yeah. So I'm assuming she would've been aware from the phone calls maybe to Simon and I don't know what was happening in Brisbane at the time, but she rang me the next day. It was on the 22nd, so the day after, basically, saying she needed an outline of what occurred on the site and during the site visit, what we observed and our activities on the site so she could inform Dr Blackwood and the minister.

15 **MR TERNOVSKI:** In terms of the safety issues on the site, would it be fair to characterise them as minor?

MR DE RIDDER: Yeah.

20 **MR TERNOVSKI:** Are you aware why someone at the level of Ms Nielsen, let alone Dr Blackwood or the Minister, would be interested in these issues?

25 **MR DE RIDDER:** No. I wasn't - I hadn't made any assumptions about why. I assumed it was something to do with, like - because we got told after the fact that it was Michael Ravbar, so someone senior in the CFMEU. I assumed it was maybe because he had a direct call or line to someone. It would've been Simon by the sounds of it when he spoke to Frank. And then the amount of pressure I suppose to issue the notices and satisfy the unions, Burgess I suppose was - made me think that they were getting, you know, calls from elsewhere. I don't know where. I couldn't make a determination or assumption on where that would've been, but we didn't
30 really know the goings-on down in the south-east corner so much, but -

MR TERNOVSKI: Let me ask you this: in your opinion, were the issues on the site important enough to warrant the attention of someone at the Executive Director level?

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MR DE RIDDER: No.

MR TERNOVSKI: Or higher?

40 **MR DE RIDDER:** No, no.

MR TERNOVSKI: Could the witness be shown exhibit KDR - or attachment, rather, KDR-9, which is on page 94. Could you just zoom in on the text, because it will be a big margin here. Thank you. Mr De Ridder, can you tell the Commissioner
45 what this is?

5 **MR DE RIDDER:** This is a letter that was written by Andrew Sutherland from the CFMEU to Twiggy - Peter Twigg. It was after this particular incident at the Kier site. I was aware of it in early May. I recall it probably was late in March, possibly, but there was no date on the letter. And we'd - I was aware of it because Frank sent me an email with a copy of it, and from Shannon, and then Shannon also forwarded it to myself. And it was a - basically, the letter was attached to a reply from Simon Blackwood, Dr Simon Blackwood, to Andrew Sutherland in response to this letter.

10 **MR TERNOVSKI:** Could the witness be shown KDR-11, which is the - no, I withdraw that. KDR-10, which is maybe the document - which I think is the document you're talking about.

MR DE RIDDER: That's correct, yeah.

15 **MR TERNOVSKI:** That's the response from Dr Blackwood.

MR DE RIDDER: That's correct, yeah.

20 **MR TERNOVSKI:** Could we blow up the paragraph beginning with "Firstly"? Did you - what did you think about this response, Mr De Ridder?

25 **MR DE RIDDER:** At the time, I wasn't - at the time, I was happy in a way that they'd responded to Andrew Sutherland with - with a, you know, their concerns about what was raised in that initial letter from the CFMEU, and I looked at it and I thought it was a bit defamatory, to my professional conduct as an inspector, and also Frank's, and we were - like that was our role. We were acting for the department to do this role as an inspector and there was some defence of us, in a way, but I don't think it - I didn't think the letter extended to defending our personal or professional character at the time and I was particularly not happy with it, and I - and I looked at it further. I got my own legal opinion on the defamatory, I suppose, nature of it, from an independent legal person.

MR TERNOVSKI: So you got your own legal advice on that?

35 **MR DE RIDDER:** That's correct.

MR TERNOVSKI: And what did you do with that advice?

40 **MR DE RIDDER:** I - once I got the advice, I basically it recommended not to proceed with defamation-type actions against this CFMEU, which I sort of expected anyway, but it felt like I was going out of my way to defend myself, so I felt like I needed to provide that to the department, so I sent that directly to Simon and Julie in regards to - in addition to what was presented to me, and - yeah.

45 **MR TERNOVSKI:** Can I now take you to - before I do, actually, did anything further happen in relation to this incident?

MR DE RIDDER: No. So there was no - this bass no follow-up or confirmation about anything. If there was any further complaints, I wasn't made aware of. There was no - you know, we didn't receive any - like, no-one presented to me that there was issues with our determinations on the site on that day. So -

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MR TERNOVSKI: Because Dr Blackwood's letter, in effect, asks the CFMEU do provide particulars of the specifics of the alleged conduct.

MR DE RIDDER: Mmm.

10

MR TERNOVSKI: Has that ever been provided, do you know?

MR DE RIDDER: It may have been but I wasn't aware of it.

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MR TERNOVSKI: Nothing came to you?

MR DE RIDDER: Nothing came to me to defend, yeah.

20

MR TERNOVSKI: Can I now ask you some questions about the incident at the Bulmba-Ja - am I pronouncing it correctly?

MR DE RIDDER: Yes.

25

MR TERNOVSKI: Arts Centre site?

MR DE RIDDER: That's what it's called now -

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COMMISSIONER: Could I ask a question about page 94 of the letter to Mr Twigg from Andrew Sutherland. He says there:

"After seeing first hand this past week what the workers in this regional area are forced to endure..."

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Did you meet with Mr Andrew Sutherland during that week of the - around 21 May?

MR DE RIDDER: No, I didn't, no.

40

COMMISSIONER: And do you understand or have any comment about how he could say:

"The local Cairns inspectors, Karim de Ridder, have taken first prize in the search for the worst you've got, in particular, Karim's repeated advice to employers that is contrary to legislative requirement, codes and standards and manufacturer's specifications."

45

Do you know what he's talking about there?

5 **MR DE RIDDER:** So I had assumed, it was obviously to do with the conversation that Ravbar had with directly with Honsa, so he was obviously talking to Andrew Sutherland and given him his views of us as inspectors. There was a specific part where it - they're alleging that I don't know my codes and legislation, but they're also saying even manufacturer's specifications which, when I was reflecting on this statement, I realised it was in regards to another site - a Kier site that was a day or two later that I was requested to attend which was looking at fire extinguishers in EWP's. Apparently the union had raised concerns with Twiggy about them not equipping their diesel-powered EWP's with fire extinguishers.

10 So I'd made some inquiries. There wasn't obviously anything directly in legislation that required this for diesel-powered EWP's, so I'd made inquiries with the hire location and the site themselves and I provided some verbal advice based on what the manufacturers said on one model of the EWP's I'd seen. And I assumed that that represented what I'd told Twiggy, because I provided, you know, the inquiries I made, my assumptions and reasonable belief in regards to it and I never received a reply from Twiggy when I did that work for him, but I assume that's probably - he'd talked to the union and they're saying that I was disregarding manufacturer specifications.

20 **COMMISSIONER:** So your best guess is this is a conversation that you had with Mr Twiggy, who was the South East Queensland predecessor to -

25 **MR DE RIDDER:** To Helen, yeah.

COMMISSIONER: - so Ms Burgess and that he provided that information to Mr Sutherland?

30 **MR DE RIDDER:** I'm assumes that's what's happened but I couldn't confirm that or -

35 **COMMISSIONER:** That's the second Kier site you've talk about during this trip in May 2017. If Mr Sutherland is to be believed that he was there firsthand, "After seeing first hand this past week," sounds like he may have been up there.

MR DE RIDDER: Yeah, he may have been but I didn't come across him during that period of time that I was aware of anyway.

40 **COMMISSIONER:** What is the issue with Kier, so far as you were aware, if you were aware?

MR DE RIDDER: Between the CFMEU and Kier?

45 **COMMISSIONER:** Yeah. What was driving this? I eye have any idea. You can make assumptions that there was obviously some disagreements between the two, because otherwise why you would keep - you go to one site and go to another one,

because there's other sites in Cairns, but I assume maybe they didn't see eye to eye, the CFMEU and Kier, but that's my opinion.

5 **MR TERNOVSKI:** Can I now move to the incident at the Bulmba-Ja Arts Centre site. Can you briefly describe for the Commissioner what happened?

MR DE RIDDER: Yeah, so -

10 **COMMISSIONER:** Has Mr Sutherland been removed, Mr O'Grady?

MR O'GRADY: He has.

15 **MR DE RIDDER:** Yep. So in 2019, I think this was after I returned from my secondment to the initial asbestos unit, I was doing my normal work as a senior construction inspector and I got asked to attend the Bulmba-Ja Arts Centre, which back then was the contemporary arts, we referred to it as. So Ms Farrington, so Shannon, sent me and Paul Hutch - Hutchinson from ESO, who was in our office as well, to respond to assistance requested by the CFMEU and ETU.

20 **MR TERNOVSKI:** ESO is the Electrical Safety Office?

25 **MR DE RIDDER:** Yeah, Electrical Safety Office. I recall on the day like the site was a particularly challenging site, I could see that for the PCBU because it was sort of a tear-down, reconstruct, reconfigure type workplace. So when you have those situations, you've got - you're trying to keep certain parts of the workplace live with power and obviously cutting other parts of it so they can do their work safely. So there is a lot of specific electrical issues which had been raised by Mr Hill, Rob Hill, from the - who was a local sort of delegate, like Roly in Cairns.

30 **MR TERNOVSKI:** From which union?

35 **MR DE RIDDER:** ETU, yeah. So we spent - obviously because there was particular issues raised by the CFMEU for our legislation, I was there to look at those. We spent several hours walking around the site, identifying, walking through with these guys and looking at the issues.

MR TERNOVSKI: Are you talking about 4 June?

40 **MR DE RIDDER:** Yeah, that's on 4 June.

MR TERNOVSKI: 4 June 2019.

45 **MR DE RIDDER:** Yeah, yeah. But by the time the day sort of got to the tail end, I didn't have enough time to - I had to follow up some subcontractors about - I think there was a silica issue that was raised and I was trying to get hold of him to confirm certain controls. I didn't have the time to write the notices on that day. So I - when I finished work, I obviously didn't issue the notices on the day that were

relevant to that day and the next day I - when I attended the office, I wrote those notices and issued them for that was relevant to that day. And then on the 5th, so after issuing those notices, Shannon said that there was more issues on the site and she wanted us back there to look at the next issues.

5

So on that particular day, I attended with Wayne Connors, so he was - he was like a PI Ops, which is like PI operations. Sort of assists when Shannon was sick or something, he could take over the reins to receive calls or whatever. But he had investigative sort of experience and he was good, he knew his legislation, so he was handy to do the site visit with.

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MR TERNOVSKI: Just pausing there. PI Ops, is that principal inspector operations?

MR DE RIDDER: Yeah. I don't think it was his official role but basically he was at that level. So, yeah, he attended with me on that day. I recall, like, when we were walking through the site there was other specific electrical issues that were raised, again by Rob Hill and we called Hutchy back to site, got him back on just to confirm and deal with those specific electrical issues. And then, again, I didn't have the time on that day. It was another long day on the site going through the issues and doing the follow-up work after the fact that I again wasn't able to issue those notices for that particular day by the time of close of business. So on the next day, the following day after the 5th, on 6 June, I got into the office early, wrote my notices out, and I recall sending them through around 8.30 to the PCBU, Hansen Yuncken, by email. So that was sent by email from the office.

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MR TERNOVSKI: Sorry, what time was that?

MR DE RIDDER: About 8.30 in the morning. I arranged with Connors, with Wayne, to re-attend the site to look at compliance with the first day's notices, basically so we just went back to confirm they were complying with our notices we issued on the first day. And on that particular day when we arrived there, the seem seemed and Rob Hill from the ETU weren't there, but at around 10 or so in the morning, I recall Roly Cummins coming on site. We were already walking around and he's sort of popped up on the site and he had a handful of our notices that we'd issued to the PCBU on that day. I recall it because I - I recall him flicking through them, referring to them a bit. He wasn't sort of making it too obvious, but I was a bit puzzled as to how he obtained these notices because I wasn't aware of the PCBU displaying them anywhere. Like you're not going to take them off the wall if they were displayed.

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MR TERNOVSKI: Why do you say that? Why do you say they weren't taken off a wall?

MR DE RIDDER: Obviously the PCBU is going to display the notices. The requirement is to show the workers that these are the notices that have been issued. So I wouldn't think the CFMEU are going to take them off the wall to walk around

45

with when they're actually for the workers to confirm what the actual contraventions were.

5 **MR TERNOVSKI:** Were the notices displayed by the PCBU at that point?

MR DE RIDDER: They weren't displayed. I hadn't observed them being displayed and I noticed that some of the notices he was nicking through were some of the notices we had sent through earlier that morning.

10 **MR TERNOVSKI:** An hour and a half ago?

MR DE RIDDER: Yeah, an hour and a half ago. The PCBU doesn't need to provide a copy to the CFMEU. It's not a requirement for them to do that.

15 **MR TERNOVSKI:** Do you think they would've done that voluntarily?

MR DE RIDDER: No, because they were pretty - the relationship between Hansen Yuncken and ETU and Cummins at the time was pretty - not in a good - good way, obviously because of their behaviours, but I didn't -
20

COMMISSIONER: Because of whose behaviours?

MR DE RIDDER: Oh Roly and - more so Roly, but Rob Hill as well, you know, just the aggressive nature of approaching these issues around the site and just their
25 general demeanour and how they were doing their daily work. It just didn't - to me, it didn't appear that they were going to get that notice from them - those copies of the notice from them.

MR TERNOVSKI: And where could they have gotten them from?
30

MR DE RIDDER: I can't answer the question. I recall I saw it when we were doing the site visit, I mentioned it to Wayne Connors and I mentioned it again to Shannon when we got back to the office. I assume they got it from someone they knew in the department. That's what my personal assumption was. I couldn't prove that.
35

MR TERNOVSKI: Where were those notices stored within the department?

MR DE RIDDER: So when they're issued, they're held on CISR, against the - whatever the event or assessment is for that particular compliant and then
40 they're emailed from me. Like I download them from CISR and then I email them to the PCBU. So anyone can access, if you're an inspector or access to the system, you can grab those notice if you knew the actual particulars of the event.

MR TERNOVSKI: This was 2019, so Ms Burgess was a director of CCFS by then.
45

MR DE RIDDER: That's correct.

MR TERNOVSKI: Did she have access to CISR?

MR DE RIDDER: Yeah, she had access - she would've had access, I assume, but -

5 **MR TERNOVSKI:** You describe receiving an email from acting regional director Andrew Stathooles passing on a direction from Ms Burr and Mr Dennett.

MR DE RIDDER: Yep.

10 **MR TERNOVSKI:** Could the witness be shown KDR-12, page 104, to start with. If you could just blow up the email from Mr Stathooles to Ms Farrington. It starts with "Hi Shannon". "Marc and Helen require further information first thing Monday morning." Then if you could zoom out and see the next email. And then the first - go later in the chain, which would be page 103. There's an email, 10 June 2019 at
15 7.06am, Shannon Farrington.

MR DE RIDDER: Yep.

MR TERNOVSKI: That's your response to Ms Farrington, is it?
20

MR DE RIDDER: Yeah.

MR TERNOVSKI: And then Ms Farrington is, what, passing on a request from -

25 **MR DE RIDDER:** From Andrew, yeah.

MR TERNOVSKI: From Andrew, who turn in, it says that "Marc and Helen", Marc being Marc Dennett?

30 **MR DE RIDDER:** Yeah.

MR TERNOVSKI: And Helen being?

MR DE RIDDER: Helen Burgess.
35

MR TERNOVSKI: And then if we go to page 105, there is an email there from Helen Burgess to Andrew Stathooles. Is that the email requesting the information?

MR DE RIDDER: Yeah and then the red's, like, is us addressing what she's raised,
40 basically.

MR TERNOVSKI: The red is not - she didn't write that.

MR DE RIDDER: No, that's us.
45

MR TERNOVSKI: That's the answer to her queries?

MR DE RIDDER: That's right, yeah, addressing each concern.

5 **MR TERNOVSKI:** If I can now move to the next topic, which is - which you deal with in your statement, which is re-assignment from one site to deal with CFMEU complaint. And you describe an incident on 14 June 2019. You can tell the Commissioner about that incident?

10 **MR DE RIDDER:** Yeah. So that particular incident was concerning - so there was a Vis Construction site which is another PC undertaking commercial construction on Abbott Street. Initially there was a request for assistance specifically for electrical issues that was made to Shannon. And that was sort of forwarded on to myself, I think, and Wayne maybe at the time. I can't recall, but just to keep us informed that we may be required to attend any work health safety aspects that were raised as well. And the email from Helen Burgess was directing them to the Bulmba-Ja site at 96
15 Abbott, and then there was some cross - there was an issue because she sent them to that site and it wasn't actually that site, it was the Vis Construction site which is at the other end of the street. There was some commentary about our capability of directions and whatever in regards to that.

20 But we - we attend, myself and Wayne attended that site on that day in regards to I think their issues was access/egress and electrical, I think it was general sort of - a general risk that they identified and we sort of went through the site and had a look at the issues on the site.

25 **MR TERNOVSKI:** And what did you find?

MR DE RIDDER: There was - probably the only major concerning issue was concerning the scaffold. So there was one - they didn't identify that in their complaint, but there was some containment screen required on one side of the
30 address so that falling objects wouldn't go into the adjoining property. There was, like, some gaps that were greater than the 225 requirement for the scaffold against - away from the building. Obviously if it's greater than that, you can drop things down or fall down. So there were some specifics for the scaffold that were addressed but the initial complaint issues were pretty minor of nature. Like little
35 drops off slabs. I think there was one slab that was like 850 or something and it was like they wanted us to tell them to put handrails on. I don't know what their concerns with it was, because you could direct your traffic around these areas quite easily. There were some housekeeping issues, which is standard with those sites. They could've easily addressed them on the spot.

40 **MR TERNOVSKI:** Did you issue any notices?

MR DE RIDDER: I did issue some notices. At that stage, I think the CMEP was in play and we were, you know, obviously required, if we identified a contravention, to
45 issue a notice. We issue a number, I think it was five all up, to - might've been five to Vis and one to the scaffolder. There was one issued to the scaffolder and a mob to Vis Construction about these issues.

MR TERNOVSKI: What kind of notices were they?

MR DE RIDDER: All improvement notices, yeah.

5

MR TERNOVSKI: Did you issue a prohibition notice?

MR DE RIDDER: No.

10 **MR TERNOVSKI:** Why not?

MR DE RIDDER: Because there was no imminent risk on site, basically.

15 **MR TERNOVSKI:** If you weren't attending that site, what would you otherwise have been doing?

MR DE RIDDER: Yeah, this was a frustration of mine, because of the attention we were giving too these union complaints. We had other work that was occurring on a high-risk nature. I had one possible alleged asbestos exposure by plant running over
20 asbestos at a local tip. This was working at heights and possibly working within an inclusion zone on a house. There was later a gas incident that I had to follow up on, but we sort of - it was always a priority to obviously driven by the south-east corner but we had to go and deal with the CFMEU issues regardless of the severity and that was pulling us away from other workplaces that they weren't looking at. So, yeah,
25 after I did that site visit with Wayne, I put my frustration on that email and said to Shannon, like, this is dragging me away from significant other workplaces to deal with their not-as-serious complaints and I sort of just wanted to put that forward to Shannon so she was aware and she could pass that on up the chain, just like they're going to send us to site with, you know, something substantial, you could
30 understand, like that Hansen Yuncken site had a lot of issues, but -

MR TERNOVSKI: I'm going to take you to your email to Ms Farrington in a moment but before we do, can you just explain a couple of things about those other jobs that you were otherwise interested in attending.

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MR DE RIDDER: Mmm.

MR TERNOVSKI: You mentioned exclusion zone.

40 **MR DE RIDDER:** Yep.

MR TERNOVSKI: Of a powerline. What's that?

MR DE RIDDER: So that's a - there's a requirement for obviously if you're working
45 close to powerlines, you've got to be a certain safe distance away from the powerlines. So if you're working within a distance that's, depending on the voltage of the powerline, if it's closer than you should be, you're at risk of electric shock.

MR TERNOVSKI: Is that an imminent risk?

5 **MR DE RIDDER:** Yeah. There's been occasions over the years like a painter on a house like painting around an insert of the power off the road, you know, they get too close to it and haven't put their tiger tails or got safety advice from Ergon, then they're at risk of a shock. And those are the sort of complaints we get a lot. So -

10 **MR TERNOVSKI:** And those incidents or the other jobs you've described as asbestos being run over, fall from heights and working within the inclusion zone of a powerline and a possible gas leak.

MR DE RIDDER: Mmm.

15 **MR TERNOVSKI:** In your view, were they urgent issues?

20 **MR DE RIDDER:** Yeah, they needed attention straight away. Like, sometimes you don't get enough information to make a determination straight away so you've got to attend the site and see what the actual hazard is. If it's plant running over asbestos on the ground and there's workers nearby, you know, obviously you've got a risk of airborne asbestos based on mechanical damage of the ACM. So that's an imminent risk.

25 **MR TERNOVSKI:** If we could now go to your email to Ms Farrington, which is KDR-15 on page 139. If we could blow up the last two full paragraphs. Is this your complaint to Ms Farrington?

30 **MR DE RIDDER:** Yes, that's correct. So that last paragraph, basically, that was me putting on paper what my concerns were at the time regarding our, you know, persistent call-outs to attend the requests by the CFMEU or ETU. I just wanted her to be aware of this because I was getting quite a bit of work at the time and I didn't think that they were as severe as what it was trying to get to.

35 **MR TERNOVSKI:** And did you receive any requests from Ms Burgess for information in relation to this attendance?

40 **MR DE RIDDER:** There was - there was an email following our attendance. We had to, like, confirm what - what we'd done on the site, basically. So, like, if you go on CISR, you can see the notices that are issued, but she wanted like - pretty much all the concerns that had been raised with her, she wanted us to go through and address all the concerns from us, from what we tell her had occurred, and it's a time-consuming process because you've got to make sure you address all those issues raised and again, that takes us away from doing pressing work.

45 **MR TERNOVSKI:** How often did you receive these requests for explanation from -

5 **MR DE RIDDER:** They were fairly regularly, in regards to attending those CFMEU - there was actually - like, there was a template created, I can't recall when, it was called a union interaction template. You know, I think in later years we were required to, like, fill out the particulars and that like an attempt to, like, provide that information, I think. But generally it came through via emails and passed on through our management, local management, and we just had to get in contact with them about what we did.

10 **MR TERNOVSKI:** And did you receive such requests for explanation for what you did and didn't do in respect of other stakeholders?

MR DE RIDDER: In respect of, like, the - like, if it wasn't a union -

15 **MR TERNOVSKI:** Yes.

MR DE RIDDER: No, no, never. That was sort of - yeah. Our local management accepted our reasonable belief on our notices issued and what we did on site is appropriate, usually. So there was never, like, questioning what we did on those other sites. It was only the CFMEU or ETU, in that situation ETU as well.

20 **MR TERNOVSKI:** If we could move to the next topic, Mr De Ridder, you describe some Facebook posts made by CFMEU about inspectors. Can you tell the Commission about those?

25 **MR DE RIDDER:** Yeah. So there was a period of time, I can't recall the exact date, I think it was 2018 or '19, somewhere and then, the CFMEU started using Facebook as, like, a weapon, basically, to publicise their, I suppose, their - I think it was a hatred towards us as inspectors. There was one situation with some of my colleagues had attended and they posted photos and what they thought was what occurred on the site and disparaging those inspectors and all those posts, every time they did it, it was like their members or whoever it was like and they're friends with them, there'd be a pile-on of, you know, like, poor words and discouragement against those inspectors. And it was - it was pretty sad to see, really.

35 But the fact - the fact of the matter, like, with this particular one, Helen was being tagged, which is like, obviously she was friends with some of these people on Facebook and she was being tagged and she was liking - not liking them in a general sentence, but liking as in there's a function on Facebook. So she was aware of this stuff happening on Facebook and there was nothing - no defence of those inspectors, 40 no defence - like, no taking them to task on what they were doing on this public forum. So that was pretty disappointing to see. And it continued for a number of years and I know in the south-east corner that this occurred as well.

45 **MR TERNOVSKI:** In terms of what you observed -

COMMISSIONER: Can you saying that Ms Burgess would put a "like" emoji or however you describe it on Facebook posts which were criticising the behaviour of inspectors employed by her department?

5 **MR DE RIDDER:** Yeah. So the posts would be disparaging of the inspector and she'd - it wouldn't be her liking the actual disparaging side, or we couldn't identify it, but she'd acknowledged the fact that that most had been made on Facebook that identified these inspectors. Like, from my observations, like the CFMEU were tagging her to raise her awareness. But it's not - you don't do that on a public forum;
10 you do that in professional channels. But she was acknowledging the fact that she was being tagged and she was liking that post, and I didn't think it was a professional thing to do, personally. It was sort of encouraging it to continue, so -

15 **MR TERNOVSKI:** Mr De Ridder, in terms of what you've observed, what impact has this behaviour of the CFMEU and also the response from management, what impact has that had on inspectors?

MR DE RIDDER: I think it's - over the years, it's been a gradual - we just feel like our support's just dwindled, basically. There's no support from upper management.
20 Like our support, we've always felt, I suppose, in Cairns, it's in our office, from our regional managers, our OM. They go out to bat for us like Shannon. Shannon used to - would attend sites with us, like not many managers - operational managers that would attend these confrontational sites. She was one of the few that did that. So as inspectors with her as our manager, we were happy to have that support from her and
25 then Paul as well provided his support above her.

COMMISSIONER: Paul Smith?

30 **MR DE RIDDER:** Paul Smith, yeah. So I think we protected ourselves a bit in that manner. But the management concerns from below were just - I don't think they even acknowledged the fact that we were being affected by - by this stuff. It was just continually asking why or why not.

35 **MR TERNOVSKI:** And how was - how was - you said "we were affected". How were you affected? You used the word "you" collectively?

MR DE RIDDER: Yeah, mentally. I didn't realise it too much at the time. I was just trying to do my job in an effective manner and I think later and that's what drove me to move out of construction. It affects you mentally because you're constantly
40 dealing with this and you're constantly dealing with the pressure from management that don't want to accept our reasonable belief or notices or whatever determination you make on that site. It's just - yeah, there's disregard, I suppose, of us, in our role, and it wasn't supportive.

45 **COMMISSIONER:** Mr Hayes gave some evidence that, in South East Queensland, something like around a half of the inspectors were - his word were "driven out". I

haven't got the exact wording but that was the impression. What's the impact been in Cairns of these behaviours?

5 **MR DE RIDDER:** Yeah. We had - so we had a lot of - we had - like we obviously had our smaller workforce in Brisbane but we had, like, Cam Beattie was one. He got affected a lot, probably a lot more. He wanted to remove himself completely away and he basically requested to be transferred to the industrial team.

10 **MR TERNOVSKI:** Is that Cameron Beattie?

MR DE RIDDER: Yeah, Cameron Beattie, yep and he's one of our most knowledgeable, like, transparent inspectors you'll get. He's an electrical background, so invaluable on construction sites with particulars around specifics of electrical. And then, like, Rob Duckworth and John Dalamaras, you know, they had their own
15 issues on a particular site and there was court action or proposed court actions after, and there was even requests, like Shannon told us on a number of occasions they didn't want certain inspectors to go, they want these inspectors to go. Like -

20 **COMMISSIONER:** Who's "they"?

MR DE RIDDER: The CFMEU. So that information had come down the line to Shannon and she'd be like "I can't send so-and-so, like Rob or Cam. You guys have got to go and deal with it." So to us, it was like - like, who is our boss? Like, the CFMEU aren't our boss. We're a public servant. So it sort of diminishes your, I
25 suppose, confidence in management when they can't address these concerns and it develops into this, so -

COMMISSIONER: Why do you think management couldn't address your concerns?
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MR DE RIDDER: I - I couldn't - I mean, personally, I wonder if it's - if it was the political influence at a higher level, maybe. And that's probably where it comes from. Because if - I mean, I look at the case of Julie and Simon Blackwood coping abuse at that level. Obviously it's accepted at a higher level than that, so if it's accepted and
35 it continues through the years, I think it gets harder as well, probably, to - to deal with those issues. Because it's like - it's an entrenchment of that behaviour through - through the years. So -

COMMISSIONER: What do you think should have been done?
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MR DE RIDDER: I think - there's parts of the Act - like, it's basically - it's not specifically a fit and proper person thing, but they should have addressed these individuals with these aggressive behaviours.

45 **COMMISSIONER:** These individuals being the CFMEU?

MR DE RIDDER: The CFMEU yeah. They should have addressed them and removed their ability to, you know, go on site as a permit holder, or at least - if not to that extent, provide some - get them to provide a disciplinary process that they're actually dealing with us and PCBU's in an appropriate manner.

5

COMMISSIONER: When you say "disciplinary process", what do you mean by that?

MR DE RIDDER: Like, the - in our opinion, the CFMEU didn't operate under, like a code of conduct, because of this behaviour that we were facing.

10

COMMISSIONER: Well, it may have.

MR DE RIDDER: They may have but I wasn't aware of it. It didn't look like it. Maybe it was a bit the opposite end of the spectrum, but I think if it was addressed from the onset, when it started = and some things were put in place - I mean, it could have - could've been better for us. Like, the thing that always stood out to me is the CFMEU used to push the - like, the mental health side of things over the years but they were like the number one - they didn't care about our mental health. They didn't care about the PCBU's. It was just - it flew in the face of what they really were standing for.

15

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COMMISSIONER: And did you think they were genuine in what they were saying?

25

MR DE RIDDER: No.

COMMISSIONER: Why is that?

MR DE RIDDER: It just felt like there was always an ulterior motive behind. It was like they were using us as a conduit to apply pressure to, you know, PCBU's for whatever reason they decided to, and, yeah, it wasn't - it wasn't a genuine approach to safety. They said it the whole time and they alleged - they said to us when we didn't listen to their concerns and they wanted extracurricular notices issued, as in not in accordance with the legislation, they said, you know, "You don't care about the safety of the workers." That was their favourite thing if we didn't agree with them. So -

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COMMISSIONER: Do you think they cared about the safety of workers?

MR DE RIDDER: Oh, maybe at a very small amount. I think it was more about power and the ability to influence the actual workplace. That's my personal view.

45

MR TERNOVSKI: Mr De Ridder, you mentioned court action involving Mr Delamaras and Inspector Duckworth. Are you referring to the conduct of Mr Cummins in intimidating inspectors. Or was that something else?

MR DE RIDDER: No, that was that.

MR TERNOVSKI: Commissioner, I have no further questions. There is an application to cross-examine Mr De Ridder by the CFMEU, which we do not oppose.

COMMISSIONER: Very well. I've got a written application from you, Mr O'Grady, to cross-examine Mr De Ridder.

MR O'GRADY: Yes, Commissioner.

COMMISSIONER: And as you've heard, it's not opposed.

MR O'GRADY: Yes. Thank you.

<CROSS-EXAMINATION BY MR O'GRADY

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

MR DE RIDDER: No worries.

MR O'GRADY: And I understand from your evidence that you stopped attending sites some time in 2021.

MR DE RIDDER: That's correct, yes.

MR O'GRADY: That was three and a bit years prior to the appointment of the administrator in August 2024.

MR DE RIDDER: That's correct, yes.

MR O'GRADY: You gave some evidence earlier about a code of conduct being in assistance in respect of how CFMEU organisers behaved on wait. Are you aware of the evidence of Mr Irving that he's put in place precisely that in respect of the CFMEU under administration?

MR DE RIDDER: No, I'm sorry, I'm not aware of that.

MR O'GRADY: All right. Now, you've given some evidence - a number of times you've referred to a Mr Hill.

MR DE RIDDER: Yep.

MR O'GRADY: Mr Hill, that's Robert Hill?

MR DE RIDDER: That's correct, yes.

5 **MR O'GRADY:** Mr Hill isn't employed by the CFMEU and he's got no role with the CFMEU whatsoever, does he?

MR DE RIDDER: No, he doesn't, that I'm aware of.

10 **MR O'GRADY:** Yes. He's an ETU organiser.

MR DE RIDDER: That's right.

15 **MR O'GRADY:** So whenever we look at your statement and you refer to Mr Hill, that should be a reference to Mr Hill in his capacity as a representative of the ETU, as opposed to as many suggestion that he was acting on behalf of the CFMEU?

MR DE RIDDER: No, that's correct, he was acting as a representative for the ETU.

20 **MR O'GRADY:** Yes. So you made a correction, for example, at paragraph 41 of your statement this morning.

MR DE RIDDER: Yep.

25 **MR O'GRADY:** You also would need to correct paragraph 42 to make it clear that Mr Hill when he attended the site was doing so in his capacity as an organiser of the ETU?

MR DE RIDDER: Yes. That is correct.

30 **MR O'GRADY:** Thank you.

MR DE RIDDER: Thank you.

35 **MR O'GRADY:** All right. Now, you gave some evidence in paragraph 11 along the lines that you thought the CFMEU were targeting larger commercial construction projects. Now, my instructions are that the CFMEU also attend some residential projects. You don't dispute that, do you?

40 **MR DE RIDDER:** I'm not aware of - I haven't come across the CFMEU on residential projects. If they do that, then yes, that's fine but not in my experience, they haven't.

MR O'GRADY: No, you're not aware of it but you can't dispute that that happens.

45 **MR DE RIDDER:** No, I can't dispute that.

MR O'GRADY: And you'd agree with me that on the smaller residential projects a smaller number of people than the larger commercial sites?

MR DE RIDDER: That's correct.

5

MR O'GRADY: And there are a higher proportion of those working on these smaller sites who might be self-employed, you know, just with their own ABN.

MR DE RIDDER: That's correct, yeah.

10

MR O'GRADY: And in those circumstances, they wouldn't be eligible to be members of the CFMEU.

MR DE RIDDER: In those circumstances, possibly, yes.

15

MR O'GRADY: So you'd agree with me that from the CFMEU's point of view, when it's looking at protecting its membership, it makes sense for us it to be focus on these larger sites.

20

MR DE RIDDER: It does. And if there's a proximity - there's a lot more workers, but also there's significant safety issues on those smaller sites.

MR O'GRADY: Yes, but that's - but with respect, that's the job of Workplace Health and Safety Queensland to look at. That's what you're paid to do, isn't it?

25

MR DE RIDDER: We're also paid to do the larger ones as well.

MR O'GRADY: I understand that, but the CFMEU isn't some surrogate for work health and safety. The job of the government department is to ensure that the sites, whether they be big ones or small ones, are run safely. That's right, didn't it?

30

MR DE RIDDER: That's correct.

MR O'GRADY: Yes. And I put it to you that that's a different focus than the CFMEU's focus, which is on protecting its membership.

35

MR DE RIDDER: I'm not sure of their focus personally, but if that's the case, then -

MR O'GRADY: Now, you gave some evidence about some interactions with Mr Ravbar, Mr Cummins and Mr Higgins. Now, you understand that Mr Ravbar was removed from his role with the CFMEU?

40

MR DE RIDDER: I am now. I'm aware of that now, yes.

MR O'GRADY: That was part of the process that gave rise to the appointment of the administrator.

45

MR DE RIDDER: Yep.

MR O'GRADY: And you understand that Mr Cummins is no longer employed by the CFMEU?

5

MR DE RIDDER: I'm aware of that, yes.

MR O'GRADY: And that Mr Higgins is no longer employed by the CFMEU.

10 **MR DE RIDDER:** I wasn't aware of that but -

MR O'GRADY: You don't dispute it.

MR DE RIDDER: I don't dispute it.

15

MR O'GRADY: Now, you'd agree with me that the CFMEU to entitled to be concerned about occupational health and safety?

MR DE RIDDER: Yes. Of course.

20

MR O'GRADY: It's part of its role to protect its members.

MR DE RIDDER: That's correct.

25 **MR O'GRADY:** And you'd also agree, I take it, that occupational health and safety is about controlling risks; removing risks as far as is reasonably practicable.

MR DE RIDDER: That's correct.

30 **MR O'GRADY:** You don't wait until somebody gets injured before you act, do you?

MR DE RIDDER: No, no - if you can. If can you avoid it, you do it before.

35 **MR O'GRADY:** Well, the role is to prevent somebody from being injured in the first place, isn't it?

MR DE RIDDER: That's correct.

40 **MR O'GRADY:** And you describe in your evidence that there were some lower-order issues, to use your language, that you thought the CFMEU were concerned about. You'd agree with me that a lower-order issue is still capable of injuring and perhaps even killing somebody?

45 **MR DE RIDDER:** Generally, a lower - say if it's a non-imminent risk, then obviously you're not going to have a risk of someone being injured or killed, otherwise you'd be issuing prohibition notices or the like. So generally they're contraventions of the regulations and we issue improvement notices.

MR O'GRADY: Please focus on my question. Even though it might not be what you describe as a higher-order risk a lower-order risk is capable of occasioning injury or even a fatality?

5

MR DE RIDDER: It could, yes.

MR O'GRADY: And I put it to you that if you see that there is a risk, even if you want to describe it as a lower-order risk, you should be taking steps to address it in your capacity as an inspector.

10

MR DE RIDDER: That's right, yes.

MR O'GRADY: And the CFMEU is perfectly entitled to be concerned if it perceives that there are inspectors who are not paying due attention to lower-order risks.

15

MR DE RIDDER: That's correct.

MR O'GRADY: And the CFMEU, if the CFMEU was of the view that there was some sort of systemic approach by inspectors to not pay attention to lower-order risks, that's also something they're concerned - entitled to be concerned about.

20

MR DE RIDDER: Of course.

25

MR O'GRADY: Could the witness please be shown exhibit KDR-16 at page 145. It commences at page 141, commissioner. Now, you understand that this is part of an email from Mr Hill?

30

MR DE RIDDER: Yes, I am.

MR O'GRADY: Yes. So this was something that Mr Hill, in his capacity as an organiser for the ETU, sent to your employer?

35

MR DE RIDDER: That's correct.

MR O'GRADY: And he sought to document concerns that he had in respect of this site, which was the Vis Construction site?

40

MR DE RIDDER: Yes, that looks like it's the one.

MR O'GRADY: And the first thing he raises is that there is apparently no proper barrier to entrance and egress for the public to the night.

45

MR DE RIDDER: Well yeah, it looks like the fence is aside and there is access into that workplace.

MR O'GRADY: And you would agree with me that this is a risk that needs to be addressed?

MR DE RIDDER: That's correct.

5

MR O'GRADY: You can't have members of the public just walking around a construction site because they could be injured or killed. That's right, isn't it?

MR DE RIDDER: That's correct.

10

MR O'GRADY: And if you go down to the next page. Now, you can see at the foot of that - or in the middle of that page, there's a power extension cord?

MR DE RIDDER: That's correct.

15

MR O'GRADY: And indeed, it appears that one of the workers is standing on it?

MR DE RIDDER: Yeah, that's correct.

20 **MR O'GRADY:** And you would accept that having power extension cords lying all around the site (a) poses a tripping hazard.

MR DE RIDDER: That's right.

25 **MR O'GRADY:** And a tripping is not a minor hazard. You can be severely injured if you trip over something and hit your head or fall awkwardly?

MR DE RIDDER: Yeah, that's correct.

30 **MR O'GRADY:** And there's also the capacity, isn't there, for the cords, if they're just strewn around the site, to become frayed or broken or pose an electrical risk.

MR DE RIDDER: That's true.

35 **MR O'GRADY:** And basically, they should be hung out of the way to prevent that from happening?

40 **MR DE RIDDER:** Yeah, you can hang them or you can have a matted, like, a protected location to run them or you could move or have more electrical board supplies that they don't have to have run those distances. There's a many inform things you can do. But you could hook them like you're alluding to and keep them out of the became.

45 **MR O'GRADY:** But that wasn't happening here, was it on any view.

MR DE RIDDER: No, doesn't look like it in this photo.

MR O'GRADY: Indeed you could have somebody using, say, a pallet jack and go over the lead and damage it, creating a live electrical environment?

MR DE RIDDER: That could happen.

5

MR O'GRADY: And if we go down to the next photo, please. Now, this would appear to be some conduit hanging from the roof and secured with zip ties.

MR DE RIDDER: Yep.

10

MR O'GRADY: Again, you'd accept that that is - that could potentially pose an electrical hazard?

MR DE RIDDER: The - it identifies exposed temporary wiring. That's actually got protective coating, as in conduit, over it. So I'm not too sure what - I mean, it's hanging in a - in a position, it's hard to say from the photo who it's actually doing, but there's protection around it.

MR O'GRADY: Yes, but you could have somebody who trips over the electrical cord that's lying on the ground behind it and fall into it?

20

MR DE RIDDER: That's correct, yep, that could occur.

MR O'GRADY: Again, that's a risk that somebody from, in this case the ETU, is entitled to be concerned about?

25

MR DE RIDDER: That's fine, yes.

MR O'GRADY: Yes. And then if we go down to the next photo, please. This is a ladder sitting in a puddle of water with wrought iron behind it.

30

MR DE RIDDER: Yes. That's reo bars turned over.

MR O'GRADY: And I put it to you that poses a number of risks. If that ladder - that ladder would need to be secured?

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MR DE RIDDER: Yeah, if it's not on the top it would need to be secured. It's hard to say from that photo.

MR O'GRADY: That anybody accessing that ladder would have to walk through water to do so.

40

MR DE RIDDER: That's correct, yeah.

MR O'GRADY: And that would create a potential slipping hazard when they're climbing the ladder.

45

MR DE RIDDER: Possibly.

MR O'GRADY: Because their boots might be wet when they were climbing it.

5 **MR DE RIDDER:** Yeah. It's a possibility.

MR O'GRADY: And if they were to fall from that ladder, they could very well fall on the extended reinforcing bars that are sitting behind it?

10 **MR DE RIDDER:** That's true.

MR O'GRADY: And that could kill somebody, couldn't it?

15 **MR DE RIDDER:** Well, if they were going to fall, yes, possibly.

MR O'GRADY: I said "could". And then if we go down to the next photo, please. Here again you have electrical leads strewn across the ground and you accept that that's a potential risk both for tripping and electrical injury.

20 **MR DE RIDDER:** That's correct.

MR O'GRADY: Go down to the next one, please. Now, as I understand the position here, the switchboard was located on the other side of this wet slab. If that be right, then that would mean that the switchboard would be hard to access, if there was a
25 need to do so as a matter of urgency, because you'd have to walk through the wet concrete and the reinforcing that lies beneath the wet concrete in order to access it.

MR DE RIDDER: That's, true, yep.

30 **MR O'GRADY:** You accept that that poses or potentially could pose a significant risk.

MR DE RIDDER: Possibly, if it was in use, yes.

35 **MR O'GRADY:** Go down to the next one, please. Here, we've got a 30 centimetre or so gap between a timber floor and the wall, which is open to cabling below. You'd agree that dropping hazards are very real risks?

40 **MR DE RIDDER:** Yeah.

MR O'GRADY: And there doesn't appear to be anything that would prevent a hammer or a spanner or a drill or whatever it may be falling through that gap?

45 **MR DE RIDDER:** No, that's correct. I think there was an improvement notice issued for gaps greater than 225. So probably in line with some similar evidence.

MR O'GRADY: And if we can go down to the next one, please. Now, here we have some electrical cords, in effect, wrapped around agro props. Acro props. And you'd accept that if there was - if that cord was not in good condition, not only could it itself pose an electrical risk but the prop itself might become live?

5

MR DE RIDDER: It could.

MR O'GRADY: And that, of course, would itself pose a very real risk.

10 **MR DE RIDDER:** That's right. That's why you have RCDs on boards as well to give that secondary section off -

COMMISSIONER: What's an RCD?

15 **MR DE RIDDER:** Residual current device, I think it is. So like a safety switch if there's an issue with the equipment or the cord.

MR O'GRADY: But that, of course, is dependent on the residual current device operating correctly?

20

MR DE RIDDER: That's correct, too. Needs to be tested.

MR O'GRADY: Go down to the next one, please. Now, here it would appear that we have a switchboard which is adjacent to a slab. Go back to the previous page, please. And focusing on the bottom photo -

25

COMMISSIONER: Are you going to go through all of these, Mr O'Grady?

MR O'GRADY: I was.

30

COMMISSIONER: Well, maybe we'll pick that up after lunch.

MR O'GRADY: Yes. As you please. Sorry, Commissioner, I should have noted the time.

35

COMMISSIONER: We'll adjourn until 2 pm.

<THE HEARING ADJOURNED AT 1.04 PM

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

COMMISSIONER: Mr O'Grady.

45 **MR O'GRADY:** Mr Operator, could the witness please be shown page 153, which is where I think we were up to just before, and if we could perhaps focus on the bottom photo. Now, Mr De Ridder, that's a switchboard and there's a gap between the platform that you would access it by of about 30 centimetres?

MR DE RIDDER: That's correct, yep.

MR O'GRADY: And there are star pickets located in the vicinity, aren't there?

5

MR DE RIDDER: Yeah, there are.

MR O'GRADY: And you'd agree with that star pickets are a very significant safety hazard?

10

MR DE RIDDER: They're a - they're a hazard, yes.

MR O'GRADY: Yes. Because if you fell on one, you could impale yourself?

15

MR DE RIDDER: That's correct.

MR O'GRADY: Thank you. And then if we could go to page 154. Now, that's the interior of a switchboard and you can see that that is the internal workings of the switchboard can be accessed?

20

MR DE RIDDER: That's correct.

MR O'GRADY: And you'd agree with me that that also is a significant safety hazard.

25

MR DE RIDDER: It could be.

MR O'GRADY: Thank you. If we could go to page 155. Now, this again is another photo of the vicinity around the switchboard that I took you to a moment ago, and you'll see that there are a number of star pickets in that vicinity, aren't there?

30

MR DE RIDDER: There, yep, one capped and another one, the bottom one, without a cap.

35

MR O'GRADY: Yes. And the reason why it's a requirement that you cap star pickets is because they are very dangerous.

MR DE RIDDER: Well, yeah, you could fall on them and hurt yourself.

40

MR O'GRADY: Yes, that's right. Thank you. If we could move to 157 and that shows a worker working in the vicinity of that switchboard.

MR DE RIDDER: I assume that, yes, by the description, yes.

45

MR O'GRADY: And so if that what is worker was to fall, say, to his left, there is - in the immediate vicinity there is an uncapped star picket coming up between the planks and then there is a star picket further on.

MR DE RIDDER: That's right.

5 **MR O'GRADY:** Thank you. If we go to page 163. So here, again, we've got an issue with extension cords. You can see there's an extension cord going along in front of the worker?

MR DE RIDDER: Yeah, I see that, yep.

10 **MR O'GRADY:** Yes. And I put it to you that in addition to the problems that we discussed earlier with extension cords, if you're talking about working outside, those problems are magnified because of the potential for there to be rain and it to get wet?

15 **MR DE RIDDER:** It could, if there was a rain event, yes.

MR O'GRADY: Yes. And Cairns had a reputation for rain events, doesn't it?

MR DE RIDDER: It does at times.

20 **MR O'GRADY:** Yes.

COMMISSIONER: I wasn't trying to dispute the witness' evidence, but that looks like a piece of string rather than an extension cord to me, or rope, but maybe -

25 **MR O'GRADY:** I think it is - I'm talking about the one going in front of the witness, it's slightly a pink-ish colour and you can see it goes up over the reo bars.

COMMISSIONER: Sorry, I'm looking at the wrong thing. Thank you.

30 **MR O'GRADY:** Yes, that's the one I was talking about. And then if we could move to 166. Now, that's a photo of a switchboard and there is no clearance around that switchboard, is there?

35 **MR DE RIDDER:** Well, there's objects in the way, yes.

MR O'GRADY: And you understand that if there was an electrical issue with that switchboard, standard practice would be to put down a 600 millimetre mat to enable the worker - the electrician to work on it and avoid risk of electrocution?

40 **MR DE RIDDER:** I'm not aware of that, sorry.

MR O'GRADY: I understand. Well, you'd agree with me that the fact that there are objects around there, if that be the case that there is such a requirement, those objects would be an impediment to using that safety device?

45 **MR DE RIDDER:** Yeah, you need to access the switchboard to be able to shut it down.

MR O'GRADY: Thank you. Go to 173. Here we have an extension cord and it's important apparent, isn't it, that the insulation does not - is not completely housed by the plug.

5

MR DE RIDDER: That's right, it's been pulled back.

MR O'GRADY: Yep. So if that was to get wet that could clearly pose an electrical hazard?

10

MR DE RIDDER: It could.

MR O'GRADY: And then also to 174. Now, that's looking up at a switchboard and it would appear that the switchboard is open and exposed to the elements.

15

MR DE RIDDER: That's correct.

MR O'GRADY: And again, I put to you that could pose a health and safety hazard.

20 **MR DE RIDDER:** It may. It's actually - I mean, it's not IP rated, the switchboard, so obviously it can deal with some rain. It's in the open, but I'm not aware of the specifics around it being open and then - and a specific hazard as such.

25 **MR O'GRADY:** But you'd agree with me that all of the matters that I've taken you to are all matters that, in this case, Mr Hill was entitled to be concerned?

MR DE RIDDER: Yeah, that's correct.

30 **MR O'GRADY:** And he was entitled to expect that Workplace Health and Safety Queensland would take those issues seriously and address them?

MR DE RIDDER: Yes.

35 **MR O'GRADY:** Yes. I have no further questions, Commissioner.

COMMISSIONER: Thank you. Mr Ternovski, does anything arise from that?

<RE-EXAMINATION BY MR TERNOVSKI

40 **MR TERNOVSKI:** I will be brief, Commissioner. Mr De Ridder, you were taken to parts of the email chain in KDR-15 where the ETU provided photographs of various issues on the site and my learned friend Mr O'Grady took you through some of those photographs. If the witness could be shown part of KDR-15, page 139. Mr De
45 Ridder, I'll blow up particular parts of this but Mr De Ridder, is this your response to the issues?

MR DE RIDDER: Yeah. So the photos attached to that email were - appear to be from one of the union delegates, so they're taken - I'm not too sure on the timeframe in regards to our site visit, but when we've attended site. That's the contraventions I've identified in relation to his concerns and that's how I've addressed them.

5

MR TERNOVSKI: If we could blow up the second full paragraph from the bottom, starting with "Above will be addressed". See the penultimate sentence says:

10 "Further electrical issues are being identified and dealt with by ESO inspector who also attended the site."

Can I ask you, insofar as Mr O'Grady was taking - when he was taking to you the photos that identified electrical issues, who was dealing with that?

15 **MR DE RIDDER:** Well, we can deal with them. We've got powers under the Electrical Safety Act but the preference is obviously the ESO inspector. They've got their expertise in the electrical area and that's why they attended in relation to that. So he was dealing with those electrical issues.

20 **MR TERNOVSKI:** But in relation specifically to this visit, who was, in fact, dealing with those issues?

MR DE RIDDER: The ESO inspector.

25 **MR TERNOVSKI:** Now, if we could just blow up the dot points now, and I'll let you - I'll let you read those.

MR DE RIDDER: Yep. So -

30 **MR TERNOVSKI:** Just read them to yourself, Mr De Ridder.

MR DE RIDDER: Oh, okay. Yep.

35 **MR TERNOVSKI:** Does that deal with any of the issues that Mr O'Grady took you through?

MR DE RIDDER: Oh, it deals - I think it deals with the majority of those issues that were raised.

40 **MR TERNOVSKI:** What about the fence being open to the - whereby the members of the public could walk onto the site?

MR DE RIDDER: No, that wasn't identified. I don't think that was identified by us on our site visit.

45

MR TERNOVSKI: What about star pickets?

MR DE RIDDER: I think that's addressed there with the slab with exposed reo, piles of cut-off reo at ankle height. That would've been addressed in the same scenario. That can be addressed by capping with those star pickets but that's probably what was referred to in that instance.

5

MR TERNOVSKI: In your view, did you take the issues - safety issues that Mr O'Grady has taken you through seriously?

MR DE RIDDER: Yeah. Yes, I did.

10

MR TERNOVSKI: Based on your 18 years' experience as an inspector, in your view, what presented a more serious and imminent risk: the issues on the Vis site, putting aside electrical issues that you weren't dealing with, or the issues on the other sites that you were diverted from such as asbestos exposure at the tip?

15

MR DE RIDDER: Well, yeah, asbestos - possible asbestos exposure is - like, if there was exposure and a risk to persons there would be a prohibition notice issued. Same with work at heights and exclusion zones.

20 **MR TERNOVSKI:** And why is that?

MR DE RIDDER: Because there's a higher level of risk in relation to - in comparison to these issues.

25 **MR TERNOVSKI:** Put to you, Mr De Ridder, and you agreed that CFMEU is entitled to be concerned about occupational health and safety. Mr De Ridder, in your view, does abusing inspectors on site, on construction sites, improve occupational health and safety?

30 **COMMISSIONER:** How does that arise out of whether Mr O'Grady -

MR TERNOVSKI: Well, I think the cross-examination was to the effect that it was legitimate for CFMEU to be concerned about occupational health and safety.

35 **COMMISSIONER:** I don't think Mr O'Grady tried to defend that behaviour or even raised that behaviour. Anyway, I'll -

MR O'GRADY: (Audio drop) other than mentioned the fact that the individuals concerned, namely Mr Ravbar, Mr Cummins, Mr Higgins, have all had their relationship with the CFMEU terminated. I didn't go to any of those issues.

40

COMMISSIONER: I mean, we are free to - we're not bound by the rules of a civil trial. We can call witnesses back if we need to, but -

45 **MR TERNOVSKI:** I can tell you Commissioner, how in my submission this arises. As I understand -

COMMISSIONER: All right. Let's ask the question and if Mr O'Grady wants to cross-examine, I'll give him that opportunity.

5 **MR TERNOVSKI:** In your view, Mr De Ridder - I don't think you have answered the first question. I'll ask it again. In your view, does abusing inspectors on sites, does that improve occupational health and safety?

MR DE RIDDER: No, it doesn't. It does the opposite.

10 **MR TERNOVSKI:** Why not?

MR DE RIDDER: Because abuse is just a heightened emotion and doesn't allow for clear paths to thinking or to problem solving. If it's done on a level, with a level head, it's - you're going to have more effect in achieving an outcome.

15 **MR TERNOVSKI:** In your view, does prioritising CFMEU complaints above other complaints improve occupational health and safety?

MR DE RIDDER: No.

20 **MR TERNOVSKI:** Why not?

MR DE RIDDER: Because we're deviated away from work that could be imminent or have risk in other areas.

25 **MR TERNOVSKI:** In your view, does pressuring inspectors to write notices improve occupational health and safety?

MR DE RIDDER: No, it doesn't.

30 **MR TERNOVSKI:** Why not?

MR DE RIDDER: Because it doesn't allow the inspector to use their discretion in relation to the contravention on the site, and it - it prove rides currents from other areas that clouds judgment.

35 **MR TERNOVSKI:** It was put to you that CFMEU is entitled to be concerned about inspectors not paying attention to lower-order safety risks. Mr De Ridder, did the Cairns office of WHSQ have the resources to inspect every building site every day?

40 **MR DE RIDDER:** No, we don't.

MR TERNOVSKI: Were the resources limited?

45 **MR DE RIDDER:** They were.

MR TERNOVSKI: In your view, how should these limited resources have been allocated?

5 **MR DE RIDDER:** Through the appropriate channels, through the triage process, like all the other ones.

MR TERNOVSKI: If CFMEU had genuine concerns about inspectors not paying attention to lower order safety risks, what mechanisms existed for them to raise that - those concerns in a legitimate way?

10 **MR DE RIDDER:** They could raise it a complaint through the appropriate channels and address it in a standard manner, rather than, you know, how it was done.

MR TERNOVSKI: Lastly, you were asked some questions about your evidence about CFMEU not attending residential construction sites. Where do you draw the line between what you're calling residential versus large commercial. So, for example, in an apartment building, would you classify that as a residential or commercial?

20 **MR DE RIDDER:** No, I call that commercial up in this area, yeah.

MR TERNOVSKI: So when you're talking about residential, what are you referring to?

25 **MR DE RIDDER:** Like, a single-storey or high-set housing, basically.

COMMISSIONER: What's high-set mean? You used that word before.

MR DE RIDDER: Double storey. Double storey, yeah. Greater than single storey.

30 **MR TERNOVSKI:** Nothing further, Commissioner.

35 **<FURTHER CROSS-EXAMINATION BY MR O'GRADY**

MR O'GRADY: I take it from your evidence, Mr De Ridder, that you would endorse attempts by the current people running the CFMEU to improve relationships with the work health and safety department?

40 **MR DE RIDDER:** Yes.

MR O'GRADY: Are you aware of the fact that, back in September of 2025, Mr Jared Abbott, who's the current branch executive officer of the Queensland branch, wrote to Ms Heelan to introduce Mr Tim Anderson, the current CFMEU Queensland and Northern Territory Health and Safety Officer?

MR DE RIDDER: I'm not aware of that, sorry.

5 **MR O'GRADY:** And are you aware of the fact that, on 29 April 2026, again, Mr Abbott wrote to Ms Sarina Wise seeking to arrange for meetings to improve the relationship between the Queensland CFMEU branch and Work Health and Safety?

MR DE RIDDER: I'm not aware of that, sorry.

10 **MR O'GRADY:** Have a look at these two documents for me, please, sir. Copies for you, Commissioner, and the others. Now, could you have a look at those two documents for me, please. In the light of those emails, do you have any reason to doubt that Mr Abbott made the overtures that I referred to just a moment ago?

15 **MR DE RIDDER:** No, I don't have any doubt.

MR O'GRADY: And are you aware of the fact that at this point in time, Ms Wise has not made an appointment with Mr Abbott to have the discussion that he refers to in this email?

20 **MR DE RIDDER:** I'm not aware of that, sorry.

MR O'GRADY: I seek to tender those two documents, Commissioner.

25 **COMMISSIONER:** Is there any objection?

MR O'GRADY: Sorry, I'm just reminded we might need to redact some of the emails, consistent with the Commission's practice.

30 **COMMISSIONER:** Do you want to do this -

MR O'GRADY: I can do that tomorrow morning. We'll arrange for that to be done. I have no further questions, Commissioner.

35 **COMMISSIONER:** Anything arising out of those questions, Mr Ternovski?

MR TERNOVSKI: No.

40 **COMMISSIONER:** Mr De Ridder, thank you very much for your evidence. You're excused.

MR DE RIDDER: Thank you, Commissioner.

45 **<THE WITNESS WAS RELEASED**

COMMISSIONER: Mr Ternovski.

MR TERNOVSKI: I call Shannon Lee Farrington.

COMMISSIONER: Is Ms Farrington in the hearing room?

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MR TERNOVSKI: She should be outside. She'll just be brought in, Commissioner.

COMMISSIONER: Thank you. Ms Farrington, just company forward to the witness area and please stand up while the oath or affirmation is being administered.

10

<SHANNON LEE FARRINGTON, AFFIRMED

COMMISSIONER: Please take a seat, Ms Farrington. Mr Ternovski will ask you some questions, Ms Farrington.

15

<EXAMINATION BY MR TERNOVSKI:

20 **MR TERNOVSKI:** Ms Farrington, would you repeat your full name, please?

MS FARRINGTON: Shannon Lee Farrington.

MR TERNOVSKI: And what is your occupation?

25

MS FARRINGTON: Currently, consultant in Workplace Health and Safety.

MR TERNOVSKI: And your address is known to the Commission?

30 **MS FARRINGTON:** (REDACTED)

MR TERNOVSKI: I'd ask that that be redacted from the transcript.

35 **COMMISSIONER:** Very well. I'll make an order to that effect. Can you draft an order for me, Mr Ternovski?

MR TERNOVSKI: We will do that. And put a pause on the livestream, my learned friend reminds me.

40 **COMMISSIONER:** Right. I think that has been done.

MS FARRINGTON: Apologies. I may have misheard the question.

MR TERNOVSKI: No, no, I didn't put it in a very clear way, Ms Farrington.

45

MS FARRINGTON: Okay.

MR TERNOVSKI: We're just making sure that your address is not broadcast to the world.

MS FARRINGTON: Okay. Thank you.

5

MR TERNOVSKI: Ms Farrington, you made a witness statement for the Commission?

MS FARRINGTON: Yes, that's correct.

10

MR TERNOVSKI: Could the witness be shown this statement, first page. Is that your witness statement, Ms Farrington?

MS FARRINGTON: It appears to be, yes.

15

MR TERNOVSKI: If you can see it on the screen in front of me, it might be easier than - depending on your glasses.

MS FARRINGTON: Yes.

20

MR TERNOVSKI: And it's a statement dated 6 May 2026? You'll find that on the last page, before the annexures.

MS FARRINGTON: Yes, it is.

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MR TERNOVSKI: And it's got 120 paragraphs, Ms Farrington?

MS FARRINGTON: It does.

30

MR TERNOVSKI: And four annexures?

MS FARRINGTON: Yes.

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MR TERNOVSKI: Have you had a chance to read the statement recently, Ms Farrington?

MS FARRINGTON: Yes.

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MR TERNOVSKI: I understand you wish to make a correction to paragraph 34.

MS FARRINGTON: I did, yes.

MR TERNOVSKI: What is the correction?

45

MS FARRINGTON: 34 was the incorrect naming of my colleague Mr Henderson. I didn't realise until reading a printed version that it was Henderson and not Anderson. So his name was Tim Henderson, H-e-n-d-e-r-s-o-n.

MR TERNOVSKI: Apart from that correction, Ms Farrington, is the rest of your statement otherwise true and correct?

5 **MS FARRINGTON:** Yes.

MR TERNOVSKI: I tender that statement, Commissioner.

10 **COMMISSIONER:** Are there any objections? No? The statement of Shannon Lee Farrington sworn 6 May 2026, 120 paragraphs, 19 pages with four annexures as amended in the witness box at paragraph 34 will be SF-1.

**<EXHIBIT SF-1 STATEMENT OF SHANNON LEE FARRINGTON
06/05/2026**

15 **COMMISSIONER:** What are we doing about the livestream, Mr Ternovski? That was the part that was excised, not published, and are we able to go back into the livestream?

20 **MR TERNOVSKI:** I might need to get instructions on that.

COMMISSIONER: Seems like you've got your instructions.

25 **MR TERNOVSKI:** It appears so, Commissioner. Commissioner, are you content for me to proceed with the evidence?

COMMISSIONER: If your instructions are consistent with what we've heard from the AV area, yes.

30 **MR TERNOVSKI:** Thank you. Ms Farrington, could you tell the Commissioner when you were employed by the Office of Industrial Relations?

MS FARRINGTON: Yes. It was between February 2017 and June 2022.

35 **MR TERNOVSKI:** Now, you've given some evidence in your statement that prior to commencing that role, you served in the ADF. Which branch and what was your rank?

40 **MS FARRINGTON:** I began in the reserves and then quickly transitioned to the regular army. I was serving as a mover, as a transport officer, in charge of moving personnel and their equipment in and out of operational theatres. I then transitioned to the Air Force in 2007, and served until I was given the role of Operations Manager at the end of 2016, and I took up the role of Operations Manager at the start of 2017.

45 **MR TERNOVSKI:** As part of your service with the ADF, did you undertake any overseas tours of duty?

MS FARRINGTON: Yes. In my statement, I've been deployed to Afghanistan for almost six months. I was deployed to the Solomon Islands for a period of time, and a pre-coup survey of Tonga prior to their coup in 2006.

5 **MR TERNOVSKI:** In your view, were some of these deployments dangerous?

MS FARRINGTON: Yes.

MR TERNOVSKI: Which ones?

10

MS FARRINGTON: Afghanistan, particularly. The Taliban would set up rockets that would deploy, usually overnight, and hit the base, upon which time we would have to take cover into bunkers, and the Apaches and other gunships would be deployed to find the source of those rockets. There were also IEDs around the area.
15 The Solomon Islands was largely wrapping up by the time I went there and the pre-coup survey of Tonga was obviously highly secretive. Therefore, we have to maintain a demeanour of leisure whilst we were there.

20

COMMISSIONER: Are a the Apaches the Australian Army equipment, or American?

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MS FARRINGTON: They were the American Apaches, but they would deployed with Chinooks and usually tend to the threat, if there was a threat, if the rockets weren't buried and set off with a mobile phone. But occasionally, there was a threat still remaining that the Apaches would swiftly take care of.

MR TERNOVSKI: During your service in the ADF, have you had to deal with difficult people?

30

MS FARRINGTON: Yes.

MR TERNOVSKI: Have you had to deal with people yelling abuse at you?

35

MS FARRINGTON: Yes.

MR TERNOVSKI: How regularly?

MS FARRINGTON: Regularly.

40

MR TERNOVSKI: Were some of these people large in body size relative to you?

MS FARRINGTON: Yes, and very intimidating.

45

MR TERNOVSKI: Are you easily intimidated, Ms Farrington?

MS FARRINGTON: No.

MR TERNOVSKI: And did your service in the ADF give you an understanding of the concept of a chain of command?

MS FARRINGTON: Yes. Absolutely.

5

MR TERNOVSKI: Now, would you describe the reporting structure within WHSQ when you started there?

10 **MS FARRINGTON:** I immediately reported to Paul Smith, and beyond that, Paul Smith reported to the Executive Director, whoever that was at the time. I had two other operations managers in the North and Central Queensland region who were my peers. They were, at the time, Tim Henderson and Andrew Stathooles.

MR TERNOVSKI: And who reported to you?

15

MS FARRINGTON: My inspectors.

MR TERNOVSKI: So your inspectors report to you, you report to Mr Smith?

20

MS FARRINGTON: Yes.

MR TERNOVSKI: Who was the Regional Director?

MS FARRINGTON: That's correct.

25

MR TERNOVSKI: And he reports to the Executive Director?

MS FARRINGTON: Yes.

30

COMMISSIONER: Are they just construction inspectors or all inspectors?

MS FARRINGTON: Commissioner, I had industrial inspectors and construction inspectors that reported to me.

35

MR TERNOVSKI: If the witness could be shown attachment SLF-1, which is on page 21. If we could zoom in on the middle section. So would you - can you walk the Commissioner through the reporting structure here? So you've got Craig Allen, Deputy Director-General. If we go down there, below that - no, go underneath Mr Allen. Right. So where is Paul Smith here?

40

MS FARRINGTON: This is potentially a little later in my employment with OIR, but Paul Smith is with the other regional directors in the chain of command above the regions. So there's the North and Central Queensland region, the South West/Gold Coast region and the Brisbane/South West - Brisbane South Coast, so south - Sunshine Coast, sorry, region, and the - and those are - so those are all the regions outside the Brisbane CBD, and operations managers would have reported directly to those gentlemen, Peter Yates, Rob Wicks and Paul Smith. All of those

45

regional directors reported directly to Marc Dennett, the Executive Director, except Rob Wicks, Peter Yates as construction inspectors reported to Helen Burgess.

5 **MR TERNOVSKI:** What was her level in this structure, relative to the regional directors?

MS FARRINGTON: I believe her level and pay grade was similar to that of a Regional Director.

10 **MR TERNOVSKI:** Was there any geographic limit to her authority?

MS FARRINGTON: She did not have any control over the inspectors beyond Gladstone and North.

15 **MR TERNOVSKI:** Beyond Gladstone and North, did you say?

MS FARRINGTON: So from what I understand, and the lines were blurry at times of a crisis, we would often negotiate the lines in which we would send a response, particularly between myself and, say, Tim Henderson. If something happened around
20 the Cardwell region or on that sort of geographic line area, we might have an argument as to who would be best placed to send to that incident and the same sort of blurred lines may occur for the regions that Rob Wicks and Peter Yates controlled, but it's my understanding that all of their construction inspectors reported to Helen Burgess, and their industrial inspectors reported to them.

25 **MR TERNOVSKI:** And was it the same in North Queensland?

MS FARRINGTON: No. So between around Gladstone and Maryborough, there would be some sort of, shall we say, line of agreement or a memorandum of
30 understanding that the inspectors at a certain line between Maryborough and Gladstone, Paul Smith's remit would end, and Peter Yates' remit would begin, but from that -

MR TERNOVSKI: Sorry to interrupt. Just to pause you. Are you talking about as
35 you go south, Paul Smith's remit ends and another Regional Director -

MS FARRINGTON: Yes, and Andrew Stathooles, being that southern Operations Manager, having construction inspectors under his control, he would have a particular area where he would cease to send his inspectors and I'm not sure where
40 that line would be but Paul Smith would certainly know. But everyone above that line - and I'm going to say Gladstone, because I know that Andrew Stathooles handled the Gladstone area - all of his inspectors from Gladstone and above reported to operations managers such as Andrew, Tim and myself, and none of them reported to Helen Burgess. So therefore, they would report to a regional Operations Manager
45 in North Queensland and Central Queensland, and that Operations Manager then reported to Paul Smith.

MR TERNOVSKI: Ms Farrington, how many inspectors did you have reporting to you?

5 **MS FARRINGTON:** Between 11 and - well, actually, usually 11, sometimes less. I don't believe I ever had more than 11. As per my statement, there were 14 positions, but most of them were unfilled and sometimes they would be moved and changed to a different position, usually Brisbane-based.

10 **MR TERNOVSKI:** Ms Farrington, the way your statement is structured, it starts by talking about the overall pattern of conduct before dealing with specific incidents. I'm going to take it in the same order. So could you start by summarising, how would you describe the overall pattern of conduct out of the CFMEU and WHSQ in dealing with the CFMEU that you have observed during your time as Operations Manager?

15 **MS FARRINGTON:** How would I describe their conduct in general?

MR TERNOVSKI: Yes.

20 **MS FARRINGTON:** Yes. The - right from the beginning, I think it was in my first week of employment, the manner in which they would bypass the system of calling the 1300 number or even calling - or lodging a complaint online was never used. It got to a point where it was - it was being abused.

25 **MR TERNOVSKI:** If I could just pause you there. You referred to a 1300 number and filling in a form online. What was that?

30 **MS FARRINGTON:** The 1300 number was widely publicised on our website as "report or notify of an incident". That was also known as AAA, or assessment services, you could call it, or the notification centre, or different wordings that you could use to describe a way to either make a complaint to WHSQ or to make a notification of an incident.

35 **MR TERNOVSKI:** And if you made a notifications through that channel, through the AAA, what would happen to it?

40 **MS FARRINGTON:** It would then be triaged by the people who sit in AAA or assessment services and they would make a decision whether to write a written response if it was something minor, or it was a serial complainant, sometimes it wouldn't even get triaged out to the region. Other times - most times - it would be triaged to the region as regional response, and then the Operations Manager would receive it and make a risk-based assessment as to whether to allocate it as a regional response and who they would apply it to. So the best-placed inspector, based on workload and experience and the type of event. So I wouldn't send my construction inspector to a sugar mill incident, such as I wouldn't send my best industrial
45 inspector to a construction incident.

MR TERNOVSKI: What happened on the weekend? How did the system operate on weekends?

5 **MS FARRINGTON:** There's a duty phone and when there was a duty system that was split across the regions in some way, there must've been a press 1 for this region, press 2 for this region, press 3 for that region. That would then be dispersed out to the regions and for a while there was a system whereby you were the duty manager for the entire state and you would manage the entire state, but there would be an
10 inspector on call for each region and you would again make an assessment based on the severity of the notification. And it would usually be a fatality or something that we needed to gather evidence immediately on site, rather than leave it for a day, that you would make that decision to send an inspector to.

15 **MR TERNOVSKI:** And in your experience, did the CFMEU use the AAA system to notify of their complaints?

MS FARRINGTON: Not that I'm ever aware of, no.

20 **MR TERNOVSKI:** How did they communicate their complaints to WHSQ?

MS FARRINGTON: Usually via a phone call and usually via a phone call to a fairly senior member within WHSQ and usually the CFS director, whoever that was at the time, and I've used CFS at the moment, which then became - sorry, not CFS - it was what - the Construction Strategy Unit when I left and I believe there's a
25 fair amount of terminology that needs to be agreed upon. And I'm not sure what we've agreed upon, but I'll call it the Construction Strategy Unit director, be it Helen Burgess, Peter Twigg, Kym Tollenaere, and another -

30 **COMMISSIONER:** What was that third name? I haven't heard that one before.

MS FARRINGTON: Kym Tollenaere, who wasn't in the unit for very long. And there was another gentleman, I believe, that wasn't - also wasn't in the unit for very long. But generally always to that person. Sometimes directly to myself but I think as we'll flesh out in my statement, I would refuse to take those calls.

35 **MR TERNOVSKI:** I think I diverted you, Ms Farrington from a more broader question -

40 **MS FARRINGTON:** Sorry.

MR TERNOVSKI: No, it was my question. I diverted you from the more broader description of the conduct of CFMEU and WHSQ that you were describing. If you could go back to that, please.

45 **MS FARRINGTON:** So the weekend callouts are usually for very serious matters and it would likely have to pertain to a very serious injury, a fatality or something where evidence would need to be collected right away that couldn't wait until a

working day, because usually, sometimes we would get complaints about things where there were no workers present and therefore we would need to wait until a day where there were workers present. So we wouldn't send someone until Monday anyway and that's a judgment call that an Operations Manager would have to make.

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MR TERNOVSKI: Now, you said that the CFMEU would directly call the director of - I think you called it the Construction Strategy Unit, CSU. Just to clarify the terminology, are you using that any differently from - if you look at that org chart, Helen Burgess, Director of Construction Compliance and Field Services. Are you referring to something different or not?

10

MS FARRINGTON: That's what I was referring to, not CFS, which was later branded as Compliance and Field Services, yes. It was always directed at the construction manager.

15

MR TERNOVSKI: So you said the CFMEU would call the director. Can you describe that process and also how you know that that's what happened?

20

MS FARRINGTON: Because I would take phone calls directly from that person, and in my first week, as I said, in my first weeks on the job, that was a colleague named Peter Twigg, who had previously been an Operations Manager, who I'd met in Brisbane when we were first introduced to the organisation and onboarded and introduced to other Operations Managers. So I had a collegial relationship with him and therefore, as someone who had recently moved from Operations Manager to what I believed was a higher-level position, I took calls from him and was responsive to him in such a way as to be helpful and that's the example given in my statement as to the JCU project. After that -

25

MR TERNOVSKI: Sorry, go on.

30

MS FARRINGTON: Sorry, after that, it was more likely that I would divert that person - I would still take the call but I would divert that person to Paul Smith, as he was in my chain of command and I would not take direction from anyone who wasn't my direct boss and towards the end I would sometimes ignore calls from the Construction Strategy Unit Director, and make them make that call to Paul so that I would only answer calls from Paul.

35

MR TERNOVSKI: So what happened? You either don't take the call or refer them to Mr Smith, and then what happens?

40

MS FARRINGTON: Usually, Mr Smith would then call me and -

MR TERNOVSKI: And say what?

45

MS FARRINGTON: He would ask me what we have going on and where are my inspectors, what are they doing, what jobs are they on and can I direct someone and who's the best person to take off a job and who should I send to this job?

MR TERNOVSKI: Ms Farrington, did you notice any change in this practice when Ms Burgess became the director of CCFS in 2018?

5 **MS FARRINGTON:** There was definitely more of an urgency and certainly, a lot more of what I felt was harassment from upper management to send people quickly and urgently and to remove people from other jobs, no matter what they were doing.

10 **MR TERNOVSKI:** Can you describe, Ms Farrington, the sort of language that Ms Burgess used when she called you to get you to - to try to get you to send inspectors to a particular site?

15 **MS FARRINGTON:** Yeah. It was always quite abrupt. Yeah, no sort of "Hello, how are you?", you know, the usual kind of way you would speak to a colleague that you were requesting assistance from. Very abrupt. Quite rude, and "When are they going to get there?" I've been told there's very specific information that you would not expect someone who's a couple of hundred kilometres away to know about what's wrong with a site, particularly if they're not standing there staring at it, and just - yeah, a really demanding "I don't care what they're doing," when I would try and say, "Well, I've got inspectors that aren't sitting here on their hands. They're actually at this job and that job." "I don't care what they're doing." I'd be cut off, despite what my inspectors were doing, and be told to just send someone.

25 **MR TERNOVSKI:** Could the witness be shown paragraph 28 of her statement. Can you just describe to the Commissioner what you're talking about in that paragraph.

30 **MS FARRINGTON:** So, yep, that's - the other difficulty I'd have with these phone calls was I would push back and say - and the phone calls would be accompanied with "Your inspectors should at least be writing a notice on X, Y, Z or be shutting the site down, by the sounds of it," and I would say, "We need an entry on CISR to allocate the work, but we don't only need it to allocate the work, we need it to raise notices," and I would repeat that ad nauseam, because the inspector actually raise the notices in CIS R and then attach them to a paper notice book that is in real-time. And it takes time out of the inspectors' day, but they can't raise the notice unless they've been allocated the job within CISR. So I would push back a lot on this being put into CISR, but it should be in the form of a complaint from someone who actually knows what's going on, as in the person standing on the site who's observing the contravention of the WHS Act.

40 But instead, it would usually be a one or two-liner from Helen to Assessment Services saying, "Put this in the system straight away," and this didn't happen for a very long time and I kept repeating it, so it started to happen, and Assessment Services would put down either Helen's email or what she had relayed to them over the phone and put it in as a job, and allocate it as a regional response with Helen's exact wording so that the inspectors could come back to the office immediately and start writing notices.

MR TERNOVSKI: How often would you get these calls from Ms Burgess?

5 **MS FARRINGTON:** If there was a campaign going on, as in we knew that a particular construction site was undergoing an enterprise bargaining agreement, we would be tied up for possibly two months, or the length of the project, or the length of the enterprise bargaining agreement; or we'd be left alone until the next one.

COMMISSIONER: When you say "campaign", what do you mean by that?

10 **MS FARRINGTON:** If a construction began in Cairns and they were undergoing an enterprise bargaining agreement, at the point that that started, we would start to receive calls and complaints about WHS issues. And until the enterprise bargaining agreement was struck, signed, or however we name it, we would be receiving calls and causing interference on that site, usually on a weekly basis until either the
15 project finished or the agreement was struck.

COMMISSIONER: What did that have to do with safety, that process?

20 **MS FARRINGTON:** Usually nothing. And usually the issues that we would have reported to us when we reached the site were either rectified by the PC or the PCBU that was working for the PC would have already rectified it, or were under the process of rectifying it. Therefore, we couldn't legally write a notice. Or after a few years, the complaints got to the level of ridiculousity that it was no longer about
25 serious and imminent risk; it was about toilet and sanitary bins in toilets for female employees and that would be named in CISR as a serious and imminent risk and I would be directed to send inspectors right away.

MR TERNOVSKI: You said that these calls continued while the enterprise agreement, if I understood you correctly, was being negotiated. Is that what you were
30 referring to?

MS FARRINGTON: Yes.

MR TERNOVSKI: And once it's been negotiated, I think you used the word
35 "struck"; what happens to the phone calls?

MS FARRINGTON: Well, I - I was never privy to how the agreements were - I don't know, whether they were satisfactory to the unions or not, and what was agreed upon, but I guess generally, whether we would see a black flag hanging from a tower
40 crane or not. We would generally know that we were going to be left alone for a while or not.

COMMISSIONER: Sorry, what's the significance of a black flag on the tower crane?
45

MS FARRINGTON: If a tower crane operator hangs the CFMEU flag from the tower crane, Commissioner.

COMMISSIONER: And what does that signify?

MS FARRINGTON: That they're a CFMEU site.

5

MR TERNOVSKI: And did you get calls about CFMEU sites?

MS FARRINGTON: Not generally, no.

10 **COMMISSIONER:** What did the black flag have on it?

MS FARRINGTON: It's a black flag with the CFMEU sign on it.

15 **MR TERNOVSKI:** Now, Ms Farrington, you say in your statement that Ms Burgess was directly communicating with the CFMEU. How do you know that?

20 **MS FARRINGTON:** Well, she would quote "Reilly has called or Michael or Royce have called me," and this is, again, very specific detail about the contraventions on site, which was difficult to believe that anyone sitting in Brisbane would know that contravention, had they not visited Cairns, you know, five minutes ago. But, yeah, quoting directly that that organiser had called her.

COMMISSIONER: When you say "difficult", how difficult to know?

25 **MS FARRINGTON:** Missing cliplocks from scaffolding. You have to be pretty close to the scaffolding to notice that, Commissioner. And plank scaffold - the planks between scaffold edges. Lighter mesh being on backwards. Lighter mesh has a crisscross, I guess, supports that stick to it, and otherwise, it generally just looks like shade cloth, and if it's installed the wrong way, you can see the edging. So you'd
30 have to be standing right next to a site so see lighter mesh installed incorrectly, things like that. Electrical leads and things like that you'd have to be fairly up close to see, and you know, not even a drone flying past would be able to pick that up, Commissioner.

35 **MR TERNOVSKI:** When you received these calls, did you ultimately end up sending inspectors that Ms Burgess wanted?

MS FARRINGTON: I would ultimately do it, because Paul Smith asked me to, yes.

40 **MR TERNOVSKI:** What effect did these -

COMMISSIONER: You what? You reluctantly, did you say?

45 **MS FARRINGTON:** I said "ultimately", Commissioner, sorry.

COMMISSIONER: Ultimately.

MS FARRINGTON: But "reluctantly" would be a good enough description.

COMMISSIONER: Close enough. I just couldn't hear what you'd said, sorry.

5 **MS FARRINGTON:** I'll strike the record and add "Reluctantly", please.

COMMISSIONER: No, don't do that.

MS FARRINGTON: Objection.

10

MR TERNOVSKI: Based on what you've observed, what was the impact of this, inspectors being allocated in this way on the other operations of the inspectors at the Cairns office?

15 **MS FARRINGTON:** Oh, the inspectors from - from when I started were already, I guess, reluctant to be toyed with like this, if I may use that phrase, but by the end of my time there, I believe they were burnt out from it and psychosocially damaged from it, given that we were the lead regulator on the psychosocial legislation. I believe we wrote it in Brisbane, based on our own experiences. That is the effect that
20 it had on my inspectors, that if you read through the psychosocial regulation and code of practice, that you could assign practically every paragraph of that legislation to how my inspectors were affected by it.

MR TERNOVSKI: By what, sorry?

25

MS FARRINGTON: By the way that the capture of the OIR by the unions affected their daily lives.

30 **MR TERNOVSKI:** What was the impact of that? You described how Ms Burgess would call you and then through Mr Smith ultimately and I think reluctantly, send inspectors. How did that affect the other jobs, the other operations of the office?

MS FARRINGTON: Well, it would just put us back with a lot of our work that required closing out. We'd have regional management team huddles fortnightly
35 where we would oversee all of the other work that the region was assigned and all the Operations Managers and Paul would be on a video call or a telephone call, talking about why we hadn't closed out notices or closed out response assessments, and often, it would be on the record that we hadn't got - our inspectors hadn't gotten to it, because of the union interaction and it would be noted.

40

But also - sorry, notices are written with with a compliance date and the inspector is required to return to that work site on the compliance date to ensure that that workplace has complied, and if they can't, then it makes us look really silly to not be able to return to that workplace on the compliance date and ensure that that
45 workplace has fixed whatever we called a serious and imminent risk. Because if we've said, "Oh look, you know, you've got a boiler that's about to explode and I'm writing you a notice and I want to you comply within a week and I'm going to be

back to close out this notice," because they're not there, because they don't have the capacity because of responding to union complaints - they feel silly.

5 We all look like a pack of clowns because we're not responding to serious and imminent risk and we're not following up and checking on it because we're being pulled out to look at - and at first, yeah, look, it might have been scaffold planks missing and cliplocks missing but at the end we're being pulled out to look at whether there's a sanitary bin in a toilet for a site which may or may not have women on it. So I - I could give nameless examples, but that's - if you look at the
10 psychosocial code of practice, you would see that it ticks every box.

MR TERNOVSKI: Ms Farrington, have you ever had to divert inspectors from urgent safety issues to attend to CFMEU complaints?

15 **MS FARRINGTON:** I believe so. And you'll see in my statement there's, you know, probably evidence of many, many more, but the ones that I could recall and had evidence for were, you know, one in particular which was a sort of a - a rogue asbestos removalist who we kind of had wind of doing jobs still, because he would phoenix his companies. And I'd sent Karim to a job that I was reasonably certain was
20 going to occur and I'm not sure whether he still had evidence of that or not, because clearly I don't - I don't know who you've spoken to, but I - I have definitely had to call inspectors from being on their way to see a job that I've directed them to, to go to something that wasn't - that may have looked like a serious risk at surface level, based on the complaint or the wording that Helen or Roly or whoever used, that
25 ended up not being a serious and imminent risk.

MR TERNOVSKI: Is Helen you're referring to, is that Ms Burgess?

MS FARRINGTON: Sorry, yes, Ms Burgess.
30

MR TERNOVSKI: And Roly, is that Roland couple couple?

MS FARRINGTON: Mr Cummins.

35 **MR TERNOVSKI:** The asbestos incident that you just referred to, is that what you describe at 33(a) at your statement?

MS FARRINGTON: That's right.

40 **MR TERNOVSKI:** Can you talk the Commissioner through the second example there?

MS FARRINGTON: The other one was the - if you've all had the - if you're not from Cairns, if you've had the opportunity to go past the Reilly Building, it's shaped
45 like some may say an hourglass or, as we described to the designer, much to his distaste, a Coke can that's been twisted. It's a rather odd-shaped building which we thought was a difficult building to have no scaffolding around it because of the

angles on the sides of the building and the fact that the designer wanted glass panels floor to ceiling so that the guests could look out upon The Esplanade from their rooms with no, you know, floor to ceiling, while all the joggers jog past them looking out upon them.

5

But it's large glass panelling that they're installing without scaffolding protection and they would've been installing it at a height of, I think, eight floors to 10 floors, and the glass panelling is quite large, and they were going to install it with harnesses and scissor lifts, lifting the panels up with scissor lifts and the workers on harnesses, which means that the workers have, at best, PPE and in the hierarchy of controls, PPE is the lowest. And if you have a worker installing that level of - that heavy glass panelling on a bad day, not clipped in correctly, they will fall to their death. And I had an inspector, who I recall was Inspector Duckworth at that site, looking at those issues and working with them, because he'd already written a notice on it which was overturned. So he was working with them trying to convince them to use scaffolding for safety, and I was called to remove him from that site to the middle Crystal Brook building, Flynn, which is just a little way down The Esplanade right in the middle and it's a fairly square-shaped building.

20 And the issue was around their evacuation procedure, which stated that if the patient was mobile, they could remove them via the Alimak. If the patient was immobile they could move him through the stretcher stairs, of which they had two, and if the patient needed a stretcher, they had that - and there was nothing wrong with that as a plan, but the union had issue with them removing a patient via an Alimak, which you could argue is not the way you would move a patient, but only if they were immobile, as in they needed their head, neck and back kept straight.

30 So therefore, and this is a what the if, they didn't actually have a patient that they were removing. So we were going from a "work at heights" scenario, which was serious and imminent to a potential "this could be bad" scenario, which, in my opinion, did not pose an immediate risk to life.

MR TERNOVSKI: Ms Farrington in paragraph 34, this is where you've had your correction, you describe being told by Townsville Operations Manager Tim Henderson, not Anderson, that Ms Burgess called him "fucking useless" during a phone conversation. Has she used similar language in conversations with you?

MS FARRINGTON: Similar, yeah. I don't think I have ever got called useless, though. I'd remember that.

40

MR TERNOVSKI: How did you find these interactions with Ms Burgess in terms of the impact on your own mental health and wellbeing?

MS FARRINGTON: I didn't particularly like them. I, you no, found them to be distressing, because I don't - you know, I just have a history of not particularly enjoying female hostility and so there was a point, I think I said in my statement, where I just ceased answering calls from her at all. Particularly when I had pointed

out to her so many times that Paul was my manager, CISR is the way to triage these sort of complaints, and I won't be removing inspectors from serious and imminent risk to look at toilets. So, yeah, they definitely had an impact on me. But yeah, like I said, I reached a certain point where, you no, the safety hierarchy, the first - the best method of removing a risk is elimination, so I stopped answering her calls.

MR TERNOVSKI: And then I think you said she would just call your boss, Mr Smith. Is that -

10 **MS FARRINGTON:** Or she'd call Marc and Marc would call Paul and Paul would call me.

MR TERNOVSKI: Who's Marc?

15 **MS FARRINGTON:** Sorry, Mr Dennett. She would call Mr Dennett sometimes and very rarely, he would call me directly. Otherwise, he would call Mr Smith and Mr Smith would call me.

MR TERNOVSKI: Mr Dennett was the Executive Director?

20 **MS FARRINGTON:** Yes.

MR TERNOVSKI: So he was in your chain of command?

25 **MS FARRINGTON:** He was, and so if he called me directly, I would reluctantly send an inspector.

COMMISSIONER: How often did he call you?

30 **MS FARRINGTON:** Pardon?

COMMISSIONER: How often did Mr Dennett call you?

MS FARRINGTON: I would say once or twice at most, Mr Commissioner.

35 **MR TERNOVSKI:** Mr Farrington, if I can now take you through your description of some specific incidents starting as what you described to be your first interaction with CFMEU in February 2017. Can you tell the position what happened there?

40 **MS FARRINGTON:** So the James Cook University project?

MR TERNOVSKI: Yes.

45 **MS FARRINGTON:** Is that we received a call and as I said, I had a, you know, collegial relationship with Mr Twigg, having been an Operations Manager, who I'd been introduced to, so I believe I took the call directly from him, but I would have pushed him along to Mr Smith at the same time, because of my military, you know,

training, the chain of command and so forth, and I was told to send someone. But I was also still taking some training from the previous incumbent of my role, who had said that this was a contentious issue - a contentious site and that the inspectors would be wary of attending, and when I introduced - and she said that Inspector Duckworth would be the best person to send to such an event because of his knowledge of the issues that were laid out, which I can't recall, but I believe we had a tower crane potentially as my evidence.

Either way, I approached Inspector Duckworth. He seemed fairly rattled and he wanted to get himself some evidence. Like, he wanted to read the code of practice about the particular issues, the Australian Standards. I could tell he was using delaying techniques to sort of give himself some time, and that, in my opinion, was - he really wanted to delay attending the site and not wanting to go at all. So I offered him, I said, "How about I come with you? Is there a way I can come and attend the site without needing to be on the site, but just meet these officials, introduce myself and set the tone of the meeting? And he said, "Well, actually the site office is off the site. It's a little ATCO building but we can meet there and you can say g'day and meet the project manager and the officials and so on, then I can walk the site."

And he seemed to feel fairly safe about that. So I got him to sort of pack up his things and he still, you know, packed in his briefcase his Australian Standard for that issue and the code of practice for that issue, and we got - we got ourselves together. We got in the car, and as we're doing this I'm getting calls from Mr Twigg and Mr Smith asking "How are you going? Are you on your way? Who are you going with?" And so on. And we not there and we were greeted by Mr Cummins. Mr Hill was standing outside of the ATCO building -

MR TERNOVSKI: Can I just pause you there? What were you wearing?

MS FARRINGTON: I was wearing a suit jacket with heels, and a skirt.

MR TERNOVSKI: Why were you wearing that?

MS FARRINGTON: It was correct office attire at the time and I had not yet been issued my PPE.

MR TERNOVSKI: Could you go on the site wearing those clothes?

MS FARRINGTON: I would not go on site wearing those clothes, and I had made that very clear and Rob Duckworth knew that too.

MR TERNOVSKI: So where did you, in fact, attend? You started describing your arrival. Where physically did you actually attend?

MS FARRINGTON: So there was an area that we could park very adjacent to the site office and it had been raining, so Inspector Duckworth parked very close so as

not to make me walk through mud. We attended the site office, which was an ATco building near the perimeter building for the site.

MR TERNOVSKI: And who did you meet there?

5

MS FARRINGTON: Outside of the ATCO building, Roly - Mr Cummins and Mr Hill were standing waiting, while it was drizzling rain, and said words to the effect of, "You took your effin' time."

10 **MR TERNOVSKI:** And what did they say about the site?

MS FARRINGTON: Again, words to the effect of, "The whole site is effed."

MR TERNOVSKI: Was this still at the site office?

15

MS FARRINGTON: This was outside of the site office.

MR TERNOVSKI: Did you attend the actual site?

20 **MS FARRINGTON:** No. At this point, I suggested that we meet in the site office, despite it being a little cramped. We went inside the site office. Everyone introduced themselves. I set the example by saying, "I'm really happy to have met you all. I know I'm new. I know you're used to seeing Lara Caralan. I've taken her position. I would love to just set the standard in saying that it's okay to say things that, you
25 know, this scaffolding is - and I used the same wording. You can describe things in such a manner, but I would prefer you not speak to people in such a manner, because there's a big difference between saying something is effed and saying "Effing this" to a person, and everyone agreed.

30 In fact, Rob Hill looked a little confused as "Why would we say that? I don't understand what you mean," at which point, we had had a chat. They'd laid out their list of issues, which Rob - Inspector Duckworth took note of, and they went on their site walk and I waited in the site office with, I believe, the designer, until they came back.

35

MR TERNOVSKI: You describe how you then received a phone call from Mr Smith. Can you tell the Commissioner what happened there?

40 **MS FARRINGTON:** So after the site walk, which was probably quite short, 30 to 40 minutes, we got in the car. Mr - Inspector Duckworth and I, and during the ride home, or very soon after returning to the office, I received a call from Mr Smith asking me, in a voice of disbelief, had I walked around the site in a short skirt and high heels? And I said, "No, of course I didn't. I went to the site office, which was off-site," and he said "I figured as much because when I hired you, I didn't think you
45 were that stupid."

MR TERNOVSKI: And what's the significance of this call?

5 **MS FARRINGTON:** To me, it's 20 minutes from JCU to the WHSQ office, so in the amount of time it took us to shake hands with the site people and Mr Hill and Mr Cummins, get in the car and drive back to the office, somebody had had the time to ring someone, either in Brisbane or Mr Smith directly and say, "Ms Farrington - Shannon - has been walking around construction site in a short skirt and high heels, and she should be punished or fired," or whatever. It was 20 minutes of real-time that someone's spying on me and my clothing.

10 **MR TERNOVSKI:** What was the CFMEU wanting you to do at that site?

15 **MS FARRINGTON:** I believe they wanted us to shut it down. That was usually their best course of action for most sites. Their primary course of action was to request the site be shut down - prohibited.

MR TERNOVSKI: I think you just said this was usually the best course of action. What do you mean by that? Best for whom or for what?

20 **MS FARRINGTON:** That was just usually their preferred course of action, because the site had so many issues. Every site that we went to had so many issues that they would prefer the entire site be prohibited until such a time as all of the issues could be resolved.

25 **MR TERNOVSKI:** This this instance, did you shut down the site?

MS FARRINGTON: No.

MR TERNOVSKI: Why not?

30 **MS FARRINGTON:** I had no idea at this point. I had very little WHS knowledge, as you can see in my statement. I certainly did not know anything about construction, but under Inspector Duckworth's guidance, and as one of my very best inspectors, he did not have any reasonable belief that the site needed to be shut down.

35 **COMMISSIONER:** What's the significance of it being an ATCO Constructions site?

40 **MS FARRINGTON:** Well, during Inspector Duckworth's walk around, the gentleman in the ATCO hut did say they're under enterprise bargaining negotiations. Other than that, I don't know.

45 **MR TERNOVSKI:** Ms Farrington, you describe an occasion in 2017 where there was a particular interaction between Roly Cummins and Inspector Beattie. Can you describe that for the Commission?

MS FARRINGTON: Yes. Again, I believe I conducted myself along that site visit with the correct attire. We had sort of a huddle at the site office at the end of the

walk-around, at which point, Cam and Roly - Inspector Beattie, yes, Mr Cummins and Mr Hill were sitting on one side of the table and myself and the members of the PC were sitting on the other side of the table, and there was a fair amount of noise, as you can imagine, because it's a small hut, and there was some robust discussion
5 going on. And I didn't hear what Mr Cummins said, but he clearly said to Mr Beattie, in a recording that we later had, "Cam, you're effin' useless," to which Mr Beattie replied, "No, Roly, I will not take that from you." And I heard Cam said that because he said that very loudly, at which point I said, "How about we wrap up? Which
10 notices are we issuing?" And Cam stated the notices which we would be issuing, which he'd already stated. I said, "Thank you very much for your time. We're leaving," and on our way back, Cam told me what Mr Cummins had said to him. By the time we got back again, very soon after we'd returned to office, I had a call from someone - I believe it was Mr Twigg - saying that Cam, Mr Beattie - Inspector
15 Beattie's behaviour was inappropriate and aggressive towards the union officials. To which at that point, I said, "No he wasn't. He was responsive and possibly triggered, but not inappropriate. And we have recorded evidence to the effect that he was sworn at and triggered."

20 **COMMISSIONER:** I don't understand how Mr Twigg could form that view.

MS FARRINGTON: Well -

COMMISSIONER: He's in Brisbane at this stage.

25 **MS FARRINGTON:** My belief is that he was told by someone in the union that - the side of Mr Hill and Mr Cummins, that Cam has snapped at them. Mr Beattie has snapped at them and been aggressive to them. When, really, what Cam has recorded is that he'd been called effing useless by union official half his age and he has responded with, "No, I will not take that from you." And so Mr Twigg has
30 been told by one person that my inspector's been rough or rude or in some way dismissive, when, really, he's been triggered by someone who probably doesn't know how to draw a spanner, and he's responded to that, because his professional integrity was in question.

35 **COMMISSIONER:** But I don't understand why, firstly, Mr Twigg received that complaint and secondly, after receiving it, why he didn't speak to Mr Smith, the person at his level who's the Regional Director and then why either Mr Smith or Mr Twigg wouldn't have asked you and Inspector Beattie - Cam - what happened.

40 **MS FARRINGTON:** So well, I think I have a theory, Commissioner, but I think that's why we're here.

COMMISSIONER: Well, what's your theory?

45 **MS FARRINGTON:** I believe that the union officials had a direct line to someone in Brisbane and they had a - they had a number of people in the Office of Industrial

Relations who didn't play nice with them that they didn't want employed with in the Office of Industrial Relations anymore.

COMMISSIONER: And who were they?

5

MS FARRINGTON: Oh, I don't think I could name names, but I think probably Inspector Beattie was probably one of them.

COMMISSIONER: When you say you can't name names, does that mean you don't want to or you don't know everyone, or some other reason?

10

MS FARRINGTON: I don't know everyone.

MR TERNOVSKI: Ms Farrington, the next particular incident you describe is a weekend attendance in late 2018. Can you tell the Commissioner about this incident?

15

MS FARRINGTON: The weekend attendance was initiated through the on-call system and I can't recall whether I was the on-call manager or if I received the call from Mr Beattie. But either way, he, at this point, was already significantly under duress from any kind of union interaction. So whether the duty manager was myself and I - the duty manager doesn't generally attend call-outs. They get the calls, they pass it on to the inspector and the inspector attends. The decision - I guess the duty manager is the decision-maker, not - they don't attend. But had I been the duty manager, there wouldn't be an expectation that I attend, or had I - you no, either way.

20
25

MR TERNOVSKI: You said there would or there wouldn't.

MS FARRINGTON: There wouldn't. Regardless of where they are, the duty manager doesn't attend; the inspector does.

30

MR TERNOVSKI: So - sorry, go on.

MS FARRINGTON: So whether I got the call as duty manager or Cam got the call as duty inspector, I decided to attend with him.

35

MR TERNOVSKI: Why did you decide to attend with him if that's not the normal procedure?

MS FARRINGTON: To give him top cover, because I knew that he was under duress.

40

MR TERNOVSKI: What do you mean by "under duress"?

MS FARRINGTON: So if the duty manager was not me and they called me and said, "I'm sending Cam to a union interaction on a weekend," I would've said, "Cam, I'm coming with you," because I knew that he would be troubled by it, or if I was the duty manager and I got the call, I would've said, "Cam, I'm coming with you."

45

MR TERNOVSKI: Is there some assumption built into what you're describing, Ms Farrington, about what would happen at the site?

5 **MS FARRINGTON:** Yes.

MR TERNOVSKI: And what was that assumption?

10 **MS FARRINGTON:** It's the assumption that Cam would be put into a corner that he couldn't get himself out of.

MR TERNOVSKI: Put by whom?

15 **MS FARRINGTON:** Figuratively or physically. By the CFMEU or the ETU.

MR TERNOVSKI: So did you attend the site?

MS FARRINGTON: I did.

20 **MR TERNOVSKI:** And what did you observe there?

25 **MS FARRINGTON:** Oh, when we arrived, the organisers had left the site. We attended the site and signed in through the office, as is the procedure. We asked what were the issues that were presented to the PC. The issues were in alignment with the ones that were put through the on-call system, so we proceeded to that area. It's my belief that they were changing around the scaffolding, which makes sense, because you do that on a weekend when there's no workers around because it doesn't pose a risk to workers. And you are moving scaffolding, so it is less likely - less likelihood of scaffolding falling and hurting a worker, because they're scaffolders. Whatever the issue was, it had been rectified by the time we attended. We did go and have a look at another issue and at that point, Mr Hill's ute drove past the site. They stopped, got out, did not go through the site entry procedure. Came straight to the place that we were standing. And so commenced the usual, "This is what's wrong with the site. The entire site needs to be shut down," et cetera.

35 **MR TERNOVSKI:** Did they identify anything specific?

MS FARRINGTON: No.

40 **MR TERNOVSKI:** So when you say they're calling for the site to be shut down, what was the justification?

MS FARRINGTON: It was around the scaffolding being inadequate, despite the fact that it was in the process of being moved.

45 **MR TERNOVSKI:** Did you consider this to be a safety risk?

5 **MS FARRINGTON:** There were no workers on site at this point and the issue that had existed was no longer an issue. So to write a notice, there's actually - the actual part of the Act under which we write a notice states that the - there is a serious risk to the health and safety of workers and that's - as a legal person, that's the first criteria you have to tick in order to write a notice. So if there's no workers on site, the rest of the notice can't be written. So we said, "There isn't an issue anymore. There may have been an issue, but it's rectified. So, therefore, there's nothing we can to."

10 **MR TERNOVSKI:** What language did Mr Hill and Mr Cummins use?

MS FARRINGTON: "Exactly what we expect of you, to not do anything."

MR TERNOVSKI: Did you ask them to identify any specific risks that remained?

15 **MS FARRINGTON:** Always.

MR TERNOVSKI: And did they?

20 **MS FARRINGTON:** No.

MR TERNOVSKI: How did Inspector Beattie react?

25 **MS FARRINGTON:** Look, Cam was - like I said, he was pretty, at this point, agitated at any union interactions and in particular, anything with the ETU, where his expertise was brought into question, being an ex-electrician. Yeah, he was fairly reactive but, you know, in this case, I think he was just generally a little bit annoyed that the on-call duty system was being used in such a manner when it's usually only used for fatalities and very serious injuries.

30 **MR TERNOVSKI:** Was there any attention given to this after the visit from the Office of Industrial Relations?

MS FARRINGTON: "Why didn't we write notices? Why didn't we shut the site down?"

35 **MR TERNOVSKI:** Sorry, are you referring to questions?

MS FARRINGTON: Those were the questions that were posed to us in the following week, yes.

40 **MR TERNOVSKI:** Posed by whom?

45 **MS FARRINGTON:** Passed along by Mr Smith from upper management. Mr Smith made it very clear that it wasn't questions from him, but that that was being asked of him.

MR TERNOVSKI: Was this a one-off incident of a weekend attendance for what appears to be a non-urgent -

5 **MS FARRINGTON:** I believe so, although I do - I do recall there being a few in the south of NCQ where Mr Stathooles had control, I believe.

10 **COMMISSIONER:** One of the things you talked about in this incident was the need for you to go out, together with Inspector Beattie, in order to give him some protection. Mr Hayes, I think it was Mr Hayes, who you may know, inspector, 20 years' experience, after working in industry for a couple of decades before that, gave evidence of the introduction in South East Queensland, sometime before he retired - I think he retired in it 22/'23, somewhere around there - of a policy to deal with the sorts of issues that you were concerned about of sending two inspectors out, rather than the Operations Manager and the inspector. Did that policy - was that policy ever
15 introduced up here?

MS FARRINGTON: I - I actually don't recall that policy.

20 **COMMISSIONER:** Right.

MS FARRINGTON: I said to my good friends that I don't recall there of there ever being a formal policy, but there may have been, you know, a statewide email encouraging such.

25 **COMMISSIONER:** I'm not saying it was. That was just his evidence of what happened in his area, whether it was - and I might not have got his evidence perfectly correct, either.

30 **MS FARRINGTON:** Okay. Sorry, Commissioner. You didn't even ask a question and I just jumped in.

35 **COMMISSIONER:** No, no, no. I was - I did ask a question but the question might have been predicated on an assumption that was not one that you shared; that is, whether there was such a policy that you were aware of.

MS FARRINGTON: I was not. I invented it.

COMMISSIONER: Oh, you invented it?

40 **MS FARRINGTON:** Yes. Look, I - I started it. I was of the opinion that there's - when this kept occurring, I would try my very best to be there every time and it got to the point that I couldn't be, so I said, "I will not be sending out an inspector alone," and I then started sending inspectors in pairs and it sort of got taken up by the southern regions.

45 **COMMISSIONER:** Oh I see.

MS FARRINGTON: And I'm not sure if it was then put into a policy but I don't want to toot my own horn, but I was doing it before anyone else.

5 **MR TERNOVSKI:** I note the time, Commissioner. I can press on, but we're just moving to the next incident, so it probably will take me about 20 minutes, the next incident. I'm in your hands. I think we're running okay for time.

COMMISSIONER: Very well. We'll adjourn till 9.45 tomorrow.

10 **<THE HEARING ADJOURNED AT 3.26 PM**