



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURTS**

**THURSDAY, 27 AUGUST 2026
AT 10.00 AM**

DAY 47

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms G Feely – Counsel Assisting
Ms M Stone - Counsel Assisting
Mr D de Jersey KC with Ms S Amos– Counsel for the State of Queensland
Mr C O'Grady KC with Ms A Hughes - Counsel for the CFMEU
Administration
Mr A Duffy with Ms K Hillard – Counsel for Grace Grace
Amanda Yeates, Witness
John (Jack) Ryan - Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Mr Gisonda, you appear with Ms Stone as counsel assisting?

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MR GISONDA: Yes, Commissioner.

COMMISSIONER: And Mr de Jersey, you continue to appear with Ms Amos as counsel for the State of Queensland?

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MR DE JERSEY: Yes, Commissioner.

COMMISSIONER: And Mr O'Grady, you continue to appear with Ms Hughes as counsel for the administrator of the CFMEU?

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MR O'GRADY: Yes, Commissioner.

COMMISSIONER: And Mr Duffy, you continue to appear. Don't stand if you can't, Mr Duffy. I notice you've got an aid there.

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MR DUFFY: I can. Thank you.

COMMISSIONER: You continue to appear with Ms Hillard for the Honourable Grace Grace MP.

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MR DUFFY: That is so.

COMMISSIONER: Thank you. Mr Gisonda.

30 **MR GISONDA:** Thank you, Commissioner. As I explained on Tuesday, we continue this week our examination of the Centenary Bridge Upgrade Project and, more broadly, the circumstances in which the Department of Transport and Main Roads found itself from 2020. In relation to the Department of Transport and Main Roads, we've heard evidence already from deputy director-general Julie Mitchell, chief procurement officer Deanne Hawkswood, and a statement from
35 director-general Neil Scales.

COMMISSIONER: Just remind me of the first witness. What was the name of the first witness again?

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MR GISONDA: Julie Mitchell.

COMMISSIONER: I can't remember her. What was - was that recent?

45 **MR GISONDA:** Yes.

COMMISSIONER: Okay. I remember - who was the second witness again?

MR GISONDA: Deanne Hawkswood.

5 **COMMISSIONER:** I remember her. She was the secondee from - was it procurement, over to, in effect, run the BPIC - creation and the implementation from April 2020 onwards?

10 **MR GISONDA:** Yes. This might prompt your memory. Ms Mitchell crowned many decades of service in the department with one of her final days in the job of having to give evidence before you, Commissioner.

COMMISSIONER: I do remember her now. Thank you.

15 **MR GISONDA:** She has since retired.

COMMISSIONER: Yes.

20 **MR GISONDA:** And all three of these witnesses have told you, Commissioner, the same story, which is they had concerns about the application of the BPIC policy to major transport projects and tried to implement and develop a solution that took into account all relevant competing considerations; that each of them was consequently abused in the workplace by the CFMEU in a way that no worker should have to tolerate in the workplace, or indeed anywhere; and that they were left unsupported, at least in any meaningful way, by their superiors in
25 circumstances where the policy parameters that had been put in place had created the very toxic environment in which these public servants unwillingly found themselves.

30 And the first witness this morning continues that story, Commissioner. Amanda Yeates has had a distinguished career, spanning more than 30 years in major transport infrastructure and government leadership. This included over a decade with the Department of Transport and Main Roads, and it included roles as executive director, deputy regional director, regional director, general manager and then deputy director-general. And that's a promotion every couple of years or
35 so. It is the career trajectory that one associates with a public servant who ends up as a secretary or director-general of a government department.

40 And it will be readily apparent to you, Commissioner, that when you hear from the witness, that you have before you a woman who is highly competent, highly intelligent and highly capable - in short, precisely the sort of person that the State of Queensland would want serving in a leadership position in one of its departments of state. But instead, her career as a public servant was cut short when her tenure came to an abrupt end in July of 2022, and the reason her
45 promising career as a public servant came to an end, as will become apparent, is the behaviour of the CFMEU. That behaviour, which you will hear about this morning, was disturbing, it was creepy, it was inexcusable, and it is hard to think of any circumstances that would in any way justify that behaviour perpetrated

against Ms Yeates, whether that behaviour took place in or outside of the workplace.

5 But just to be clear, Ms Yeates was an entirely innocent victim in all this. She was a model public servant, acting without fear or favour, with an unblemished record. And so with those introductory remarks out of the way, Commissioner, could I call our first witness this morning, Ms Amanda Yeates.

10 **COMMISSIONER:** Is Ms Yeates in the body of the hearing room? Ms Yeates, will you come forward into the witness box, please.

<AMANDA LOUISE YEATES, AFFIRMED

15 **<EXAMINATION BY MR GISONDA**

COMMISSIONER: Thank you, Ms Yeates. Mr Gisonda.

MR GISONDA: Thank you. Good morning, Ms Yeates.

20 **MS YEATES:** Good morning.

MR GISONDA: Could you please tell the Commissioner your full name.

25 **MS YEATES:** My name is Amanda Louise Yeates.

MR GISONDA: And you affirmed a statement, did you, on 24 August 2026 for this Commission?

30 **MS YEATES:** Yes, I did.

MR GISONDA: And that statement is there, at least the first page and the last page, on the screen, and you can confirm, can you, that the statement is 14 pages long and comprises 117 paragraphs?

35 **MS YEATES:** Yes, I can confirm that.

MR GISONDA: And can we please turn to paragraph 17, which is on page 2. And if we focus on the last sentence in particular, you say there that:

40 "In circumstances where labour is generally about 30 per cent of the cost of delivering a civil construction project, the effective doubling of wages across a \$27 million infrastructure project becomes a significant issue."

45 Should "million" instead read as "billion"?

MS YEATES: Yes, it should.

MR GISONDA: Save for that correction, is your statement otherwise true and correct?

MS YEATES: Yes, it is.

MR GISONDA: I tender that statement, Commissioner.

COMMISSIONER: Are there any objections? Witness statement of Amanda Louise Yeates, 24 August 2026, 14 pages, 117 paragraphs, as amended just now in the witness box at paragraph 17, will be ALY-1.

<EXHIBIT ALY-1 WITNESS STATEMENT OF AMANDA LOUISE YEATES, 24 August 2025, 14 PAGES, 117 PARAGRAPHS, AS AMENDED IN WITNESS BOX AT PARAGRAPH 17

MR GISONDA: Ms Yeates, could you please tell the Commissioner what year, or approximately what year, did you join the public service?

MS YEATES: I joined the public service in 1995.

MR GISONDA: And could you briefly explain to the Commissioner the roles that you had, at least initially, within the department?

MS YEATES: Within the Department of Transport and Main Roads? I came in as the executive director statewide planning. Not long after that I moved over into the deputy regional director role with Metropolitan Region. Then the regional director North Coast Region, and then the general manager of the statewide capital program and then deputy director-general.

MR GISONDA: So you started there in 2011. What were you doing in the public service before you joined the Department of Transport and Main Roads?

MS YEATES: Prior to Department of Transport and Main Roads, I worked in what is now the Department of State Development but at the time was called DEEDI, and I was doing statewide planning.

COMMISSIONER: What does that mean, statewide planning? Before you joined the Department of Main Roads as the executive director of statewide planning, you were doing statewide planning in another department?

MS YEATES: Correct, yes.

COMMISSIONER: Just explain to me what that means.

MS YEATES: So in the Department of Transport and Main Roads, the statewide planning that we were doing was specifically in relation to the transport network.

In the Department of State Development, it was a broader infrastructure and urban planning role.

5 **COMMISSIONER:** And transport planning, did you say?

MS YEATES: Correct.

10 **COMMISSIONER:** In the Department of Transport and Main Roads. Is that mainly about roads or is it about all forms of transport, the planning?

MS YEATES: All forms of transport.

15 **MR GISONDA:** And what was it that led you to go from the previous department to the Department of Transport and Main Roads?

MS YEATES: So my background as a civil engineer was in transport. I had started my career in the department in the Brisbane City Council as a transport planner. I think one of the things about broader statewide planning is the transport network is either an enabler or an inhibitor to economic and social development in regions, and that was something I was very interested in being a part of, and an opportunity came up to apply for a role in the Department of Transport and Main Roads, which I took.

25 **COMMISSIONER:** Inhibitor because there's a lack of transport?

MS YEATES: Correct, yes.

30 **MR GISONDA:** And if we just look at paragraph 3 of your statement on page 1, it's correct, is it, to describe each change in role as a form of promotion for you through the ranks of the department?

MS YEATES: That's right, yes.

35 **MR GISONDA:** And in June of 2023, which was after you left, Neil Scales' appointment or tenure was not renewed, and Ms Sally Stannard was appointed the acting director-general of the department. Before she took on that role, had she also been a deputy director-general in DTMR?

40 **MS YEATES:** Yes. Sally and I were colleagues at the time. She was the deputy director-general of TransLink, which primarily dealt with public transport, and I was the deputy director-general in the infrastructure area.

MR GISONDA: And you might not recall this, but she had been a deputy director-general since December of 2021. Do you remember that?

45 **MS YEATES:** Yes, that sounds about right. She had been working in other capacities in the department, but yes, that sounds about the timeframe.

MR GISONDA: You, however, had been a deputy director-general since 2018; is that right?

5 **MS YEATES:** That's right, yes.

MR GISONDA: And can I ask you this hypothetical: if you just put the experience you had with the CFMEU to one side for the moment, had you been offered the opportunity to apply for that director-general role, is that something
10 that you would have put your hand up for?

MS YEATES: It's difficult to answer that question completely in absence of the role of the CFMEU, because that role was advertised publicly, and I absolutely chose not to apply for it because of the involvement of the CFMEU.
15

MR GISONDA: Before you started having dealings with the CFMEU, did you enjoy the work that you were doing?

MS YEATES: Yes.
20

MR GISONDA: And before you started encountering the CFMEU in your work, did you plan to stay with the department for the foreseeable future?

MS YEATES: Yes.
25

MR GISONDA: If we just look at paragraph 6 of your statement, could you just tell the Commissioner a little bit about what your role as deputy director-general for infrastructure management and delivery involved?

MS YEATES: So that program at the time was about \$27 billion over four years. That was made up of a number of very large projects. By large, I mean projects which had a value of over \$100 million. But in total, that program was in the order of about 4,000 projects right across the state, and those projects could be anything from very minor road upgrades right through to the very large
30 infrastructure projects. There were three and a half thousand staff who worked within my area of the department, as well as a number of consultants and
35 contractors who worked as our partners in delivering that program.

MR GISONDA: And that program now, as you understand it, exceeds \$40
40 billion over the -

MS YEATES: Correct.

MR GISONDA: - course of the QTRIP program?
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COMMISSIONER: That's over a four-year period?

MS YEATES: Over four years, yes.

MR GISONDA: And Ms Hawkswood, who we've already heard evidence from, was a direct report of yours?

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MS YEATES: She was, yes.

COMMISSIONER: Some information we've been given I think that came from the last budget that the '26 to '29 four-year period has government construction expenditure on infrastructure at about 120 billion over four years, just shy of that. So transport is about a third of that. Would that make sense?

10

MS YEATES: That makes sense, yes. I'm not completely familiar with those numbers as I'm no longer involved in the government, but yes, that - that makes sense.

15

MR GISONDA: And in turn, you reported directly to Mr Scales, the director-general?

20 **MS YEATES:** I did, yes.

MR GISONDA: And at all times that you were the deputy director-general, the relevant minister was the Honourable Mark Bailey?

25 **MS YEATES:** There were - there was one period where that was not the case. Minister Bailey stepped aside for a period of time, during which Minister Miles stepped in for a period of several months.

COMMISSIONER: What was the reason for that?

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MS YEATES: At the time, I believe there was an email matter that was being investigated, and Minister Bailey stepped aside during that investigation.

COMMISSIONER: I see. And presumably he was cleared and he came back to ministerial duties?

35

MS YEATES: Correct.

MR GISONDA: If we could turn to paragraphs 11 to 14 of your statement, which are on page 2, and you're talking here about your early interaction with Mr Michael Ravbar, who was then the secretary of the CFMEU. And just before then, and before you started to get involved with the Transport BPIC policy, what interactions, if any, did you have with the CFMEU?

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45 **MS YEATES:** I had had limited to no - in fact, probably no interactions, it would be fair to say, prior to that - that meeting.

MR GISONDA: You talk here in your evidence about a meeting that you think happened in about early June of 2020, and you believe that that would be the first time that you met Michael Ravbar face to face?

5 **MS YEATES:** Correct.

MR GISONDA: And what do you recall happening at the start of that meeting?

10 **MS YEATES:** Mr Ravbar and Mr Ingham were both at that meeting. They both arrived quite agitated. Mr Ravbar at a point after he sat down turned to me and said, "You're a woman. Get me a glass of water."

MR GISONDA: And what was your reaction to that comment?

15 **MS YEATES:** Well, I - I haven't had that sort of behaviour since the 1980s, so I guess I was a little shocked. I - he said it loud enough that - that not everyone in the room heard, but at least certainly the people who were sitting directly around me did. I think - I was sort of looking around for somebody to pull him up on that behaviour. This was my first interaction with him, and I guess I didn't feel like I
20 was in a position to be able to pull him up. In the end, Ms van Alphen, who was sitting next to me - I think in order to defuse the situation - got up and got a jug of water and some glasses.

25 **MR GISONDA:** And Ms van Alphen, we've heard, was one of Minister Bailey's advisers at the time in his ministerial office.

MS YEATES: Correct.

30 **MR GISONDA:** Just looking at paragraph 14, you weren't the only person that Mr Ravbar made derogatory comments to that day; is that right?

MS YEATES: That is correct.

35 **MR GISONDA:** And what did he say about Minister Bailey, who - was Minister Bailey in that meeting as well -

MS YEATES: Yes, Minister Bailey was there.

40 **MR GISONDA:** And what did he say about Minister Bailey in that meeting?

MS YEATES: Mr Ravbar said, "You are a fucking shit minister."

COMMISSIONER: What did Mr Bailey say in response?

45 **MS YEATES:** Nothing.

MR GISONDA: Could I ask you some questions about the BPIC policy, please.

MS YEATES: Mmm-hmm.

5 **COMMISSIONER:** Just before you move on from there, where did this meeting take place?

MS YEATES: It took place in the boardroom of 1 William Street. We were on Level 34, I believe, or 33, from memory.

10 **COMMISSIONER:** And how long did the meeting go for?

MS YEATES: Probably an hour.

15 **MR GISONDA:** And was the reason for the meeting, as you best recall it, something to do with the BPIC policy?

MS YEATES: Correct.

20 **MR GISONDA:** Now, we've heard a lot of evidence already about that policy in these hearings. So we don't need to deal with it in the same detail that we have to date. But do you agree that it was the anticipated or planned introduction of the Transport BPIC policy that necessitated you having to engage with the CFMEU?

25 **MS YEATES:** That's right.

MR GISONDA: And that policy put the department in a degree of conflict with the CFMEU?

30 **MS YEATES:** Yes, it did.

MR GISONDA: And if you look at paragraph 15 of your statement, still on page 2, you say that in January of 2020, you received a draft discussion paper regarding the Cairns Convention Centre project and the best practice principles. And do you recall that on the Cairns Convention Centre, there had been the application of what
35 was then described as minimum conditions?

MS YEATES: Yes, that is the case.

40 **MR GISONDA:** And that was, if you like, a precursor to the BPIC policy?

MS YEATES: Correct.

45 **MR GISONDA:** And just talking about matters at a high level, did that draft discussion paper contemplate rolling out what had happened on the Cairns Convention Centre to other projects in the State of Queensland, including transport projects?

MS YEATES: Yes, it did. It contemplated projects over \$100 million in the transport program to have the same conditions.

5 **MR GISONDA:** And if we can go to the document that's currently marked ALY-3, which is an email of 30 January 2020, this is an email from yourself to Mr Scales, among others, and you begin the email by saying:

"This is very concerning. This is a significant potential risk to TMR."

10 That was your initial and immediate reaction to the discussion paper; is that right?

MS YEATES: Yes, it was.

15 **COMMISSIONER:** Sorry, what's this document, Mr Gisonda?

MR GISONDA: So I've just asked Ms Yeates about the discussion paper -

COMMISSIONER: Yes.

20 **MR GISONDA:** - in relation to the Cairns Convention Centre.

COMMISSIONER: Yes.

25 **MR GISONDA:** And this is now Ms Yeates emailing Mr Scales.

COMMISSIONER: Where do I find it?

30 **MR GISONDA:** It should be in your folder, Commissioner, but if it's not, we can hand up copies.

COMMISSIONER: Are there some annexures to the witness statement that's been admitted as ALY-1? No?

35 **MR GISONDA:** No. We've got two documents here that we're going to ask Ms Yeates about.

COMMISSIONER: I can't see anything here.

40 **MR GISONDA:** We'll hand up copies.

COMMISSIONER: No, hang on. No, that's my fault. I've got them here. Sorry. Thank you.

45 **MR GISONDA:** So if we just talk through what your view was at the time as communicated in this email, you say first that there was:

"...significant potential risk to TMR in our ability to deliver the QTRIP if changes are made to minimum conditions without us having the opportunity to consider impacts and how we would implement."

5 Are you able to tell the Commissioner or give the Commissioner any more detail about what your concern was there in that regard?

MS YEATES: Our concern was that the conditions that were applied under the minimum conditions principles were significantly higher than the conditions that we had in the civil sector; that the increased costs, particularly associated with not
10 just wages but the costs of the additional conditions that were included there, would add significant cost to the projects that we were delivering; and that we - it would risk being able to deliver those projects within the budgets that we had provided.

15 **MR GISONDA:** And is the process that if a department has a policy proposal, it would, in the first instance, subject to perhaps some limited exceptions, seek to consult with other departments to get their support or otherwise?

20 **MS YEATES:** That's my experience of the normal process, yes.

MR GISONDA: And the message you were trying to convey to Mr Scales was that your department, at that point in time, should not support this proposal?

25 **MS YEATES:** Correct.

MR GISONDA: And was the end result at that point in time that DTMR, Department of Transport and Main Roads, did not support the introduction of BPIC to transport projects over \$100 million?

30 **MS YEATES:** That was our position, yes.

COMMISSIONER: Just remind me of the chronology, Mr Gisonda. This is January 2020. Ms Hawkswood, from my recollection, went across to work for Ms
35 Yeates, seconded as the chief procurement officer, I thought, in about April 2020. There were then consultations involving representatives of DTMR and just the union, the CFMEU, up to the time of the election, and then - which I think you told me was October 2020; I could be wrong - and then in late December 2020, industry was told about the policy.

40 **MR GISONDA:** Yes.

COMMISSIONER: So what's happening here at this point, in January 2020?

45 **MR GISONDA:** The proposal is that what had happened, the process that had been applied in the Cairns Convention Centre, be rolled out to other projects in excess of \$100 million.

COMMISSIONER: I see.

5 **MR GISONDA:** And was this really the beginning of the idea, Ms Yeates, that the BPIC policy would be applied to some transport projects in Queensland?

MS YEATES: Yes.

10 **MR GISONDA:** You say at paragraph 17 of your statement, which is at the bottom of page 2, that one of the critical issues with the application of BPIC was the potential additional cost. Was that the main concern that at least you had at that time?

15 **MS YEATES:** We had two concerns at the time. One was the - the issues around the additional cost and how we would deliver the projects with the additional costs associated with BPIC. Our second concern is that - was that the civil sector largely had coverage through the AWU, and we had strong concerns that the CFMEU saw this policy as a Trojan horse to force the civil sector to deal with CFMEU-style agreements - or agreements directly with the CFMEU.

20 **MR GISONDA:** At paragraph 18 of your statement, which is over the page at page 3, you also make reference to the National Partnership Agreement on Land Transport Infrastructure Projects. That's a funding agreement, essentially, between the State and the Federal Government; is that right?

25 **MS YEATES:** That's correct, yes.

MR GISONDA: And many projects - indeed, close to all projects - are funded in varying degrees of - varying proportions by both the State and Federal
30 Government; is that right?

MS YEATES: That's right.

35 **MR GISONDA:** And you say halfway through the paragraph that the Transport BPIC did not align with the NPA and that you considered this to be a fatal flaw in any proposed application of BPIC to transport projects. What do you mean by that statement?

40 **MS YEATES:** So those additional costs would not have been borne by - or would not have been accepted by the Federal Government, and so therefore it put at risk the funding split arrangements under the National Partnership Agreement. So especially for those projects where the government was paying the significant proportion, the 80 per cent proportion, we - it was a collaboration between the State and Federal Governments, and the application of a state-based policy had to
45 have the support of the Federal Government in order for that to work under the National Partnership Agreement.

MR GISONDA: And you say that it was your experience that the Federal Government, at least at a bureaucratic level, was not supportive of BPIC during your time with the department?

5 **MS YEATES:** Correct.

MR GISONDA: And did that essentially come down to the funding question?

10 **MS YEATES:** It did, yes.

MR GISONDA: At paragraph 20 of your statement, you say that the fact that DTMR did not support the implementation of BPIC when asked to do so by DHPW was somewhat contentious. Just so we've got the timing right, do you mean that at the start of 2020, through this discussion paper, DHPW was seeking
15 the support of DTMR and DTMR was not providing that support at that time?

MS YEATES: Yes, that's right.

20 **MR GISONDA:** Is that the period we're talking about? And why was that a contentious outcome?

MS YEATES: Generally when a policy is put to elected government through Cabinet, the - it's rare that it goes to that Cabinet process without having support of the associated departments. So generally if you take a policy to the elected
25 representatives and you don't have full support, they will certainly be asking a lot of questions as to why other - why you have one or more departments that are not supporting. So generally you would negotiate that between the departments until you got to a position of support.

30 **MR GISONDA:** If we can then go to the next document. I said there were two additional documents there in your folder, Commissioner. The second document, which is marked - yes, do you have that, the briefing note, Commissioner, that's also on the screen?

35 **COMMISSIONER:** Yes, I've got that.

MR GISONDA: This briefing note is from your department to the minister; is that right?

40 **MS YEATES:** That's correct.

MR GISONDA: And it's dated 22 or 23 April 2020. And if we look at the fourth dot point on that first page that says:

45 "This is a significant change..."

So this is a reference to the proposed introduction of BPIC to transport projects, and the briefing note says that:

5 "This is a significant change from current practice, consultation will be required with the Australian Government, the AWU and industry representatives."

Do you see that?

10 **MS YEATES:** Yes.

MR GISONDA: And as far as you're aware, before the policy was approved by the government in very late September of 2020, what consultations did take place with the Australian Government, the AWU and industry representatives?

15 **MS YEATES:** None.

MR GISONDA: Jumping over the next bullet point and looking at the -

20 **COMMISSIONER:** What were those dates again, sorry?

MR GISONDA: So this briefing note is 23 April 2020, and the policy was approved by government in very late September 2020, just before the state election.

25 **COMMISSIONER:** And no consultations with the Federal Government between those dates?

MR GISONDA: The Federal Government, AWU and industry representatives. And if we skip that bullet point that's on the screen and go to the next one, it begins "implementation of". Another piece of advice for the minister at this time was that:

35 "Implementation of the proposed measures will create disruption for industry, and is likely to have more impact on medium-sized Queensland-based companies than major tier one contractors."

40 You understood, did you, that some of the conditions that were being sought to be part of BPIC could be absorbed by tier 1 contractors; it was the smaller contractors, some of which are in regional Queensland, that would struggle to absorb some of these conditions. Is that right?

MS YEATES: Correct.

45 **MR GISONDA:** And then it's made clear in the final bullet point on that page that the department's early position was to not support the proposal. So that remained the case in late April of 2020, did it?

MS YEATES: That's right, yes.

5 **MR GISONDA:** And at page 4 of this document, there's a heading Financial Implications, and what you say - sorry, what the authors of this note, which included you, say at the fourth bullet point is that if you - perhaps looking first at the third bullet point, the wage rates that were in the proposed condition at that time were about 11 per cent above what tier 1 civil contractors were then paying workers on Queensland projects. Is that right?

10

MS YEATES: That's right.

15 **MR GISONDA:** And so just taking that very basic calculation, in the fourth bullet point, an 11 per cent increase in wage rates would potentially add up to \$192 million in cost over the next four years. And that's based on the fact that - I think you said QTRIP at the time was about 27 billion, but the types of projects that would be caught by BPIC, being those worth more than 100 million, had a value of about \$5 billion; is that right?

20 **MS YEATES:** That's right.

MR GISONDA: And then the last bullet point under Financial Implications says:

25 "As QTRIP is committed over the next four years, should costs increase significantly, reprioritisation options will need to be assessed."

What does that point mean?

30 **MS YEATES:** So QTRIP is - you know, as a fixed amount of money, if that is the base assumption, then if the cost of individual projects increases, there are other projects that would not be able to be delivered in order to cover the additional costs on the projects that were increasing.

35 **MR GISONDA:** At paragraph 21 of your statement on page 3, you say that at some point in 2020, the department was informed that BPIC was government policy that would apply to the Department of Transport and Main Roads and that you needed to find a way to make the policy work. Do you recall when in 2020 you received that information?

40 **MS YEATES:** I believe it was around April 2020.

45 **MR GISONDA:** And so do we take it that the advice was given on about 23 April; the advice was clear in that what the position should be from the Department of Transport and Main Roads and the minister, at least at that time; and you were told that essentially that advice would not be followed and that BPIC would be government policy?

MS YEATES: Correct.

MR GISONDA: At paragraph 22 of your statement, you say that in around June of 2020 you became responsible for implementing BPIC in the department
5 through the development of a Transport BPIC. And how did that come about? How was it that you became the person responsible for implementing this policy?

MS YEATES: Up until that point, Mr Scales, as the director-general, had been dealing directly with the CFMEU. It had got to a point where the CFMEU's
10 behaviour towards Mr Scales was escalating. Mr Scales and I had a conversation where he put - we were talking about the fact that he felt that his involvement was perhaps part of the reason that they were escalating and that we might be better to take a different position. And that position was twofold. One was that I was
15 directly responsible for the delivery of that infrastructure program, so it was felt that perhaps if I took the leadership of dealing with the CFMEU, it also provided an escalation point up to Mr Scales should there be issues that needed to be escalated. We also felt that Mr Scales removing himself from the interactions with the CFMEU might defuse the situation slightly and perhaps lead to more
20 productive discussions.

MR GISONDA: In his statement, Mr Scales says - and this is at paragraph 116 of his statement; I'll just tell you what he says - that his dealings with the union had reached a point where "Mr Ravbar would start every meeting with a tirade about me, which was confronting and upsetting". And then you say at paragraph 24 of
25 your statement, which is on the screen, in the second sentence:

"Mr Scales had previously been managing that relationship, but it had broken down. I had been in meetings with Mr Scales where the CFMEU would
30 scream at him and abuse him."

Do we take it, then, that you agree with what Mr Scales says about how his meetings with Mr Ravbar would be conducted?

MS YEATES: Yes, I agree with that statement.
35

MR GISONDA: And you say here at paragraph 24 that:

"It was an awful experience to be in these meetings."

40 Is that right?

MS YEATES: Yes.

MR GISONDA: And being in these meetings and looking at that behaviour, you
45 were witnessing, I suggest, bullying and abuse in the workplace?

MS YEATES: I was, yes.

MR GISONDA: And so how did you feel when the decision was made - and I understand you did have a conversation with him, but the decision was made that you might be a potential circuit-breaker for all this?

5

MS YEATES: Oh, at the time I perhaps felt, maybe somewhat naively, that if we changed who was leading the interactions, we might be able to have a conversation about appropriate behaviours and that we might be able to influence their behaviour - that I might be able to influence their behaviour.

10

MR GISONDA: But as you say in the remainder of paragraph 24 of your evidence, that the relationship that you then had with the CFMEU was tumultuous. Is that the word that you would use?

15 **MS YEATES:** Yes, it is.

MR GISONDA: And you say that it's something that no one should have to endure in the workplace?

20 **MS YEATES:** Correct.

MR GISONDA: Now, you had, at that point in time, personally, little to no industrial relations experience?

25 **MS YEATES:** That's right.

MR GISONDA: And those around you in the department also had little to no experience or expertise in industrial relations; is that fair?

30 **MS YEATES:** In industrial relations as it relates to the relationship between contractors and their workers and the unions, yes. We certainly had people in the department who had industrial relations experience in relation to our own workforce, but this was a different context.

35 **MR GISONDA:** And you say that you consulted with - this is at paragraph 29 of your statement now, page 4 - you consulted with the Department of Housing and Public Works and you dealt primarily with the deputy director-general, Sharon Bailey; is that right?

40 **MS YEATES:** That's right.

MR GISONDA: And your view, which you say at paragraph 29, based on your discussions with her, was that she "had a very strong view that BPIC needed to be implemented in its full form". That's the recollection you have of that time, is it?

45

MS YEATES: Yes, it is.

MR GISONDA: And Ms Julie Mitchell, when she gave evidence to this Commission, said that it was her assessment that the Department of Housing and Public Works had been captured by the CFMEU. What's your response to that suggestion by her?

5

MS YEATES: I don't know that I could comment on that statement. Certainly during our interactions with Housing and Public Works, we often made it very clear, our concerns with BPIC and its implementation in the transport sector and in our department, and certainly we also made it very clear our concerns about the CFMEU, yes.

10

MR GISONDA: The historical position had been that industrial relations on these types of projects was left to the contractors to manage?

15

MS YEATES: That's right.

MR GISONDA: And as a consequence of perhaps the limited experience or expertise held by you and those around you, you decided to engage KPMG to provide support in that regard?

20

MS YEATES: Yes.

MR GISONDA: And the particular consultant who was brought on was Mr Scott Gartrell; is that right?

25

MS YEATES: That's right.

MR GISONDA: And it's your recollection - this is at paragraph 31 - that an adviser by the name of Brett Reed in the minister's office suggested Mr Gartrell as someone who might be suitable to perform that role?

30

MS YEATES: That's right.

MR GISONDA: And you say that Mr Gartrell - and this is at paragraph 32 of your statement - was the only person that you saw Mr Ravbar and Mr Ingham speak to respectfully?

35

MS YEATES: Yes.

MR GISONDA: If we can turn to paragraph 35 of your statement, please.

40

COMMISSIONER: What do you want to do about the tender of the two documents you took the witness to earlier?

MR GISONDA: I should tender those documents, Commissioner. Thank you.

45

COMMISSIONER: What's the first one? There's an email chain from Amanda Yeates to Neil Scales and others concerning Cairns Convention Centre. Is that the best way to describe that?

5 **MR GISONDA:** Yes.

COMMISSIONER: And the other is a Department of Transport and Main Roads noting brief to the minister of 23 April 2020.

10 **MR GISONDA:** Yes.

COMMISSIONER: Are there any objections to the tender? Email chain from Amanda Yeates to Neil Scales and others, 30 January 2020, 12.07 pm, re Cairns Convention Centre, will be ALY-2.

15

<EXHIBIT ALY-2 EMAIL CHAIN FROM AMANDA YEATES TO NEIL SCALES AND OTHERS, 30 January 2020, 12.07 PM, RE CAIRNS CONVENTION CENTRE

20 **COMMISSIONER:** And Department of Transport and Main Roads Noting Brief Re Minimum Conditions on Applicable TMR Projects over 100 Million, 23 April 2020, will be ALY-3.

25 **<EXHIBIT ALY-3 DEPARTMENT OF TRANSPORT AND MAIN ROADS NOTING BRIEF RE MINIMUM CONDITIONS ON APPLICABLE TMR PROJECTS (OVER \$100 MILLION), 23 April 2020**

30 **MR GISONDA:** Now, at paragraph 35 of your statement, Ms Yeates, which is on page 5 - this is just going back to the meetings that were held with the union when Mr Scales was present - you've said that Mr Ravbar and Mr Ingham made derogatory comments to him and about him. And you asked Mr Scales why he accepted that sort of behaviour, did you?

35 **MS YEATES:** Yes, I did.

MR GISONDA: And what was his response to that question from you?

40 **MS YEATES:** It was my experience with Mr Scales that he had - he held everyone to a very high standard in terms of how they should behave, and it seemed strange to me that the CFMEU were allowed to get away with this behaviour. His response was really that he hadn't had any success in - in stopping that behaviour, and it was just the way they operated and he had to put up with it.

45 **MR GISONDA:** And what was your view about their treatment of Mr Scales as you witnessed it?

MS YEATES: It was appalling.

COMMISSIONER: Why do you say that?

5 **MS YEATES:** He was - Mr Scales would be sworn at from the minute the CFMEU representatives would walk in the room, and he would be sworn at and abused pretty much throughout every meeting.

10 **MR GISONDA:** You then say at paragraph 36 that you met with Mr Ravbar and Mr Ingham several more times without Mr Scales being present, and that was, I take it, because the decision had been made that in an attempt to de-escalate or defuse the situation, Mr Scales might step out of the dealings with the union?

MS YEATES: Yes.

15 **MR GISONDA:** And at paragraph 37, you talk about your experience with normal stakeholder engagement. What is your - which you accept can be robust from time to time. Just tell the Commissioner your observations or reflections on what normal stakeholder engagement looks like in your industry.

20 **MS YEATES:** So throughout my career I've been involved in stakeholder engagement processes with stakeholders who can become quite emotional and upset about - and very passionate about the things that they want to discuss with us as a department, and it had been my experience that establishing a set of ground rules for those conversations where we talked about listening to each other and
25 really - really hearing what the others have to say and being respectful was often a successful way of de-escalating what could become quite tense situations.

MR GISONDA: You conclude paragraph 37, however, by saying that you just weren't able to achieve normalised stakeholder discussions with Mr Ingham or Mr
30 Ravbar at any time?

MS YEATES: That's right.

35 **MR GISONDA:** And if we could bring up paragraph 38 on the screen, what's an example of some of the things that Mr Ingham, for example, would say to you and Ms Hawkswood?

MS YEATES: At various times he would call us incompetent, lazy, fat cats. The worst escalation was when he called us cunts.
40

COMMISSIONER: How often did he do that?

MS YEATES: Oh, there were two meetings where I was subjected to that at least four times, on two separate occasions.
45

COMMISSIONER: How did you react to that?

5 **MS YEATES:** In the first meeting, it was just myself, and Ms Hawkswood was not with me at that meeting. That was the meeting where I was attempting to establish some ground rules so that we could have productive discussions. And at that meeting, at the end of that meeting, I - well, towards the end of that meeting, after I had been called that a few times, I did suggest to both Mr Ingham and Mr Ravbar that speaking to me like that was unacceptable, and Mr Ingham said, "If you're going to act like a cunt, that's how I'll treat you."

10 **COMMISSIONER:** Was there anyone else in the meeting apart from you and Mr Ingham and Mr Ravbar?

MS YEATES: No. No.

15 **MR GISONDA:** So at paragraph 39 of your statement, Ms Yeates, you talk about this meeting being at the CFMEU's offices in Bowen Hills, and from your recollection, that's the first time you met Mr Ravbar and Mr Ingham without Mr Scales?

20 **MS YEATES:** Yes, that's correct.

25 **MR GISONDA:** And you say that at the outset of the meeting you were going to set the rules of engagement going forward, that you would not be sworn at, and in response to that, they called you a cunt four times in the meeting, and when you told them that you would not accept that kind of behaviour, Mr Ingham said, as you've just said to the Commissioner, "Well, if you act like one, that's how I'll treat you." And in response, you got up and left the meeting; is that right?

30 **MS YEATES:** The meeting that I actually got up and left was the next meeting, where it was myself and Ms Hawkswood, yes.

35 **MR GISONDA:** Right. And so that's at paragraph 40 of your statement, and that's another meeting at the Bowen Hills offices of the union, and you say on this occasion you took Ms Hawkswood with you. But you were reluctant to take her with you, were you?

MS YEATES: I was, yes.

40 **MR GISONDA:** And was that a mere feature of your concern that she would be exposed to this sort of abuse and behaviour?

MS YEATES: That's right.

45 **MR GISONDA:** But presumably - and you allude to this in this paragraph - you needed her procurement experience on hand in your discussions with the union?

MS YEATES: Yes, I did.

MR GISONDA: You say in this paragraph that you remember that you said to her beforehand that if you closed your folder, "we would not say anything" and you would just get up and leave the meeting. And what was Mr Ravbar and Mr Ingham's behaviour in that meeting, as you recall it?

5

MS YEATES: Dreadful.

MR GISONDA: And did they abuse you again?

10 **MS YEATES:** Yes.

MR GISONDA: And you made good on your plan with Ms Hawkswood to get up and walk out?

15 **MS YEATES:** That's correct.

MR GISONDA: And what did Mr Ingham say to you after that meeting when he rang you, as you've explained there at paragraph 41?

20 **MS YEATES:** Something to the effect of "Okay, we get it, we won't call you cunts again."

MR GISONDA: And at paragraph 42, you -

25 **COMMISSIONER:** Just before you go on to that, Mr Gisonda - earlier you answered one of Mr Gisonda's questions and you said that, in effect, you were swapped in, in replacing Mr Scales, because you thought you might be able to bring peace where there had been discord.

30 **MS YEATES:** Correct.

COMMISSIONER: And you said, looking back, you might have been a bit naive. What do you think now, looking back at your decisions to go to the CFMEU offices by yourself and meet with Mr Ravbar and Mr Ingham?

35

MS YEATES: Well, with hindsight, I can't believe I did it. It was very naive.

COMMISSIONER: What was your thinking at the time?

40 **MS YEATES:** My thinking at the time was that myself and Ms Hawkswood would have to have conversations with, at the very least, Mr Ingham, who had been put up as the person who would be our ongoing contact with the CFMEU. But that first meeting with Mr Ravbar and Mr Ingham, my thinking was that if I met them at their offices and I was able to explain to them that we would not
45 accept the sort of behaviour that I had seen in their treatment of Mr Scales, that we perhaps might be able to set some rules of engagement for the meetings moving forward with myself and Ms Hawkswood.

COMMISSIONER: At this stage, you'd been in the public service, on my calculations, for over a quarter of a century.

5 **MS YEATES:** Correct.

COMMISSIONER: Had anyone ever spoken to you like that before?

10 **MS YEATES:** I have had heated discussions before which had included colourful language, but I had never been spoken to or sworn at in the way that Mr Ingham and Mr Ravbar did.

15 **MR GISONDA:** At paragraph 42 of your statement, you explain that you - after this experience with these two meetings, you tried to shift your approach and have meetings with - have bigger meetings with more people and changed the location to DTMR offices. And do we take it from that decision that you regarded meeting either by yourself or with someone like Ms Hawkswood in the CFMEU's offices as a potentially dangerous situation?

20 **MS YEATES:** I felt very unsafe being there, yes.

MR GISONDA: And you say at paragraph 43 of your statement at page 6 that when you changed the location and the number of attendees at this meetings, that Mr Ingham's behaviour improved a little; is that fair?

25 **MS YEATES:** Yes, a little, yes.

MR GISONDA: But at no point did those interactions become professional or acceptable?

30 **MS YEATES:** That's right.

MR GISONDA: And he continued to say things to you in the meeting - in those meetings, which included "you are all fucked" and "I am going to fucking get you". Just looking at paragraph 44 of your evidence, what did you - he said that to you directly, did he?

MS YEATES: Yes.

40 **MR GISONDA:** And what did you understand him to be saying when he made those threats to you?

MS YEATES: He would make those threats in reference to other senior public servants who had left the public service, and he would point to the fact that he was responsible for getting rid of them and he would do the same to me.

MR GISONDA: And at the end of paragraph 44, what was said to you by either Mr Ravbar or Mr Ingham, if you can remember?

5 **MS YEATES:** It was Mr Ingham, and at the time, there was a director-general in Housing and Public Works. Her name was Liza Carroll. She had left the government, and Mr Ingham made reference to the fact that they had got rid of her and that they could do the same to me.

10 **MR GISONDA:** And on the flipside, at paragraph 46, he also said to you, did he, that if you did the right thing, you would have a bright future in the government?

MS YEATES: Correct.

15 **MR GISONDA:** Is it fair to say that the message he was trying to send to you was that he had your professional future in his hands?

MS YEATES: Yes.

20 **MR GISONDA:** Now, you raised this behaviour that you were experienced with Mr Scales and with the minister's office; is that right?

MS YEATES: Yes.

25 **MR GISONDA:** And if I can just ask you first about Mr Scales. You felt - and you say this at paragraph 48 - that there was empathy from him; is that fair?

MS YEATES: Yes.

30 **MR GISONDA:** But there was otherwise little that he could do.

MS YEATES: I think - Mr Scales and I had long conversations about the behaviour, about the behaviour towards him and the behaviour towards me. Mr Scales was very supportive of me formalising complaints against the CFMEU and was also very empathetic of my position that fear of retribution for me was much
35 higher than what I thought would be the outcome of any formal process.

COMMISSIONER: Say that last bit again. I just didn't follow that.

40 **MS YEATES:** Mr Scales was really supportive of me making a formal complaint against the CFMEU. Having seen the behaviours that the CFMEU had gotten away with, I was more concerned about retribution from the CFMEU if I did formalise something, and I - and that fear really was much stronger than my desire to make a formal complaint.

45 **COMMISSIONER:** So you didn't?

MS YEATES: No, I did not.

MR GISONDA: At paragraph 49 of your statement, in the first sentence, you talk about the reaction of Minister Bailey when you raised your complaint about the CFMEU's behaviour.

5

MS YEATES: Yes.

MR GISONDA: And what did he say to you in response to your complaint?

10 **MS YEATES:** I felt that he was empathetic to a point. I felt that he was perhaps suggesting that this was just the way they operated and that it was - what he really wanted was for me to keep them happy.

15 **MR GISONDA:** And then in relation to his staff, that is, Mr Bailey's staff, which you also talk about at paragraph 49, what did they tell you in response to your complaint?

20 **MS YEATES:** So whether it was Mr Ravbar or Mr Ingham I'm not sure, but somebody made the minister's office aware that Ms Hawkswood and I had walked out of a meeting after some poor behaviour, and it was made clear to me that walking out of a meeting with the CFMEU would be unacceptable under any circumstances.

25 **COMMISSIONER:** Did you explain the context of you leaving the meeting to the minister?

MS YEATES: Yes, I did, yes.

30 **COMMISSIONER:** Did you explain that you had been - both of you had been called cunts?

MS YEATES: Yes.

35 **MR GISONDA:** And the point was made, was it, as you say in paragraph 49, that you should seek to de-escalate?

MS YEATES: Yes.

40 **COMMISSIONER:** I don't quite understand how you could do that in those circumstances.

MS YEATES: That was a challenge I also faced. I had - I felt I had no ability to de-escalate that situation.

45 **COMMISSIONER:** What did you think of this advice that the minister's staff were giving you, given you'd explained the full context of the reason for you leaving the meeting?

MS YEATES: I felt there was a perception that - almost a, you know, "This is all just for show. It's a bit of showmanship. Put up with that and then get to the heart of the real issues and just have discussions around the BPIC and keep them happy."

MR GISONDA: It certainly sounds like you were a victim of abuse by the CFMEU at this point. Is that how you felt?

MS YEATES: Yes.

MR GISONDA: Now, the BPIC policy was approved in October - you say it was approved in October 2020. I think it was actually very late in September, but whenever it was, a decision was made by the government that it would apply to the Gold Coast Light Rail Stage 3 project; is that right?

MS YEATES: Yes.

MR GISONDA: And the Cooroy to Curra project, section D?

MS YEATES: Yes.

MR GISONDA: And that was so even though the tenders for these projects were already underway?

MS YEATES: That's right.

MR GISONDA: And in that sense, it was a retrospective application of the policy?

MS YEATES: Yes.

MR GISONDA: And we've heard evidence about both of those projects, so we don't need to deal with those now, but another project that the Transport BPIC was to apply to was the Centenary Bridge project. Do you remember that?

MS YEATES: Yes, I do.

MR GISONDA: In contrast to those previous two projects, the tender process for Centenary Bridge had not yet begun; is that right?

MS YEATES: That's right.

MR GISONDA: At paragraph 67 -

COMMISSIONER: Could I just go back to paragraph 49 for a moment. Do I understand this, that in the meeting with Minister Bailey's staff, you told them that

you'd walked out of a meeting at the union's office in Bowen Hills because Mr Ravbar and Mr Ingham had called you a cunt, and the response of Minister Bailey's staff was that you should change your ways, not Mr Ravbar and Mr Ingham?

5

MS YEATES: I think at the time that they were saying that I should - that that would just be something that would happen at the beginning and we could cut through that and just get to the point where we could do the work that we needed to do with them, yes.

10

COMMISSIONER: But was there any suggestion that they would speak to Mr Ravbar and Ingham and tell them that they should change their ways?

MS YEATES: I don't recall that being part of the conversation, no.

15

MR GISONDA: Looking at paragraph 67 of your statement on page 8, and you're now dealing in the context of the Centenary Bridge tender. It was the CFMEU's position, as communicated to you, was it, that the BPIC policy required full and mandatory compliance with a sample agreement that should be - that should accompany the tender documents given to those contractors seeking to build the Centenary Bridge upgrade?

20

MS YEATES: That's right.

25

MR GISONDA: And at paragraph 68, you say that you tried to explain that the department could not force the civil construction sector to enter into an enterprise agreement with the CFMEU?

MS YEATES: Yes, I did.

30

MR GISONDA: You made that point plain to them, did you?

MS YEATES: Yes.

35

MR GISONDA: And at paragraph 70, you say that the CFMEU was very strong and forceful, telling you that it was your job to get the civil sector to sign up to the CFMEU pattern agreement?

MS YEATES: Yes.

40

MR GISONDA: What did Mr Ravbar also say to you about what government policy was in this regard?

45

MS YEATES: So Mr Ingham strongly expressed the opinion that my job was to mandate CFMEU agreements on all civil infrastructure projects over \$100 million as part of the Department of Transport and Main Roads. He believed that he had that commitment from Minister de Brenni and Minister Bailey.

5 **MR GISONDA:** And at paragraph 71 of your statement, you say that he would say things - that's Mr Ingham - like, "The government's policy is that all civil construction jobs at DTMR should be under a CFMEU pattern agreement." Is that right?

MS YEATES: That's right.

10 **MR GISONDA:** And you then reported that back to the minister's office. And what was the response from the minister's office about that suggestion?

15 **MS YEATES:** The response from the minister's office was to always confirm the position that - that we held as the department, and that was that our job was to implement the BPIC. And they also confirmed that our job - that they had made no commitment to the CFMEU to mandate CFMEU agreements and that it was not our job to mandate CFMEU agreements.

20 **MR GISONDA:** You say at paragraph 75 of your statement on page 9 that at the request of the minister's office, the department facilitated consultation sessions between the CFMEU and the preferred tenderers on projects, including Centenary Bridge. And do you recall that, for Centenary Bridge, the preferred tenderer was a joint venture between Georgiou and the BMD Group? Do you remember that?

25 **MS YEATES:** That's right, yes.

MR GISONDA: And at paragraph 76, you remember a session, do you, with the joint venture in relation to Centenary Bridge, and what did Mr Ingham - how did he behave or what did he do in that meeting?

30 **MS YEATES:** Mr Ingham was very agitated and forceful in his view that the information that had been provided to him about how BPICs would be implemented by the preferred tenderer did not comply with his view of what good practice in BPIC application was, and he certainly made threats against people in the room and suggested that sites would be targeted.

35 **MR GISONDA:** You say at paragraph 77 of your statement that over a period of about two years, Mr Ingham visited your office about 20 to 30 times. And are you here referring to not organised or scheduled meetings but Mr Ingham turning up to your office unannounced?

40 **MS YEATES:** That's right, yes.

45 **MR GISONDA:** And just at paragraph 78, you talk about the process for when someone wanted to visit the office, that normally they would be expected to sign in at reception before being escorted up to the level that there was a meeting on. So you're talking there, are you, about the ground floor of the building and then someone would bring them up?

MS YEATES: The reception was actually on Level 6, but yes. So they would proceed to Level 6 in the lift, they would sign in, and then someone would escort them to wherever their meeting was to be held.

5

MR GISONDA: And just looking at paragraph 79 of your statement, what was Mr Ingham's practice?

MS YEATES: He would proceed directly to Level 21. So the lifts were not controlled; you could go to any floor. But once you got to those floors, they were swipe-card access, so he couldn't actually get into the offices. He would proceed directly to Level 21 and send me a text. The text would just be:

15 "In the foyer."

15

MR GISONDA: And how would you feel when you received texts like that from Mr Ingham?

MS YEATES: Well, it was a very difficult situation to be in, because I had a lot of staff who were entering and exiting the floor, and he would stand there and wait until I arrived. If I was not in the office, he would make statements like, "You're probably working from home," and some other disparaging remarks about his views about such things. He would be agitated that I was not there and available to receive his visit, and there were certainly times when I felt the only way to de-escalate the situation if I was in the office was to actually take a meeting with him.

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25

MR GISONDA: And did he tell you, did he, that he had the phone numbers of ministers and the Premier? And what was the context in which he'd make that remark?

30

MS YEATES: That was made clear to me on several occasions, that he had ministerial and the Premier's mobile numbers, and that was in the context of him telling me or directing me to do something, and when my response was that I wouldn't do that, he would say, "Fine, I'll go ring -" minister or Premier, whomever he decided at that point.

35

MR GISONDA: And then at paragraph 80, you describe what felt to you like gaslighting behaviour. Can you just explain to the Commissioner what you mean about your experience there?

40

MS YEATES: So on several of those occasions where he said he was going to contact the minister, he did in fact do that, either the minister or the ministerial staff. Any feedback that I had from ministerial staff in relation to those interactions was that Mr Ingham was extremely positive about the interactions that I was having with him, and I just felt that it was almost a tactic to just demonstrate

45

to me that he could do it, he could speak to whatever minister that he wanted to, and that he would say whatever he wanted to and that I needed to be aware of that.

5 **MR GISONDA:** At paragraphs 81 to 82 of your statement, you refer to an occasion when you received a text message from Mr Ingham and so you went and got him from the foyer and took him into your office. And you say he slammed a pile of documents down on your table, and this is in the context of the Centenary Bridge tender at the time.

10 **MS YEATES:** Yes.

MR GISONDA: Can you tell the Commissioner what you remember about that incident?

15 **MS YEATES:** Mr Ingham slammed the papers down on the meeting table and said, "This is why BMD has to go." I couldn't make sense of the papers that he had provided. There was no logic or anything that I could comprehend from what he had provided me. When I asked him what the papers represented, he said that it was safety data about BMD, and he said it demonstrated that they had the worst
20 safety record of any contractors. When I asked him where he got those papers from, he said he couldn't tell me.

MR GISONDA: He was adamant, was he, that BMD was not to be given the Centenary Bridge project, was he?

25 **MS YEATES:** He was adamant that BMD was to be removed from the tender process.

COMMISSIONER: What did he say to you about that?

30 **MS YEATES:** Exactly that. He said, "This information demonstrates that they must be removed from the tender process."

MR GISONDA: And at paragraph 82, you say this is in the context of it still
35 being a live procurement process, and so you sought to shut the conversation down. And what did he say to you - what was his remark to you if you did not take BMD out of the process as he wanted?

40 **MS YEATES:** At that point, Mr Ingham said he would stop at nothing to destroy me.

COMMISSIONER: How did you - how did that make you feel?

45 **MS YEATES:** About the same as it's making me feel right now, having to recall it. Not fabulous.

COMMISSIONER: You treated his threats as real threats?

MS YEATES: Yes.

COMMISSIONER: We normally have a break around this time, Mr Gisonda.
5 Do you want to keep going or do you want to -

MR GISONDA: Well, perhaps I'll ask you, Ms Yeates. I've probably got about
10 10 or so minutes to go. I understand it's a difficult topic that we're about to
discuss. You might just want to get it out of the way or would you - you can have
a break any time -

MS YEATES: Yes, please. No, I'd like to get it out of the way, please.

MR GISONDA: So if that suits, Commissioner, we'll just push on. At paragraph
15 85 of your statement, you say that Mr Ingham often said to you that the only way
BPIC could be properly implemented was if the CFMEU was on the tender
selection panel. What did you understand him to be suggesting about how the
process should work?

MS YEATES: So we had - you know, our procurement processes included an
20 accountability and a transparency around tendering and who was involved in the
selection of tenderers. Those people had to be appropriately skilled and
appropriately experienced. There was an accountability and a transparency that
we took very seriously. We were very mindful of probity and making sure that
25 people who didn't have conflicts wouldn't be involved - that people who had
conflicts couldn't be involved in those processes. Certainly in my mind, when Mr
Ingham suggested it, there was never, ever even a thought that that was a
possibility.

MR GISONDA: Now, Ms Yeates, I now want to ask you about the decision that
30 you made to leave the department and to leave the public service. You were, in
the middle of 2022, or approaching the middle of 2022, exhausted and worn down
with your - as a consequence of you having to deal with Mr Ingham and the
CFMEU. Is that fair?

MS YEATES: Yes, that's fair.
35

MR GISONDA: And you say that when you would meet with him, he would
40 often bring another male with him each time; is that right?

MS YEATES: Yes.

MR GISONDA: And he wouldn't introduce who that male was; he would just be
45 an anonymous man standing there or sitting there Mr Ingham in your dealings
with him?

MS YEATES: That's right. Occasionally they would be introduced, but it was always different people, and so there was no consistency about who would he bring with him.

5 **MR GISONDA:** And you felt intimidated by that, did you?

MS YEATES: Yes.

MR GISONDA: And at paragraph 98, you say that:

10

Between March and May of 2022, there were three or four occasions where comments were made about my children. These comments made it apparent that the CFMEU knew who my children were, their locations and what they had been doing that day."

15

One of your children was school-aged at the time and the other was the first year of university. At paragraph 99, you say:

"The first comment was made by Mr Ingham."

20

He was speaking to you about something else, and then out of the blue, what did he say to you?

25 **MS YEATES:** He called my child by name, and he said she had played a really good game of netball that day.

MR GISONDA: And you had no idea how he knew your child's name?

MS YEATES: No.

30

MR GISONDA: And you spoke to Mr Scales about that at paragraph 100?

MS YEATES: Yes, I did.

35 **MR GISONDA:** And he advised you that you should make an official police report?

40 **MS YEATES:** Yes. Mr Scales was very upset about it and very empathetic about why I was so upset, and he certainly encouraged me to make a formal report.

MR GISONDA: But you say at paragraph 100 that you were trying to find a way to rationalise or downplay the comment in your own mind; is that right?

45 **MS YEATES:** I was, yes.

MR GISONDA: And you were thinking that maybe it was entirely innocent, perhaps, and a member of the CFMEU also had a child playing netball. Those were some of the things were trying to come up with in your mind?

5 **MS YEATES:** I was trying to rationalise a logical reason for Mr Ingham to know as much as he did about my child's whereabouts, yes.

MR GISONDA: But deep down, did you feel that those attempts to try and justify it to yourself were - had little merit? Would you accept that?
10

MS YEATES: They were simply that: a justification to try and reconcile why this was happening.

MR GISONDA: Then you say at paragraph 101 there was another occasion, and at the end of that conversation, out of the blue, Mr Ingham said something else to you about your daughter. What did he say on that occasion?
15

MS YEATES: He - he suggested that he was aware that my daughter had caught the bus, and he named the street where she caught the bus.
20

MR GISONDA: And that information was accurate, was it? She did indeed catch the bus on that street that he named?

MS YEATES: Correct. It was accurate, yes.
25

MR GISONDA: And he would just say it, you say at paragraph 102, in an offhand manner, quite casually in the conversation?

MS YEATES: Yes.
30

MR GISONDA: And it just - you say at paragraph 102, it made you feel completely ill, these comments; is that right?

MS YEATES: Yes, it did. Yep.
35

MR GISONDA: And so you made the decision, you say at paragraph 103, that as a result of what was happening, you'd organised for your school-aged child to be driven to school rather than having to catch the bus?

40 **MS YEATES:** That's right, yes.

MR GISONDA: And then after that, there's another meeting with Mr Ingham, and this is at paragraph 104. What did the man who was with Mr Ingham on that occasion - who I assume had not been introduced to you; is that right?
45

MS YEATES: Correct.

MR GISONDA: What comment did he make to you?

MS YEATES: He made a comment about my school-aged child now getting a lift to school.

5

MR GISONDA: And your other child was a P-plater at the time; is that right?

MS YEATES: Yes.

10 **MR GISONDA:** And then at paragraph 105 you say there was another incident, and there'd been a discussion about road safety in that meeting, and the man who was with Mr Ingham on that occasion - I assume this was a different man now, or was it the same man as the previous incident?

15 **MS YEATES:** No, different.

MR GISONDA: Different man. Again, he had not been introduced to you; is that right?

20 **MS YEATES:** Correct.

MR GISONDA: And he makes a throwaway comment, and what was that throwaway comment?

25 **MS YEATES:** He - his comment was around the overrepresentation of P-platers in road accidents.

MR GISONDA: You told Minister Bailey about this behaviour?

30 **MS YEATES:** Yes.

MR GISONDA: And again, he advised you to speak to the police?

MS YEATES: Yes, he did.

35

MR GISONDA: But that was the extent of his response to you?

MS YEATES: Correct.

40 **MR GISONDA:** And you say at paragraph 107 that if you took the matter further, you had a strong fear of retribution; is that right?

MS YEATES: I did.

45 **MR GISONDA:** And you made arrangements, at paragraph 109, for your eldest daughter - you said that the arrangements was that she could not drive to or from social outings or leave any outings by herself and that she could only be dropped

off and picked up by either yourself or your husband. That was a protective measure that you tried to put in place, did you, to protect your family?

5 **MS YEATES:** That's right, yes.

MR GISONDA: But because you couldn't - you were so fearful of retribution and the like and you were so scared of what was happening, what's the decision that you made?

10 **MS YEATES:** I made the decision that the only way I could make this stop was to remove myself from the public service. I - I felt that if the CFMEU no longer felt that I was a person that they could influence, that it would stop.

15 **MR GISONDA:** Standing here, it looks like to me, but did it feel like you were being - you and your family were being stalked by this organisation?

MS YEATES: That's how it felt, yes.

20 **COMMISSIONER:** How could you look at it any other way?

MS YEATES: Absolutely.

COMMISSIONER: What other explanation could there be for it?

25 **MS YEATES:** I live in a reasonably small community. When I - if I tried to rationalise it, I would say that, you know, maybe there were reasons that members of the CFMEU were in similar locations to my children. I think the problem was, whenever I tried to rationalise it, there is no rational explanation for this.

30 **COMMISSIONER:** What do you believe now?

MS YEATES: I believe that they were following my family.

35 **MR GISONDA:** I've got two further things to ask you about, Ms Yeates. The first is that you resigned just before - tell me if this is right. Just before you left DTMR, the QTRIP briefing forum at DTMR's offices had been organised; is that right?

40 **MS YEATES:** That's right, yes.

MR GISONDA: But had not yet occurred?

45 **MS YEATES:** No. I left the department in July, and the QTRIP briefing would have been held in August.

MR GISONDA: And you say that there was a meeting just before you left where Mr Ingham noted that that QTRIP forum was coming up and that it would be a

focus for him. And, Commissioner, that's the forum that we've heard evidence about.

5 **COMMISSIONER:** That's where the office was - and the meeting room was taken over by a hundred CFMEU representatives?

MR GISONDA: Yes.

10 **COMMISSIONER:** A hundred-odd.

MR GISONDA: And you said to Mr Ingham that if - this is at paragraph 112, I apologise - you said to Mr Ingham that if he was focusing on contractors aligning with the CFMEU's objectives, essentially, and his current tactics weren't working, that he should think about changing tactics. Is that what you said to him?

15 **MS YEATES:** Yes, I did.

MR GISONDA: And what was his response to that comment?

20 **MS YEATES:** He said the CFMEU only had one tactic and that was to burn the house down.

MR GISONDA: And he said that's what he - "That's what we intend to do."

25 **MS YEATES:** And that's what he intended to do, yes.

MR GISONDA: Now, finally - after you made that decision and - you took on the role of chief executive officer of Sun Central; is that right?

30 **MS YEATES:** That's right, yes.

MR GISONDA: And that was based up in the Sunshine Coast?

35 **MS YEATES:** Correct.

MR GISONDA: And they deliver small - how would you describe the projects that they had underway at that time?

40 **MS YEATES:** So we were the delivery managers for the Maroochydore City Centre. The Maroochydore City Centre is a reasonably large development project, but a development - or program, and a program that goes over many years. So the overall size of the development was about \$4 billion, but, you know, it had a timeframe through until the mid-2040s. So each individual development project there was - was - sort of sat in the - probably just below \$100-million mark.

45 **MR GISONDA:** And after you'd started in that role - you went there in 2022, did you?

MS YEATES: I did. That's correct.

5 **MR GISONDA:** And was it shortly after you started in that role that you received a visit from Mr Ingham; is that right?

MS YEATES: Yes, I did.

10 **MR GISONDA:** And was there any advance warning that he was going to come and visit you?

MS YEATES: No. I had a phone call from him, suggesting that he was driving around the city centre looking for my office.

15 **MR GISONDA:** And did you understand at least the CFMEU to have any reason to be dealing with Sun Central at that time?

MS YEATES: No.

20 **MR GISONDA:** What did you do when he said he was there at Sun Central looking for you?

25 **MS YEATES:** Well, I certainly didn't want him at my office, and so I - with two of my male colleagues from Sun Central, we walked over to a coffee shop nearby and we agreed to meet him there.

MR GISONDA: And at paragraph 116, you say that Mr Ingham said - so it's yourself; you've got two other male staff members with you?

30 **MS YEATES:** Correct.

MR GISONDA: And Mr Ingham is by himself; is that right?

35 **MS YEATES:** That's right, yes.

MR GISONDA: And he said he wanted a piece of the action, referring to Sun Central's development project. Is that what he said?

40 **MS YEATES:** Correct.

MR GISONDA: And what did one of your colleagues say to that?

45 **MS YEATES:** My colleague said that - he advised Mr Ingham that Mr Ingham probably wouldn't get out of bed for the size of the projects that we were doing here in the Maroochydore City Centre.

MR GISONDA: What did Mr Ingham say about that?

MS YEATES: Well, he seemed to be surprised that he wasn't getting the answer that he expected, and he said, "Well, I'll still be around, because I quite like surfing."

5

MR GISONDA: And was that the last time you'd heard from - that you heard from Mr Ingham?

MS YEATES: Yes.

10

MR GISONDA: I have no further questions, and there's no applications to cross-examine Ms Yeates.

COMMISSIONER: When you spoke to Minister Bailey about Mr Ingham's behaviour getting personal, what did you tell him about the nature of the comments that Mr Ingham and Mr Ingham's two sidekicks had made to you about your family?

MS YEATES: I think part of the problem at the time about the way I expressed those things is that as someone in a very senior job, I felt that the personal impacts - that I had to absorb the personal impacts on me. And with hindsight, I now think I probably underplayed their description when I spoke to Minister Bailey. I feel like I probably told him the - some of the detail of what had happened, but I feel like I probably did try to rationalise it in part of that conversation. I do feel that he at the time had said to me that if I felt unsafe or if there was behaviour that was making my family feel unsafe, that I should report it. But I just felt like that wasn't - that was going to be something that would make the situation worse, not better, was my thinking at the time.

COMMISSIONER: What do you think now, the position you're in, having, in effect, had to give up your, at that point, stellar public service career because of these behaviours of Mr Ingham and the CFMEU?

MS YEATES: Oh, look, at the time I was really disappointed and pretty angry. I fortunately have gone on to have a successful career outside of the public service. But I was pretty angry at the time, yeah.

COMMISSIONER: There's no applications to cross-examine?

MR GISONDA: No.

COMMISSIONER: Thank you very much for your evidence, Ms Yeates. You're excused.

MS YEATES: Thank you.

<THE WITNESS WAS RELEASED

MR GISONDA: Is that a convenient time for the morning adjournment?

COMMISSIONER: We'll adjourn till five minutes to 12.

5

<THE HEARING ADJOURNED AT 11.41 AM

<THE HEARING RESUMED AT 11.55 AM

10 **COMMISSIONER:** Mr Gisonda. Oh, you've had a change?

MR GISONDA: I have. I've had a change. Ms Stone has been replaced by Ms Feely, and Ms Feely will now take the next witness, which is Mr John Ryan.

15 **MS FEELY:** Thank you, Commissioner. The final witness to be called today is Mr John Ryan, also known as Jack Ryan. He's the deputy regional director for the Metropolitan Region of the Department of Transport and Main Roads. He's one of the DTMR representatives for the Centenary Bridge Upgrade Project, and he will give evidence about the procurement process, including the incorporation of the
20 best practice industry conditions into the procurement process and the selection of Georgiou and BMD as a joint venture, the cost of the project generally and certain on-site union activity.

25 Commissioner, you heard evidence last week from Mr Demartini, the representative of the contract administrator for the Centenary Bridge Upgrade Project, and you'll recall he gave evidence about the direct cost to the project as a result of the union activity was some \$12 million, and in the course of his evidence you asked whether someone could speak to the other cost components related to BPIC and market escalation, which Mr Ryan will give some evidence
30 about today. And with that -

COMMISSIONER: So as I recall the numbers - and tell me I'm wrong - the project started at about 150 mil for the build and about 100 mil for the bureaucrats - I don't mean that dismissively; there's obviously work the public
35 service do to justify that - and then that 150 mil for the build increased to around 200 and then increased from there to about 212, and the increase from about 150 to 200 was about half and half. There was a BPIC component of about 20 mil, not quite half and half, and I think it was 21 mil and an inflation increase of I think 27 mil or maybe a bit more to get to about 50 mil.

40

MS FEELY: That's right. The market escalation cost was 23 million.

COMMISSIONER: 23 million for inflation. Okay. And about 21 mil for BPIC; is that right?

45

MS FEELY: That's correct.

COMMISSIONER: So that's just over 44 mil, which gets us from around 150 to around 200, and then there was another 12 mil which Mr Demartini talked about, which was the result of the activities of the CFMEU -

5 **MS FEELY:** That's correct, Commissioner.

COMMISSIONER: - on the site, not including the impact on the staff, the psychosocial impacts. None of that is included.

10 **MS FEELY:** That's correct, Commissioner.

COMMISSIONER: Very well.

MS FEELY: I'll call Mr John Ryan now, and he's present in court.

15

COMMISSIONER: Mr Ryan, will you come into the witness box, please.

<**JOHN JOSEPH RYAN, SWORN**

20 <**EXAMINATION BY MS FEELY**

COMMISSIONER: Please take a seat, Mr Ryan. Ms Feely.

MS FEELY: Thank you, Mr Ryan. Could you please state your full name.

25

MR RYAN: John Joseph Ryan.

MS FEELY: And you provided a statement to the Commission in response to a notice dated 17 July; is that correct?

30

MR RYAN: That is correct.

MS FEELY: And if that can be - very diligent - brought up on screen. That statement runs to some 16 pages; is that correct?

35

MR RYAN: That's correct.

MS FEELY: And 118 paragraphs?

40 **MR RYAN:** That's correct.

MS FEELY: Or 117, sorry.

MR RYAN: 117.

45

MS FEELY: And it is accompanied by 21 annexures?

MR RYAN: That's correct.

MS FEELY: Which run to 487 pages; is that correct?

5 **MR RYAN:** That sounds correct.

MS FEELY: And have you had a chance to read it recently?

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

MS FEELY: Is there one amendment to be made to it at paragraph 99?

MR RYAN: I believe so, and it's a reference to some documents in the bundle.

15 **MS FEELY:** That's right. So if we go to paragraph 99, you'll see that reads:

"A copy of each of the emails referred in the table at Annexure JR-11 is at Annexure JR-12."

20 Which should just read with the deletion of "at Annexure JR-11". Is that correct?

MR RYAN: That's correct.

25 **COMMISSIONER:** Sorry, what's the amendment?

MS FEELY: The deletion of "at Annexure JR-11".

COMMISSIONER: So just "referred to in the table is at Annexure JR-12A".

30 **MS FEELY:** JR-12A. So subject to that amendment, is your statement otherwise true and correct?

MR RYAN: It is true and correct.

35 **MS FEELY:** Commissioner, I'll tender the statement and accompanying bundle of Mr John Ryan, sworn 17 July 2026.

40 **COMMISSIONER:** Are there any objections? Witness statement of John Joseph Ryan, 17 July 2026, 16 pages, 118 paragraphs, with 21 annexures, as amended just now in the witness box at paragraph 99, will be exhibit JJR-1.

45 **<EXHIBIT JJR-1 WITNESS STATEMENT OF JOHN JOSEPH RYAN, 17 July 2026, 16 PAGES, 118 PARAGRAPHS, WITH 21 ANNEXURES, AS AMENDED IN WITNESS BOX AT PARAGRAPH 99**

MS FEELY: Thank you, Commissioner. Mr Ryan, can you tell the Commissioner what your current role is?

MR RYAN: My current role is deputy regional director for Metropolitan Region for the Department of Transport and Main Roads, working in project delivery and operations under the infrastructure management division of the Department of Transport and Main Roads.

MS FEELY: And how long have you held that role for?

MR RYAN: I've held it for approximately eight years.

MS FEELY: And can you tell the Commissioner some of the other projects that you've been - I'll go back a step. Can you tell the Commissioner a little bit about your qualifications and your background?

MR RYAN: I am a qualified engineer. I'm a registered professional engineer of Queensland. My field of work is in structural and civil engineering. However, I have a working knowledge of traffic engineering, road safety and all of the elements that you'd usually find in road infrastructure or transport infrastructure.

MS FEELY: And prior to joining the Department of Transport and Main Roads, what kind of roles did you hold?

MR RYAN: Previously to the Department of Transport and Main Roads, I was in private consultancy. I ran my own small consultancy, and prior to that I was employed in other consultancies. Prior to that, I had actually worked at the Department of Transport and Main Roads out of the Townsville office as an engineer. Prior to that, I was with the Burdekin Shire Council working in their design space. And prior to that, I had conducted my own businesses in drafting and design.

MS FEELY: Thank you. Would you like to tell the Commissioner about some other of the large infrastructure projects you're responsible for in your current role as the deputy regional director for the Metropolitan Region?

MR RYAN: Certainly. The Metropolitan Region's delivery team, which I operate over the top of, runs approximately two and a half billion dollars' worth of construction work across a five-year program. We have a lot of projects that influence traffic and transport network throughout all of Brisbane. Our patch of operation is Brisbane City Council, Redlands City Council and Ipswich City Council. Current projects under construction at the moment are projects like Beams Road, which is a rail overpass, and it's circa \$400 million. Previous works that are of that ilk, of that size, are Rocklea to Darra Stage 2, which was completed prior to the start of Centenary Bridge, which in those days was \$400 million. It's probably worth something like 1.5 billion now.

COMMISSIONER: When you say "worth", it would cost 1.5 billion to build?

MR RYAN: That project cost, yes. So construction cost usually runs 60 to 70 per cent of the project cost. The maths shown here earlier about Centenary Bridge indicates there are costs outside of the major contract costs. Happy to talk about them if needed.

5

MS FEELY: And do you want to explain the role that you had in terms of the Centenary Bridge Upgrade Project?

10 **MR RYAN:** As deputy regional director, I am over the top of ensuring that the project heads towards being built. So all the steps that need to be undertaken are under my governance. I have a very large team of people that are - the region has - at the time, it had 350 people in it. We have reduced our size to about 250 at the moment. Inside the delivery team, which is the team of people who actually run the contracts, there's 70 people there, and that doesn't account for contractors
15 that we employ. So my role is to ensure the smooth and efficient operation of all those teams, with the end result of delivering projects on the ground, turning dreams into reality.

20 **MS FEELY:** And if we go to paragraph 8 of your statement, looking at the Centenary Bridge Upgrade Project, this was the first project undertaken by DTMR that incorporated the best practice industry conditions into the tender process; is that correct?

25 **MR RYAN:** That is correct.

MS FEELY: And so the Commission has heard some evidence from other witnesses about the development of those conditions, but I want to take you through the procurement process for Centenary Bridge now. You say at paragraph 9 of your statement that it followed a structured staged approach in line with the requirements. Can you explain what DTMR's usual process for procurement of a
30 project of this size would be?

MR RYAN: This project was designed by the Department of Transport and Main Roads, which is - a clarification, for some projects that are much bigger that we
35 have the contractor actually do the design. That's why you'll see the words T-I-C-C-O, TICCO, transport infrastructure contract construct only. So the procurement of this process is just purely for construction only, and in that we would usually have a two-stage process. The first stage would be in expressions of interest to see who in the construction community is interested in putting
40 forward any bids.

COMMISSIONER: Is that why there was \$100 million of departmental costs, because the design function was carried out by the department?

45 **MR RYAN:** The \$100 million you speak of is made up of many things. So there is \$25 million in design and site supervision. So that's split between AECOM as the designer, who spent somewhere in the range of \$11 million, and the ongoing

5 supervision by SMEC, S-M-E-C, who are, well, it adds up to about \$13 million for
them to do that. There are - inside that other \$100 million, there's \$5 million for
principal-arranged insurance, there's \$9 million in land resumptions, there is
approximately 10 to 15 million dollars' worth of internal TMR costs for our own
staff, noting that this has been going for - cradle to grave, through - from planning
through to delivery. There are ancillary costs that all get built into that, everything
from small contracts off to the likes of QUU, Queensland Urban Utilities, now
known as Urban Utilities, Energex to move their equipment, their assets on the
ground. There would be at least 12 to 15 smaller contracts outside the major
10 contract.

MS FEELY: Thank you. So going back to the fact that this was a
construction-only contract, at paragraph 38 of your statement you talk about the
fact that DTMR would usually use a two-envelope procurement process.
15

MR RYAN: Yes.

MS FEELY: Can you explain what the two-envelope process is and the context
of you just mentioning the two stages, so expression of interest and the requests
for tender?
20

MR RYAN: So during expression of interest, we assess the submissions made
and shortlist. In this particular case, we shortlisted to four out of the six. Two
dropped out. We then offer those four -
25

MS FEELY: I'll just take you back a step. I just want you to explain, in terms of
the usual processes that DTMR uses, the envelope 1 and envelope 2.

MR RYAN: All right. So envelope 1 and envelope 2. Envelope 1 is usually a
non-price criteria where we assess their capability and their resources to be able to
30 deliver the project, along with some other governmental stuff like purchasing
power, local supply, some key objectives that the Queensland Procurement Policy
requires us to follow. That is scored by the tender assessment panel against a
criteria of capable all the way through to highly capable. Once that scoring is
complete, it's added to an adjacent piece of scoring, which is the envelope 2,
35 which is price only, and that is the hardcore schedule of rates against the labour
and the materials and the effort required to actually do the build. So first
envelope, non-price criteria; second envelope, price only.

MS FEELY: And that would be the usual process used prior to the BPIC model?
40

MR RYAN: That's right.

MS FEELY: And we've heard some evidence from other witnesses about the
envelope 3 -
45

5 **COMMISSIONER:** I just don't understand why it's so complicated. You've got a design for a bridge that you've done internally. Why can't you just go to the market and say, "Here are the design drawings. We want it done at this quality in this timeframe. Give us your cost." And go to half a dozen businesses around the country that can build bridges. Why do you have all this process?

10 **MR RYAN:** It's probably best told by example or understanding of the Centenary Bridge. So the Centenary Bridge can be built many ways. You can do it with cranes on barges out of the river. You can -

15 **COMMISSIONER:** But that's the - the contractor does it - you've said you designed it internally, so we want to double the size, triple the size, whatever it was of the Centenary Bridge. This is what it is. This is what we want it to look like.

20 **MR RYAN:** We want to understand their methodology to make sure that the risk is where it needs to be and that the price is apportioned to that risk. If they were doing something that, again, was barges with cranes on it, that's a high-risk activity. Flooding tides, rains can affect that. Have they reflected that in their pricing? We also are very interested in the capability of people coming onto the site to make sure that they know what they're doing so that those prices in the second schedule, the second envelope, are maintained.

25 **MS FEELY:** So just coming back to the development of envelope 3, can you explain to the Commissioner what envelope 3 is?

30 **MR RYAN:** Envelope 3 contains the BPICs price, the whole BPICs price for the project, KRA-1 and the cost of executing KRA-1. At the time of putting together the tender package and undertaking the works, there were - basically a blank page for the contractor to fill out. They could actually make any submission they want. Envelopes 1 and 2 are very regimented. There's very strict questions and very much a schedule of rates and squares to be ticked and Ts to be crossed and Is to be dotted. Envelope number 3 was a submission that they would make that would be in accordance with the BPICs policy, and it was really up to them, because it wasn't mandatory as to the levels they would go to. So envelope number 3 was BPICs price for the project.

40 **MS FEELY:** And what was the genesis of envelope 3? Were you involved in the development of that as a metric of assessment in the tender process?

45 **MR RYAN:** I was. I was very heavily involved. So the genesis of envelope number 3 comes from our engineers for construction projects scheme - sorry, it's consultants for engineering projects scheme - where we have two methods of selecting them. So this is a scheme where we would usually engage a consulting firm to do a design, and it's usually not anything that's up greater than \$5 million, because design is not nearly as expensive as construction. There are two methods under that scheme, and one of them is the value method, and the other one, it's

called the qualification method, but occasionally it's referred to as the quality method.

5 And inside the quality method we assess the quality of the consultant and their capability to undertake the activity. Usually this method is use for high-risk consultancy works where there requires a high level of specialty. So we looked at that and we went, all right, we have a qualitative method of understanding a process. However, in that process, you examine the quality of the consultant before you open the price, and then you negotiate the price. It's somewhat more
10 complicated than that, but that's the - the high-level version. And when we looked at envelope number 3 for the BPICs, we thought that was an appropriate method.

MS FEELY: And so that was built into the tender process before it started?

15 **MR RYAN:** Yes, it was.

MS FEELY: And if we pull up page 6 of the bundle, we can see that first figure there under the heading 2 Tender Selection Method. That is a very simple way of explaining how this process was developed -
20

MR RYAN: That is correct.

MS FEELY: - for Centenary Bridge. Now, I want to take you through, if we go back to paragraph 13. Here you talk about the fact that the procurement process
25 commenced for Centenary Bridge with the expression of interest phase on 10 May 2021 and concluded with the letter of acceptance for the preferred tenderer in the end on 16 December 2022. So what I want to take you through now is that 19-month period, which you set out in detail in your statement. And if we go to paragraph 20 of your statement, the expressions of interest were invited from the
30 pre-qualified contractors via QTenders. Can you explain to the Commissioner what QTenders is?

MR RYAN: So QTenders is an online portal for managing documentation through tendering. It is restricted access that only pre-qualified people who are
35 registered can access certain parts of it. So when we decide the level of competency through the pre-qualification system for the project, we initiate a level of access and we communicate through our contractors through that portal. That portal, I believe, is the Department of Housing and Works. It's not our portal; it's a whole-of-government portal.
40

MS FEELY: And where it says there was pre-qualified contractors, can you explain to the Commissioner, are they DTMR's pre-qualified contractors?

MR RYAN: No, they are Australia-wide pre-qualifications, and the
45 pre-qualifications typically happen in three major parts: there is a road pre-qualification, bridge-building pre-qualification and a financial pre-qualification.

5 **MS FEELY:** If we can pull up page 26 of the bundle. So you'll see this table on the page sets out the target dates for the tender process as at early May in 2021, and I just want to take to you a couple of the dates there. So if we look down the list, we can see that tenders were going to close on 5 October 2021 and the preferred tenderer was meant to be selected by 15 November 2021 and contract finalisation would happen through mid to - early to mid-December.

10 **MR RYAN:** Yep.

MS FEELY: And construction was meant to commence by 1 February 2022, and practical completion was expected in February 2026. Is that an accurate summary of that?

15 **MR RYAN:** That's an accurate summary.

MS FEELY: And through the expression of interest phase, as you mentioned before, there were six contractors that expressed interest in the project, which are set out at paragraph 21 of your statement. And can you explain what the evaluation criteria was at the expression of interest stage?

MR RYAN: It is written there in my statement, I think.

25 **MS FEELY:** It is, and we can go to that, which is in paragraph 23, but effectively the fact it's all non-pricing criteria.

MR RYAN: Yes, it's all non-pricing criteria, yes.

30 **MS FEELY:** And as you said earlier, two contractors did not proceed past the expression of interest stage. Can you explain why contractors may not be selected to pass the expression of interest stage?

35 **MR RYAN:** They are in a competitive environment, and the submissions they make are held in comparison to others. Like I said, there is a scoring regime of capable versus highly capable, and when you're assessing these tenders, to understand against the selection criteria, which are displayed on the screen, just a couple of them, local content, best practices, workplace health and safety systems, they write their statements and they are assessed and some score better than others. There are higher scoring items and there are lower scoring items, and it's usually the ones that have to do with the actual execution of the works, the capability to do the works that are usually higher scored. It is important to note that the EOI selection process does not grade people along being not wanted for work. It is just who put the best bids in.

45 **MS FEELY:** And so after that stage is done, as you set out at paragraph - from paragraph 25 of your statement, there were a number of - there were four tenderers who were selected to request for tender, and that process started on 3 September

2021. If we can pull up page 70 of the bundle, and just maybe before we do that, can you identify the four contractors who progressed through to stage 2?

5 **MR RYAN:** Bielby Hull, the joint venture that won it, Georgiou BMD, John Holland, and - it's on the screen.

MS FEELY: No, no, that's okay.

10 **MR RYAN:** There's another one there.

MS FEELY: Fulton Hogan.

MR RYAN: Fulton Hogan. Thank you. My apologies to Fulton Hogan.

15 **MS FEELY:** Sorry, I didn't mean to make that a pop quiz.

COMMISSIONER: Do you know - just at paragraph 23 where you're assessing these six builders on non-price bases in relation to a design that you've already prepared, do you know whether private industry, if BHP is building a road or a
20 bridge at one of its mines, does it go through this sort of process of trying to assess whether companies who have been building bridges forever, like John Holland and McConnell Dowell, CPB, or do they just go straight to the - straight to looking at the last few projects that they've done, whether they've been on time and on budget, and what their proposal for this - do you have any idea?

25 **MR RYAN:** I do. Australia-wide, this is a reasonably standard process. In the Department of Transport and Main Roads Queensland -

COMMISSIONER: In the private sector, though?
30

MR RYAN: Oh, not so much in the private sector, because the value of the infrastructure isn't this high. If you were building an airport for Brisbane Airport Corporation, you would see this similar style of process. Perhaps not the expressions of interest; however, you would see a non-price criteria assessment.
35 The expressions of interest for the Department of Transport and Main Roads is driven by the cost of contractors having to prepare tenders. A tender for -

COMMISSIONER: Say that last bit again, sorry.

40 **MR RYAN:** The expressions of interest and shortlisting is primarily driven by the cost of a contractor having to prepare a bid. A bid for the Centenary Bridge in the current market would probably cost them somewhere in the range of \$200,000. So to ask the entire industry to put bids in place and only pick one is a large amount of expenditure. So the expressions of interest process is very much a
45 toned-down non-price criteria process which doesn't cost the contractors that much money to bid, and so it alleviates them of a financial burden in a many-horse race.

COMMISSIONER: It's a benefit for the industry to not have to waste a lot of money on tenders.

5 **MR RYAN:** We also get a lot of feedback from the industry about the race to the bottom, which means that lowest price wins every project and no one's considering our workmanship and our quality and our ability to do all those soft criteria around a project like communications and community management, all those things about being at the higher end of quality.

10 **MS FEELY:** And so going back just to the - stage 2 commenced on 3 September 2021, and I pulled up page 70 of the bundle, and here again we have a copy of the target dates that were set at that time. And just looking down that right-hand column, we can see that the dates at that stage for the procurement process and project delivery hadn't moved too much. So we had the close of tenders
15 happening in October '21, the contract finalisation still in that early to mid-December mark, the construction commencement in February '22 and the practical completion from 1 February 2026. Is that right?

20 **MR RYAN:** That is correct.

MS FEELY: And is it fair to say that, and if we're going to paragraphs 27 and 28 of your statement, the first time that the tenderers are asked to engage with the three-envelope process I took you through before is at that stage in stage 2?

25 **MR RYAN:** In stage 2, that is correct.

MS FEELY: And you explained before the envelope 1 is the non-price assessment.

30 **MR RYAN:** That is correct.

MS FEELY: And at paragraph 28, the weighting of that which is allocated at that stage is 30 per cent as against 70 per cent for the price criteria under envelope 2?

35 **MR RYAN:** That is correct.

MS FEELY: And that weighting is to determine the highest-ranked tenderer?

40 **MR RYAN:** That is correct.

MS FEELY: And envelope 3, I would like to go - or I'll go back. In the three-envelope process, the best practice industry conditions were incorporated not just into envelope 3 but also into envelope 1. Is that accurate?

45 **MR RYAN:** That is correct.

MS FEELY: And so if we go to pages 7 and 8 of the bundle, you've mentioned the word KRAs a number of times in your evidence, so I just want to make sure the Commissioner is aware of what those KRAs are. So if we go to the bottom of page 7 across to the top of page 8, we can see the KRAs listed there. To the
5 extent - which are the ones that incorporate BPIC? Is it only KRA-1 listed there?

MR RYAN: KRA-1.

MS FEELY: And if we go to page 9 of the bundle, this lists out some of the
10 KRA-1 items which I'll take you through, the first of which being the work profile. Can you explain to the Commissioner how this was incorporated as a BPIC target in the KRA-1?

MR RYAN: Are you asking about how it was presented in envelope 1?
15

MS FEELY: Yes.

MR RYAN: Or how it was envelope 3. Okay, because there is a linkage between the two. So KRA-1 as represented in envelope number 1 would've been a number
20 of statements of promises about how they would go about what they would do, their resilience to having more internal self-employees as opposed to labour hire. Companies that are built more on outsourcing would struggle, so they would have to represent how they would facilitate those employees. So KRA-1 in envelope 1 is a lot about their sweeping statements or promises about what they can achieve.
25 And I'm probably jumping ahead a bit. The important test is in envelope 3.

MS FEELY: Well, I'll take to you envelope 3 shortly. And going back to the Commissioner's question about why don't they just choose the lowest bid, effectively, or pick the best price for the design that's been done by the
30 department. In assessing the weighting for the criteria in this stage, can you explain to the Commissioner the priorities of DTMR as a client, being a government entity?

MR RYAN: Sorry, say again?
35

MS FEELY: Explain to the Commissioner some of the priorities of DTMR as a client, being a government entity?

MR RYAN: The priorities here for TMR are that we have competency, resilience and low risk. Many contractors tender multiple projects simultaneously, and they
40 make promises of resources and allocations of effort across many bids, and we're trying to assure ourselves in these bids that they are not marginalising themselves by overextending them. Equally, we are looking for people who have a history of undertaking work for the Department of Transport and Main Roads, not that we
45 are special or unique in what we do, but we have a very high benchmark for standards.

Our engineering and technology group, along with the rest of the Department of Transport and Main Roads, has built many very refined specifications and manuals for our operation of construction projects, and it is - it is self-evident that any contractor that comes in who's never dealt with that before will probably not make a profit on the exercise. So we want to make sure that the project runs smoothly, that the contractor keeps their head above water, doesn't find themselves in financial hardship, and that we have good confidence in the contractor.

MS FEELY: And this takes me to the close of tenders, where four conforming bids were received, and this is at paragraph 29 of your statement. And as we've just set out, up until the close of tenders or the commencement of stage 2, the project was predicted to be on time with the initial estimates of commencing construction in February '22 and practical completion by February 2026. Your statement deals with in part some of the reasons for delay of the next phase of the assessment process, which is what I want to take you through now. And the first place I'll take you is, can you explain the alternative bids that were received through the tender process for the Commissioner?

MR RYAN: I can. There were two alternative bids, a minor one and a major one. Bielby Hull joint venture submitted an alternative which was in a couple of parts. They were very technical. They were about how to do the construction of the girders. The girders can be all one piece, shipped to site, swung in by cranes, or they can be brought to site in two parts and stitched together with a concrete pour. It's a very technical piece of engineering, and it adds - it adds a non-conform - sorry, a non-consistent concrete cross-section across the beam, so we tend not to like it. It's a case of we'd rather a consistent piece of concrete all across the girder. However, we have accepted them in the past, and that was the basis - the major basis of their alternative. They did have some other minor alternatives.

The second one was by John Holland, and their alternative was much larger, and it was that instead of the original design, they proposed to do an original design which was build a brand new northbound bridge, take the current northbound and southbound bridges, which is on a shared foundation, and convert them into a single southbound bridge. So it was brand-new bridge and rehabilitate the existing infrastructure.

COMMISSIONER: Just wonder - sorry, you keep going, please.

MR RYAN: The John Holland alternative proposed to build two brand-new bridges. So that would be an extra bridge on what we were already wanting.

COMMISSIONER: I just wonder how this is relevant to our inquiry, Ms Feely. It's all very interesting, and perhaps I've distracted the witness by asking questions about whether or not the procurement process was too bureaucratic or not, and the witness seems to say it's fit for purpose, but whether it is or not, it's not really germane to our inquiry. We're really interested in two things: what impact did the

BPIC policy have on the overall cost and value for money, and two, what impact did the CFMEU's conduct have on the overall cost? So, I mean, I did introduce this by asking questions, so it's my fault, but what do I need to hear about all this for?

5

MS FEELY: The relevance of the alternative tenders which are being discussed at the moment, and I was going to move on to the unusually low bids next, is the fact it added some significant delay, and there is three reasons why the project was delayed, which the witness will speak to. That meant that tenders expired, which has contributed to some of the market escalation cost which occurred.

10

COMMISSIONER: So what? I mean, we know inflation occurred during this period, during the post-COVID period. There were delays because of the bureaucratic process. I'm not going to really get into that, am I, in the final report?

15

MS FEELY: That's so, Commissioner. I will go through -

COMMISSIONER: I'm not really in a position to and I'm not charged with inquiring into the method by which the Department of Transport and Main Roads goes about procuring projects, apart from those two aspects that I've indicated. And certainly, if that was the focus of the inquiry, I don't think I would have been appointed as the Commissioner.

20

MS FEELY: No, the relevance really is to the period of delay within the assessment process, but I'll move on from that. I will deal with one element of the delay period, which is relevant to BPICs, as you've just identified, Commissioner. So accepting that the alternative bid process added some delay between October 2021 and March 2022 and the unusually low bid process was also a contributor to delay between November '21 and December '21, I'll move on to the interactive process, which was another contributor or added some delay, and I would like to take you to paragraph -

25

30

COMMISSIONER: But why do I need to know about these delays? I'm sure there are all sorts of delays caused by all sorts of things, but I'm really only interested in the - tell me I'm wrong, and I'm happy to be told I'm wrong - I'm really only interested in the delays caused by the implementation of the BPIC policy and the costs associated with that implementation, and the delays in the costs of the - caused by the activities of the CFMEU. So some interactive bidding process caused delays. So what?

35

40

MS FEELY: The interactive process related mostly to the BPIC conditions and needing to negotiate them, which is why I was going to spend some brief amount of time on that now.

45

COMMISSIONER: All right. Okay.

MS FEELY: So after the process of - or after the joint venture, the Georgiou and BMD was ranked as the - top ranked as the tenderer for this. At paragraph 43 of your statement, you say that at that point, envelope 3 had not been opened, before the highest-ranking tenderer.

5

MR RYAN: That is correct.

MS FEELY: And that DTMR had some satisfaction - if they weren't satisfied with what was in envelope 3 when it was opened, they had a discretion to engage with the next highest-ranked tenderer. I just want to dwell on that for a minute to say what are the kind of matters that wouldn't have satisfied DTMR about an envelope 3 submission?

10

MR RYAN: Given this was a prototype project for BPICs we were somewhat -

15

COMMISSIONER: What does that mean, prototype? Does that mean the first?

20

MR RYAN: This was the first time that BPICs had been built into a contract tender. Previously the Department of Transport and Main Roads had gone to existing contracts that were on foot and asked the contractor to have variations to include BPICs. So this was the first time that the industry had gotten the opportunity to tender it or put the price in for BPICs at tender time.

25

COMMISSIONER: And instead of saying it's the first project, you used the word "prototype". Is that because you intended to roll this process out?

MR RYAN: That's exactly right.

30

COMMISSIONER: Sorry, I cut you off.

MR RYAN: That's all right.

35

MS FEELY: And so what kind of matters would have given the department concern in a tenderer's envelope 3 submission which would have engaged the discretion to engage with the next-ranked tenderer?

40

45

MR RYAN: Thank you for repeating the question. I had forgotten. We were very concerned that we weren't going to get any very good answers. There was two ends of the spectrum we were worried about. We were worried about getting a blank envelope 3 from a contractor that had performed very well in primarily envelope number 2, which was the price only, and had performed badly in envelope number 1 but still made their way to - noting that envelope number 1 had KRA-1 in it, that the price of the contract tender was so low that they'd gotten to the point where they were bidding on BPICs. So we were worried we were going to get a blank envelope, because there were some industry murmurings that they weren't supporting BPICs. Equally, we were worried that a contractor might take financial advantage of the situation and have a very, very large bid.

It still had to be value for money. There was a BPICs policy there, and we still had to maintain a level of budgetary control or maintain the desires of the department to execute the policy. So that's why the financial tension remained. If
5 there was a very close race between two parties - not that we knew that, because we only ever opened - the intention was only ever to open the best-ranked tenderers envelope 3, one at a time.

MS FEELY: And in this case, only the highest-ranked tenderer's was opened,
10 and you progressed with the Georgiou/BMD joint venture, and that process triggered a series of meetings which were known as the interactive process.

MR RYAN: Yes.

MS FEELY: And it would be fair to say that that process was the iterative
15 revision of envelope 3 to the satisfaction of both DTMR and the joint venture; is that correct?

MR RYAN: That is correct.

COMMISSIONER: How long did that interactive process run for?

MS FEELY: If we pull up paragraph 46 of the statement, does that assist with
25 the -

MR RYAN: Yes, sorry, you're asking me the question. It ran from 30 May
through to 19 September '22. So it ran for approximately five months.

COMMISSIONER: I've got three and a half on my counting.

MR RYAN: Sorry, have I done the maths wrong? Oh, yeah, three and a half,
30 okay.

MS FEELY: So there was a series of meetings that were held between the
35 department and the joint venture, which was to come to some agreement as to the items which ended up on the final version of envelope 3, which was agreed prior to contract award. And if we pull up page 260 of the bundle, it might be a bit difficult to see on screen there, Commissioner, but if we can pull up the listing down the side or put some zoom onto that, this lists out those KRA items as the
40 different components of the BPIC bid. So down on the left side, sorry. And the costs of that can be seen for each item, which is agreed between the joint venture and DTMR, is in that central column. And if we go over the page, the total figure there at the bottom of it is that 21.92 million as a total for tables 1 and 2.

MR RYAN: That is correct.

MS FEELY: So when we're talking about what the BPIC cost for this project was, that's where that figure is derived from.

MR RYAN: That's right: 21.9 million.

COMMISSIONER: No one's challenged that, have they, so far?

MS FEELY: No, Commissioner, but having the basis of that put in evidence I think is important.

COMMISSIONER: But you say additional to that, if you didn't have to go through this interactive process that BPIC required, you wouldn't have had this three and a half month delay at a time at which the industry was experiencing - I think the word that people often use is hyperinflation. Hyperescalation, I beg your pardon.

MS FEELY: Market escalation.

COMMISSIONER: Market escalation.

MS FEELY: Yes, Commissioner. And to go to page 226 of the bundle, in your statement you talk about the fact that the tender process had expired by the time you were getting to contract award and so when assessment had to be made of that market escalation. And this letter here is the costing for that, that \$23 million; is that correct?

MR RYAN: That is correct.

MS FEELY: Now, in terms of some of the other impacts that the BPIC model had on the procurement process, I would like to take to you page 262 of the bundle, which is the letter of comfort that was issued by the Department of Transport and Main Roads to the Georgiou and BMD joint venture on 26 October. Could you explain to the Commissioner the purpose of this letter?

MR RYAN: The purpose of this letter was to give to the joint venture so that they could - on the basis of facts of the matter or evidence that TMR had actually put them in a position that they were on the cusp of winning a contract so they could negotiate with the unions and the Fair Work Commission for their enterprise bargaining agreement for the job site.

COMMISSIONER: Can I just go back to the 30 November '22 letter at 226. It seems to be unchallenged evidence that close to 22 million, 21.9 million increase in costs is due to BPIC. This figure here of 23 million, what is the delay from - well, the delay is to December 2022. Where's the delay from? How many months or years has this delay - how many months' or years' delay has there been?

MR RYAN: I believe it's about a year, just over a year.

COMMISSIONER: About a year. And about a year of which maybe a quarter, maybe a third, depending how you calculate it, is due to the interactive process, which you wouldn't have had if you didn't have BPIC?

5

MR RYAN: That's correct.

COMMISSIONER: So can we say there's an additional third of 23 million or a quarter of 23 million, so somewhere between 6 and 7 million?

10

MR RYAN: It's not quite that linear.

COMMISSIONER: Right.

15 **MR RYAN:** A contractor will hold their price for a period of time, and it has a lot to do with their subcontractors. Once their subcontractors start to engage with other contractors and move offside or move away to other opportunities, they have to renegotiate those prices on the fly. So they were holding their prices for a good period of time, but the additional extra at the back-end broke that situation and
20 they would've had to restart their prices.

COMMISSIONER: Sure. But we're just trying to be -

25 **MR RYAN:** But linearly, yeah.

COMMISSIONER: Sorry?

MR RYAN: Your calculation is more than acceptable, to say a third. There's no other real way of calculating it anyway.

30

COMMISSIONER: Okay.

MS FEELY: I'll come back to envelope 3 later, but I'll go right now to paragraph 67 where you say "at the time of the contract award". What was the date that was
35 expected the project would be completed by?

MR RYAN: We were hoping for an end of 2026 completion.

40 **MS FEELY:** And as I said, I'll come back to the envelope 3 process, because it was further revised throughout the project, but I'll move now to what was actually occurring on site. And so part of your role for DTMR was to be kept informed by the joint venture of all attendances on site. Is that fair to say?

MR RYAN: Of all union attendances?

45

MS FEELY: Union attendances.

MR RYAN: That's correct.

5 **MS FEELY:** And if we go to page 269 of the bundle, you've set out in your annexures a summary in effect of every notification you received from the joint venture for CFMEU officials attending site, and over the period of 29 May 2023 to 25 May 2023, DTMR received notification at least of 81 CFMEU officials. Is that fair to say?

10 **MR RYAN:** That is correct.

MS FEELY: And in your experience, having oversight of projects of this scale, what was your impression of the level of union activity on site once the project commenced?

15 **MR RYAN:** It would've been a tenfold increase in union visits.

MS FEELY: So it was quite significant.

20 **MR RYAN:** Quite significant.

COMMISSIONER: A tenfold increase in what, sorry?

MR RYAN: Tenfold increase in union visits.

25 **MS FEELY:** As compared to your usual experience managing projects of a similar size. And is it fair to say that that level of union activity required some further reporting up DTMR's hierarchy that wouldn't usually be the case?

30 **MR RYAN:** That is correct.

MS FEELY: And I'd like to take you to some examples of DTMR's internal reporting at the time now.

35 **COMMISSIONER:** Internal reporting of what, sorry?

MS FEELY: Of the union activity that was occurring on the Centenary Bridge project.

40 **COMMISSIONER:** But can we just - you were at 67 and 68 before. Can we just go back to that and then just show 69. This is paragraphs 67 to 69. At the moment, the evidence uncontradicted is that evidence, and so you've given - you've shown a document that sets out that 21.9 million dollar - the calculations for the 21.9 million dollar increase due to BPIC. I don't think that's been challenged. A rough and ready calculation is that the delays caused by the
45 need to implement BPIC added maybe 6 or 7 million out of the extra 23 million for market escalation. So we're up to 28, 29 million for BPIC when you add B and C together, and last week Mr Demartini said - and I don't think anyone

contradicted him - there was 12 million in extra costs due to the CFMEU's conduct. So why do we need to go to this witness on the CFMEU's conduct and his calculations?

5 **MS FEELY:** Commissioner, the next step of the evidence isn't to go to the calculations itself. It's to go to the reporting of the union activity to his superiors at DTMR and to the minister to understand the extent to which the minister was being informed -

10 **COMMISSIONER:** All right.

MS FEELY: - of the various things going on on site.

15 **COMMISSIONER:** Very well.

MS FEELY: So if we go to page 438 of the bundle, this is a meeting brief that was prepared for the director-general Ms Sally Stannard for a meeting with Scott Power on 24 April 2024. And you were one of the people who endorsed this meeting minute; is that correct?

20 **MR RYAN:** That is correct.

MS FEELY: And one of the issues, if we go over to page 439 of the bundle, that's mentioned in this urgent meeting brief is the imported steel for temporary structures, and I want to ask you briefly about this issue and explain your understanding of why this issue arose that needed to be addressed and what DTMR did about it. So can you just tell the Commissioner what your understanding of the issue about the temporary steel was.

25 **MR RYAN:** The issue - the issue appeared to be that the CFMEU were undertaking a public campaign to badmouth the contractor and their supplies. They had run a campaign on the ground, and I suppose it's best to say, the issue was that the CFMEU had taken the opportunity of foreign steel to impact the project, the issue being that it wasn't Australian steel, essentially. Nothing was
35 ever technically put forward of any robustness as to what was wrong with the materials. It was just that it wasn't Australian.

MS FEELY: And that in part caused the department to conduct an audit process, and at that stage, at the end of April, what was the outcome of that audit process?
40

MR RYAN: Our audit process revealed that the materials being used were compliant. There was - there was very good alignment to the Australian standards, if not perfect alignment to the Australian standards. The manufacturing of steel is a reasonably straightforward process. While it isn't as binary as you've
45 got it right or you've got it wrong, there are shades of grey in between, but the performance, testing and the material testing of the metallurgy, of the materials, lined up to say it was acceptable. However, the Department of Transport and

Main Roads' larger focus was to make sure that the quality control methods by the contractor through their designers were all in balance and rigorous. That was to say that those people who were using the materials in their designs had assurances to themselves that the materials were satisfactory for use.

5

MS FEELY: And there's another meeting brief in which this comes up, and if we can go to page 451 of the bundle. This was an advice that was provided to the minister on 15 May, and the minister at the time was Minister Bailey; is that correct?

10

MR RYAN: That is correct.

MS FEELY: And if we go to 452 of the bundle, the -

15

COMMISSIONER: So what am I to read into this, just going back to the one we were on, 438. Am I to read - am I to infer that the minister met with Mr Power? Because this is a briefing note to him.

20

MS FEELY: No, this is a briefing note to the director-general.

COMMISSIONER: The director-general, sorry.

MS FEELY: Ms Sally Stannard, who met with Mr Scott Power.

25

COMMISSIONER: Right.

MS FEELY: And in effect, the purpose of the evidence at the moment is you would have - Commissioner, you've heard evidence about the temporary steel issue and you've seen footage of that causing significant disruption on site. It's to put it in the context that there was an audit process that was undertaken by the department that found the steel material that was being used on the site was to the standards as required.

30

COMMISSIONER: I think there's a lot of evidence to that effect, isn't there, that this argument that was being raised by the CFMEU was really a ruse to put pressure on the - on BMD in support of what Mr Gisonda set out last week as the national campaign against BMD.

35

MS FEELY: Yes, Commissioner. Now -

40

COMMISSIONER: I don't think there's any - I haven't seen any contrary evidence to suggest that -

MS FEELY: No, Commissioner.

45

COMMISSIONER: - that this wasn't anything other than an industrial tactic.

5 **MS FEELY:** It's to complete the picture that TMR was aware of the issue and had dealt with it. Now, Mr Ryan, before lunch - I'm going to take you to some matters that weren't in your statement, but you're aware of some of the evidence that was given last week in this Commission about an incident involving a worker on the project named Cody Raymond. I want to ask you some questions about when you were first made aware of this incident and ask you to explain what you were told about it at the time, and I'll ask that the exhibit which is now marked JJR-2 is brought up on screen. Can you explain to the Commissioner what this email records.

10 **MR RYAN:** This email is from myself up to my regional director and on all the way to the director-general, that summarises the information that we have to hand about the Mr Raymond incident. This bit here on the screen here is just the sending up. The part further down is where the actual story is. Would you like
15 me to go through and actually tell the story?

MS FEELY: If you could, yes.

20 **MR RYAN:** Yes, okay. So - and the dates are there, which is excellent. On 13 June at around 4 pm, a communications officer in the department's metropolitan office received a phone call on our open-to-the-public line, and from an individual identifying himself as Cody, a crane operator from the Centenary Bridge project, and that Cody was in - for want of a better term, noting I didn't take the phone call - protective custody by Georgiou, his employer, and that no one was talking to
25 him that and that he'd been accosted by Comancheros. There was more details than that. There was - he made the accusation that four security guards were Comancheros who had accosted him on the job site, and that he was threatened with burning his house down and various very bad deeds to his wife.

30 **MS FEELY:** So just going back, you didn't receive this call, but the communications officer under your supervision reported this to you?

MR RYAN: Yes - sorry.

35 **MS FEELY:** And you reported this up on the chain on 14 June?

MR RYAN: Yes. To be true and correct, the communications officer reported to his manager and his manager reported it to me and then I reported it up the chain.

40 **MS FEELY:** And it's fair to say that after this, you kind of became the point of contact for DTMR on liaising with the joint venture about the Cody Raymond incident?

45 **MR RYAN:** That's correct.

MS FEELY: And you had some engagement with employees of Georgiou, particularly Mr Donald, in a number of phone conversations.

MR RYAN: Yes.

MS FEELY: Can you tell us about the updates that he provided along the way?

5

MR RYAN: So on the day that we found out, which was 13 June, which was approximately eight days after the incident occurred, that evening, around 5 to 6 pm, I rang Mr Donald, who's the general manager of Georgiou, the employer of Mr - Cody the crane driver, and then sought assurances from him that he
10 understood what was going on and that there was action being - occurring. He did give me those assurances. He knew all about the incident, told me that most of the story that had been relayed to us, the Department of Transport and Main Roads, was being verified. It was the same story that he had, with some exceptions. Some of the details were different, and they played out later on. That was the
15 Thursday night.

On the Friday, I again rang Mr Donald and sought more assurances that progress was happening, monitoring the situation. He informed me as to investigations of compiling witness statements, interviewing Cody himself, and then of course the
20 weekend happened. I believe that I would have rung him on the Saturday, Saturday being a workday for most construction people -

COMMISSIONER: Do I really need to know about all this, though? What's the utility of all this, that Cody made a report around the same time that's broadly
25 consistent with what he told the investigators?

MS FEELY: That's right, Commissioner, and I'll tender this document into evidence now. It doesn't form part of his statement.

30 **COMMISSIONER:** Very well. So you want to get it into evidence. I see. Okay.

MS FEELY: Yes. And if that -

35 **COMMISSIONER:** Is there any - sorry.

MS FEELY: No, Commissioner.

COMMISSIONER: Is there any objection to the - I hope I've got the right one.
40 My one's got another email on top from -

MS FEELY: That's correct. It's the second email in the chain, but -

COMMISSIONER: Yes. Do you want the whole lot in, or just the -
45

MS FEELY: The complete document can go in.

COMMISSIONER: All right. Is there any objection? Email from Melanie C. Dei Rossi, Friday 14 June, 11.43 am, to various representatives of DTMR, subject matter, Confidential - Crane operator for the Centenary Bridge project site - personal safety, and associated email chain, will be -

5

MS FEELY: JJR-2.

COMMISSIONER: JJR-2.

10 **<EXHIBIT JJR-2 EMAIL FROM MELANIE C. DEI ROSSI, 14 JUNE 2023, 11.43 AM, TO VARIOUS REPRESENTATIVES OF DTMR, SUBJECT MATTER, CONFIDENTIAL - CRANE OPERATOR FOR THE CENTENARY BRIDGE PROJECT SITE - PERSONAL SAFETY, AND ASSOCIATED EMAIL CHAIN**

15

MS FEELY: Commissioner, is that a convenient time? There's a couple of other documents I'll take Mr Ryan to, but we can do that after the luncheon adjournment.

20 **COMMISSIONER:** Very well. We'll adjourn till 2 pm.

<THE HEARING ADJOURNED AT 12.57 PM

<THE HEARING RESUMED AT 2.00 PM

25

COMMISSIONER: Yes, Ms Feely.

MS FEELY: Thank you, Commissioner.

30 **COMMISSIONER:** Mr Ryan, you're going to come back into the witness box? Thank you.

MS FEELY: Thank you, Mr Ryan. I just have a few more questions for you today. Before the lunch break we were speaking about the first time you were
35 informed of the Cody Raymond incident, which was some eight days afterwards. You gave some evidence about the ongoing conversations you had with Mr Donald about that, and he gave you updates. Can you tell the Commission now about when you were informed about the outcome of that investigation?

40 **MR RYAN:** As you said, Mr Donald gave me regular updates, day by day. An initial email came from Mr Donald which summarised where the investigation was going, approximately a week after we'd heard, so that was the following Tuesday. And then a week after that, which - the dates escape me, but about a week after that Mr Donald sent me the resolution, the findings of the investigation.

45

MS FEELY: And the findings were that the allegations hadn't been substantiated or were substantiated in part?

MR RYAN: Had not been substantiated.

MS FEELY: And that was your understanding after that?

5

MR RYAN: That was our understanding.

MS FEELY: So you relied really just on the investigation that Georgiou had undertaken?

10

MR RYAN: From our view, that Georgiou had undertaken a proper - a professional investigation with interviews and witnesses, and we could find no fault or flags left up regarding the incident.

15 **MS FEELY:** And do you recall an ABC article coming out about the incident in about August of 2024?

MR RYAN: I do recall that.

20 **MS FEELY:** And you were involved in drafting a letter, which was sent to the Commissioner of Police; is that correct?

MR RYAN: That is correct.

25 **MS FEELY:** Could we have exhibit JJR-4 pulled up on screen. And if we can go to the second page. This is a copy of a letter that was sent from the director-general, Ms Sally Stannard, to the Commissioner of Police, but you had a hand in drafting it; is that correct?

30 **MR RYAN:** That is correct.

MS FEELY: I just want to take you to one thing in this letter, which is in the second paragraph it said:

35 "The department took proactive steps to investigate the claims, reinforcing our principle of transparency."

Can you tell the Commission what steps DTMR took to investigate?

40 **MR RYAN:** Well, on the back of the original investigation, in which we undertook a quality control investigation across the validity of the processes they were undertaking, we went back and reassessed our steps in that original investigation and then reaffirmed with Georgiou through Mr Donald that there was no - no creep in their outcomes, that they still stood behind those facts. Yes, there
45 was additional information being given to us with the names of the two individuals, but that was still somewhat up in the air as to what that all meant. But at the time, there was no further information that we really needed here other than

to reassure ourselves that all the steps that we knew was taken were being - sorry, the recommendations and the findings and the processes thereafter had played out.

5 **MS FEELY:** And you relied - in the sentence or two sentences prior, you relied on the assurance given by the contractor that neither Mr Bemir Saracevic or Mr Krstomir Bjelogrlc were employed on the project site; is that correct?

MR RYAN: That is correct, yes.

10 **MS FEELY:** Commissioner, I'd like to tender a copy of that letter with the accompanying email, which shows the time it was sent from the Department of Transport and Main Roads to the Commissioner of Police.

15 **COMMISSIONER:** This is the email of 26 August 2024 at 2.24 pm?

MS FEELY: That's correct, Commissioner.

20 **COMMISSIONER:** And the letter. Are there any objections? Letter from Sally Stannard, director-general DTMR, to Commissioner Steve Gollschewski, Commissioner of Police, 26 August 2024, under cover of email sent Monday 26 August 2024, 2.24 pm, will be -

MS FEELY: Better start as JJR-3 now, Commissioner.

25 **COMMISSIONER:** We're up to JJR-3?

MS FEELY: Yes.

30 **<EXHIBIT JJR-3 LETTER FROM SALLY STANNARD, DIRECTOR-GENERAL DTMR, TO COMMISSIONER STEVE GOLLSCHESKI, COMMISSIONER OF POLICE, DATED 26 AUGUST 2024 UNDER COVER OF EMAIL DATED 26 AUGUST 2024 at 2.24 PM**

35 **MS FEELY:** So after this letter was sent to the police, DTMR considered the matter was closed and no further investigation was done after that time?

MR RYAN: That is correct.

40 **MS FEELY:** Commissioner, that's the questions I have for this witness. Just to cover off that issue, there was an application to cross-examine made on behalf of the CFMEU administrator, but I understand that's no longer pressed.

45 **COMMISSIONER:** All right. In terms of - there's one other document that was provided to me that hasn't been tendered - maybe you don't want to tender it any more - from -

MS FEELY: No, Commissioner.

COMMISSIONER: - Julie Mitchell to John Ryan. Just so I understand the maths, Mr Ryan, if we can go back to paragraph 69 of your witness statement. You were in the body of the - in the hearing room when - just before you came to
5 give evidence, when you heard me discuss with Ms Feely the cost blowouts on the Centenary Bridge project?

MR RYAN: Yes.

10 **COMMISSIONER:** And your paragraph 69 doesn't include the 12 million that - I've forgotten the name of the witness, Ms Feely, last week. What was his name?

MS FEELY: Mr Demartini.

15 **COMMISSIONER:** Mr Demartini calculated as a result of the CFMEU behaviour. Assuming that we - say, 6 or 7 million out of that 23 million for market escalation can be put down to the delays caused by the need to have the iterative process as a result of BPIC, so that the BPIC - the impact of BPIC
20 becomes something closer to 28 or 29 million, do I take it that the right way to calculate the percentage cost as a result of BPIC would be that 28 or 29 million on 149 million, ie, roughly 20 per cent? Is that the way I should approach it?

MR RYAN: We usually approach it - a percentage of contract value, and that is
25 the 149.

COMMISSIONER: That's the contract value. You wouldn't add on all - actually, that other 100 million cost, which are the design costs, etcetera?

30 **MR RYAN:** When we do a business case and set this all up in the very beginning, we are looking at the total project cost. So for this one, when it was put to tender, it was 298 million or 300 million per se. We would have looked at that to try and get a ratio to figure out where we are in the marketplace, but we usually quote it against contract value as you have calculated.

35 **COMMISSIONER:** Very well. There are no applications to cross-examine this witness, because - you no longer wish to cross-examine, Mr O'Grady?

MR O'GRADY: That's the case, Commissioner.

40 **COMMISSIONER:** Where does that leave us? We're in the same position we were yesterday, that we left some time for cross-examination, but people don't want to cross-examine. Is that where we are?

45 **MS FEELY:** That's correct, Commissioner. If Mr Ryan could be excused -

COMMISSIONER: Of course. Sorry.

MS FEELY: - there's a couple of matters we want to deal with arising out of last week and earlier this week.

5 **COMMISSIONER:** Mr Ryan, thank you very much for your evidence. You're excused.

MR RYAN: Thank you, sir.

10 **<THE WITNESS WAS RELEASED**

MS FEELY: Commissioner, throughout last week, you identified that the destruction of CCTV and hindering police in their investigation may constitute two separate wrongs and asked to be addressed on what offences may give
15 rise - or that such conduct may give rise to. To that end, I'd like to address you briefly on that. And starting with an act where someone sought to delete copies of the CCTV showing an offence being committed, referring to section 129 of the Criminal Code, which creates an offence of damaging evidence with intent, the wording of that is:

20 "A person who knowing something is or may be needed in evidence in a judicial proceeding damages it with intent to stop it being used in evidence commits a misdemeanour."

25 And the maximum penalty for that is seven years' imprisonment. Critically, the wording of this provision, says "a person knowing something is or may be needed in a judicial proceeding", has been interpreted that judicial proceedings such as a criminal complaint need not yet be on foot, and so it's sufficient for the prosecution to establish that the possibility known to or believed in by the accused
30 on reasonable grounds that a judicial proceeding would occur, those reasonable grounds being matters shown to exist to the knowledge of the accused, would be sufficient.

There's been no appellate consideration in Queensland of this offence in the digital
35 age, so to the extent that it's necessary to show damage to digital evidence, some guidance could be derived from the last time it was considered substantively in 2004 in a case called Ensbey where damage was said to be rendering something illegible or indecipherable, and in that case shredding a journal of a child recording offences committed against them. Some analogy could be made to the
40 destruction of digital files if they're rendered inaccessible. But that is an open question.

Turning to the second wrong which you identified last week, Commissioner, as to whether providing information to the QPS in that November/December period of
45 2024 that the CCTV was no longer accessible - there are some potential offences which I'll outline, but similar to the previous, they're highly dependent on proving the knowledge of a given individual. And as a starting point, it's important to note

in Queensland there's no legal compulsion to assist police in investigating offences, so to the extent that BMD or its officers were not compelled to provide any assistance to the police. However, having made a representation to the police to the extent that it can be shown it was done in knowing deceit or trying to
5 conceal the true state of affairs, there are two offences which I will outline now.

Firstly, section 140 of the Criminal Code creates an offence of attempting to pervert the course of justice, and the wording of that is a person who attempts to obstruct, prevent, pervert or defeat the course of justice is guilty of a crime, and
10 the maximum penalty of that is seven years' imprisonment. And although police investigations into potential violations of the criminal law do not form part of the course of justice in the normal reading of an act calculated to mislead the police during an investigation may amount to an attempt to pervert the course of justice, but as I said, intent and provable knowledge is highly relevant to grounding the
15 offence, and that was discussed by the High Court in the case of Rogerson in 1992.

COMMISSIONER: Is that Roger Rogerson?

20 **MS FEELY:** That's correct, Commissioner. And the second offence is section 791B of the Police Powers and Responsibilities Act 2000, which creates an offence prohibiting a person from obstructing a police officer in the performance of the officer's duties. That's usually used in circumstances where people resist arrest. However - and I'll just say the maximum penalty for that is 40 penalty units
25 or some six months' imprisonment. The definition of obstruct, while it's usually used for resisting arrest, has been given broad meaning by the courts in that it does not have to be physical obstruction and can include acts that hinder or impede or delay the police officer in the performance of their duties, such as an investigation, and there was an example of that in the case of Wilson v The Queensland Police
30 Service from 2024, where the hindering of an investigation constituted that offence.

Commissioner, that's the matters I wish to address you on arising out of last week, and Mr Gisonda has one other, which I think came out of the evidence of
35 Jacqueline King earlier this week.

COMMISSIONER: Thank you, Ms Feely. That's very helpful.

40 **MR GISONDA:** Commissioner, you might recall that on Tuesday morning, there was some discussion about a USB that was provided by Ms King to the Queensland Police Service.

COMMISSIONER: Well, I think to the commissioner and - I forget whether Ms Scanlon is a deputy commissioner or assistant commissioner. I forget which, but
45 it was to those two, I thought.

5 **MR GISONDA:** Deputy, deputy commissioner. There were three videos on that USB. The first video has been tendered as CBU-6, the second video has been tendered as CBU-7 and the third video has been tendered as GW-8. This feeds into a question which you asked about the position of Queensland Police and their response. It's my submission that those videos - whilst those videos would be something that the Queensland Police should have taken notice of, the Queensland Police had a body of audiovisual material at its disposal, being all the body-worn footage that its officers had captured each time that it went out to Centenary Bridge, and most of the footage on that day, the key date of 14 May, was derived from body-worn footage of the police.

15 That then leads to another point, which was - you might have seen, Commissioner, that after one of the previous hearing dates, the president of the Queensland Police Union made some comments in the press about the appropriateness of the actions of the police officers that day, and that appears to be in response to some of the observations that you made, Commissioner, during the hearing.

20 **COMMISSIONER:** I think my observations were made in relation to the failure to ensure that the steel got through. That was the context of my observations.

MR GISONDA: And then - but the failure to enforce, if you like, a contravention of the move-on direction, that was the blockading of the concrete.

25 **COMMISSIONER:** Yes. I made some observations about that, too, did I?

MR GISONDA: Yes.

COMMISSIONER: All right.

30 **MR GISONDA:** I just make this point, that this is obviously a critical issue that will form the basis of recommendations either way in your report, and I just make the observation that to the extent the Queensland Police Union also believes that, in addition to the Queensland Police Service, it has a valuable or meaningful contribution to make to this question on behalf of its members, then we would invite the Queensland Police Union to make a formal submission to the Inquiry about these matters.

40 **COMMISSIONER:** And also potentially, if the application is acceded to, evidence.

MR GISONDA: Yes. Finally, Commissioner, unless there's any other questions from you, and assuming there's nothing else from any of the other parties here today, then the Commission goes into a short recess, and when we resume hearings, the subject matter of the next hearing block will be Cross River Rail.

45 **COMMISSIONER:** Very well. I just have one matter to raise, which concerns arrangements for next year. A month ago, I think on 27 July, we wrote to the

Magistrates Court about obtaining some dates in this courtroom. Can I say the Magistrates Court has been a pleasure to deal with. We've been afforded every consideration in our usage of these courtrooms and associated facilities, and we're very grateful for everything the Magistrates Court has done for us to facilitate our hearings this year. We received - I think our communication of 27 July set out the dates we would like to use this court for the first half of next year, and part of the reason for doing that is, obviously, that with the quality of counsel who are representing the parties who have been given leave, their diaries fill up, and we want to give them as much notice as possible as to the dates that the Commission is sitting next year, and that's the reason we wrote to the Magistrates Court a month ago with the dates. And we got a response yesterday which says:

"The Chief Magistrate met with me..."

That is, the administrative officer from the Magistrates Court:

"...today to discuss the 2027 CFMEU courtroom booking inquiry. Her Honour Judge Brassington has advised the Magistrates Court will not be in a position to extend the booking for the CFMEU Commission of Inquiry into 2027. The decision was made in consideration of the impact on criminal court diaries resulting from the need to take a criminal courtroom offline to accommodate the Commission. Please let me know if I can assist further."

We fully appreciate the need for the criminal justice system in this state to operate in an open and transparent manner and that they need public courtrooms to do so. But similarly, this is a public inquiry, and we need the same type of facilities. And so by way of apology to the parties represented at the bar table, we're not in a position at the moment to tell you the dates for next year because we have to find some suitable accommodation that enables the parties to be properly represented and enables us to carry out our work. And I want to put on record how grateful I am and the Commission is to the assistance we've been given by the Magistrates Court to date and for the remainder of 2026.

MR GISONDA: If the Commission pleases.

COMMISSIONER: Is there anything else? We'll adjourn to our next hearing block.

<THE HEARING ADJOURNED AT 2.21 PM