



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

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

**PUBLIC HEARING  
BRISBANE MAGISTRATES COURT**

**WEDNESDAY, 15 APRIL 2026  
AT 10.00 AM**

**DAY 17**

**APPEARANCES**

**Mr S Wood AM KC, Commissioner  
Mr P. Wheelahan, Senior Counsel Assisting  
Mr D. Ternovski, Counsel Assisting  
Mr D. de Jersey KC, counsel for the State of Queensland  
Ms M. Brooks, counsel for the State of Queensland  
Mr C. O'Grady, counsel for the CFMEU Administration  
Ms F. Fox, counsel for the CFMEU Administration  
Ms A. Hughes, counsel for the CFMEU Administration  
Mr H. Clift, counsel for CEPU, ETUQ, PGEUQ  
Mr David Cappalletti, Witness  
Ms Sarina Wise, Witness**

**<THE HEARING RESUMED AT 10.05 AM**

5 **COMMISSIONER:** Sorry for the short delay. I think we had a little bit of a problem getting the (indistinct) but that's all sorted out now, I think. Deal with appearances. Mr Wheelahan, you appear with Mr Ternovski -

**MR WHEELAHAN:** Yes.

10 **COMMISSIONER:** - as counsel assisting, and Mr de Jersey, you appear with Ms Brooks as counsel for the State of Queensland?

**MR DE JERSEY:** Yes.

15 **COMMISSIONER:** And Mr O'Grady, you appear with Ms Fox -

**MR O'GRADY:** Yes.

20 **COMMISSIONER:** - for the CFMEU administrator?

**MR O'GRADY:** Yes, Commissioner.

**COMMISSIONER:** And Mr Clift - sorry?

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

**COMMISSIONER:** Mr Clift, you appear as counsel for the CPEU, ETU Queensland and PGEU Queensland?

30 **MR CLIFT:** Yes, Commissioner.

**COMMISSIONER:** Are there any other appearances? No? Mr Wheelahan.

35 **MR WHEELAHAN:** Thank you, Commissioner. Today and tomorrow, we will be dealing with the Workplace Health and Safety Queensland case study. I will commence with a recap. The theory underpinning this case study is that there was regulatory capture of Workplace Health and Safety Queensland by the CFMEU during the period that Grace Grace was the Minister for Industrial Relations. That alleged conduct which led to the regulatory capture was firstly improper external  
40 pressure on inspectors, including aggressive and intimidatory behaviour by CFMEU towards inspectors while they were performing their duties and the publication of edited footage of inspectors on the CFMEU website, which was calculated to demean them.

45 Secondly, improper pressure being placed on the frontline Work Health and Safety Queensland inspectors by their own management and policy staff, including the CFMEU misuse of its position on the Work Health and Safety board;

inappropriate relationships with public servants, for example, Helen Burgess; the CFMEU having direct contact with senior public servants, including to bypass the triage system for complaints and to make demands that the regulator prioritise CFMEU issues; CFMEU calling for resignations of senior Workplace Health Safety Queensland staff when their demands were not met; the improper involvement of the CFMEU in its selection panels for senior public servants; and verbal abuse and intimidation by CFMEU officials. The alleged outcome of that regulatory capture is that the CFMEU was treated beneficially when compared to other stakeholders.

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In terms of regulatory capture and the conduct of the CFMEU towards the regulator's inspectors, Mr Watson in his report Violence in the Queensland CFMEU, exhibit GW-4, said at page 15, paragraph 97 as follows:

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"The CFMEU had no respect for the independence of the regulators. As far as the CFMEU was concerned, if the regulators would not bend to its will, then they were corrupt or incompetent and could be subject to threats of violence, intimidation or targeting."

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Commissioner, you've heard evidence from Ms Jacqueline King, in part relevant to this case study. She gave examples of misconduct directed towards Workplace Health Safety Queensland in her evidence to the Commission. That conduct involved Mr Kurt Pauls and Mr Royce Kupsch of the CFMEU and she gave evidence of the targeting of a Ms Kym Bancroft. At the last hearing block in March -

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**COMMISSIONER:** (Indistinct)

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**MR WHEELAHAN:** Sorry, the microphone's -

**COMMISSIONER:** I'm sorry.

**MR WHEELAHAN:** Now I can hear you.

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**COMMISSIONER:** I think Ms King also said that Mr Pauls and Mr Kupsch had been appointed to some supervisory body which had some oversight of WHSQ at the time. Is that right?

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**MR WHEELAHAN:** It is. With respect to Ms Kurt Pauls -

**COMMISSIONER:** Mr Kurt Pauls.

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**MR WHEELAHAN:** Mr Kurt Pauls - part of her evidence was about a meeting at the Queensland Council of Unions convening to discuss the review of the Workplace Health and Safety Act. On that occasion, she described conduct directed towards a Ms Jodie Deakes, a former executive director of Workplace Health Safety Queensland, and Andrea Fox, a director of policy. She also gave an

account of discussions with QCU affiliates about the conduct of Royce Kupsch when he was both president of the CFMEU and a member of the Work Health Safety -

5 **COMMISSIONER:** I think Mr Gisonda corrected it: president of the construction and general division of the state body of CFMEU Queensland.

**MR WHEELAHAN:** Yes, and a member of the Work Health Safety board.

10 **COMMISSIONER:** That's what my question was directed to, the Work Health Safety board. Was Mr Pauls appointed to the Work Health Safety board as well?

**MR WHEELAHAN:** I do -

15 **COMMISSIONER:** Mr Ternovski's nodding.

**MR WHEELAHAN:** Yes, I can't read that from here. Yes, he was.

**COMMISSIONER:** Yes. Thank you.

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**MR WHEELAHAN:** Whilst we're on that point, that issue was raised about Mr Kupsch's relevant positions at times, and my learned friend Mr O'Grady has provided an email from the administrator clarifying precise positions, which I will seek to tender over the next two days, just to have that on the record.

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**COMMISSIONER:** Okay. Thank you.

**MR WHEELAHAN:** At the last hearing block in March, the Commission heard evidence from Ms Deborah Dargan and three inspectors, so evidence at the  
30 inspector level of the regulator. She was an operations manager, but between 2010 and '24 - July 2024 - she was a principal inspector. She gave evidence that between 2020 and 2024, while she spent time as an allocator and was responsible for allocating inspectors to attend sites, that during that period at the direction of Ms Burgess, the CFMEU complaints took priority over other matters. Further, she  
35 gave evidence that on occasions inspectors with removed from higher-priority tasks to attend union complaints.

She gave evidence that she would be directed to attend sites in response to CFMEU complaints about right-of-entry disputes only to arrive and find that the  
40 CFMEU was not there and there was no dispute. She gave evidence that at least on one occasion she and an Inspector Barber were removed from a site at Queensland University after they made a decision not to issue a notice that the CFMEU was requesting, and subsequent to that another inspector was sent to the site who did issue the notice.

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**COMMISSIONER:** I think that site was the Andrew Liveris or the Liveris family building, wasn't it? That was the - Mr Liveris is I think the president or

chairperson of the Brisbane Olympic Games organising committee, and that was a building - he'd made a substantial donation to the university, I think, between 10 and \$20 million, and that was the site, from recollection.

5 **MR WHEELAHAN:** She gave evidence that she attended a request from the CFMEU in relation to a right-of-entry dispute that it wouldn't end when the dispute was resolved, and her evidence was that nor were those attendances limited to the matters contained in the CFMEU official's entry notices. Rather, she was directed by operations managers to stay on site and look at whatever the union  
10 wanted examined. She also gave some evidence about the impact on her mental health of the conduct and her relations with the CFMEU and those in management that she believed were aiding the CFMEU. She formalised that in a complaint to her operations manager in 2021, about CFMEU misconduct, and was told that the Labor government would remain in office for four years, the situation would not  
15 change and that she could accept it or leave.

**COMMISSIONER:** I think she was told that by Mr - was that Mr Dennett who told her that, the person who was the - at that stage the executive director of the Office of Industrial Relations? I think - I think that was who it was.  
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**MR WHEELAHAN:** I'd have to - he was superior to her. We can review her notice, and I can take that on notice. She gave evidence that since the removal of Ms Burgess from the role of director of construction, compliance and field services, the conditions have improved significantly.  
25

Noel Hayes was then called to give evidence. Noel Hayes retired in 2021, but between 2004 and 2013 he held the role of senior inspector, and between 2013 and his retirement, he held the role of principal inspector. He gave evidence that - firstly, that following an occasion where he had unsuccessfully applied for a  
30 lead inspector role in which he was acting at the time, he called Ms Burgess, who was on the selection panel, to ask why he'd not secured the role. Her response in part was, "You've got to be able to move with the government and the department at the time." You'll recall that he had concerns - or his concerns he raised with Deputy Director-General Craig Allen in April 2020 about the impact on inspectors  
35 of the conduct of the CFMEU and those officials who aided them, and he said that that went unanswered.

He gave evidence that in June 2018, he attended a site where CPB was refusing to allow Jade Ingham and other officials to enter site. He said that while he was on  
40 his way to site, Mrs Burgess called him and told him in respect to the officials:

"Whatever you do, don't get them arrested."

Ms Burgess then suggested that Mr Hayes use his inspector powers to take Mr  
45 Ingham on site as his assistant. Mr Hayes refused. Another inspector, John Azcune, A-z-c-u-n-e - my pronunciation may be incorrect - subsequently attended site and escorted Mr Ingham and the other officials around the project.

**COMMISSIONER:** I don't know if you heard the evidence of yesterday, Mr Wheelahan, but Mr Jenkinson said from around this time to 2022, Mr Ingham, the official you just referring to, had been appointed to the board of the QBCC, and it was his opinion that the industry started to lose confidence and had lost confidence in the QBCC as a result of Mr Ingham's appointment to the QBCC. I just - I know that you - when you opened this case study, you identified four areas of regulatory capture: the police through the MoU, the Office of Industrial Relations, BPIC and the QBCC. Did you have a chance to hear what was said yesterday and is there anything you want to say about that in terms of your case study?

**MR WHEELAHAN:** Yes, I did hear in part, specifically that part. I was listening at the time online when that evidence was given. Secondly, that opens up a line of inquiry. So in the opening it was touched upon that there was some evidence that there was some capture, but, having heard Mr Jenkin's evidence yesterday -

**COMMISSIONER:** Jenkinson.

**MR WHEELAHAN:** Jenkinson, sorry - that's a matter that we'll make further inquiries into.

**COMMISSIONER:** Okay.

**MR WHEELAHAN:** In respect of your question before, whether it was Mr Dennett, with respect to Ms Dargan, it was Mark Houston, operations manager.

**COMMISSIONER:** Mark Houston is a level below - two - a level below Ms Burgess. Mr Houston was -

**MR WHEELAHAN:** He was an operations manager, correct.

**COMMISSIONER:** Yes. I think he was one -

**MR WHEELAHAN:** Below, yes.

**COMMISSIONER:** Yes. I think Mr Hayes referred to Mr Houston and Mr Mutton as something akin to Ms Burgess' lieutenants or supporters or people who carried out her instructions.

**MR WHEELAHAN:** Correct. Correct. Yes. Mr Hayes said - gave evidence that on an occasion in September 2018 at the behest of the CFMEU, Ms Burgess and Mr Houston pressured him to issue an improvement notice to such a degree that despite not believing there was a lawful basis for its issue, he did so. In March 2019 at the behest of the CFMEU, he gave evidence that Ms Burgess and Mr Houston pressured him to issue a prohibition notice to such a degree that despite not believing there was a lawful basis for its issue, he did so. He gave evidence that it was common for CFMEU officials to ignore, contrary to section 128 of the

Workplace Health Safety Act, the prohibition on them entering sites under their entry powers unless they complied with reasonable workplace health safety request. You'll recall that's in part to do with, for example, signing on when you enter site and so forth. Mr Paul Watts was then called. He gave evidence. He  
5 retired in 2022.

**COMMISSIONER:** He was the chap who was very happy to finish his evidence and go and have a beer at the end of it?

10 **MR WHEELAHAN:** Yes. Very memorable for that reason. I think he got a lot of press about knocking off and having a beer, which I'm sure he did, no doubt. Now, he retired 2022. Between October 2003 and his retirement, except for a period of two-and-a-half years' leave of absence, he was an inspector and then a principal  
15 inspector. He gave evidence that at times, because of the implementation of the compliance monitoring and enforcement policy, he was required to issue infringement notices imposing fines for trivial breaches of the law. You'll recall he said he became a machine, just pumping out the notices.

He gave evidence that he was pressured by Helen Burgess and operations manager  
20 Mark Murphy to issue an infringement notice which was not open, on his view, as a matter of law. He instead issued an improvement notice. He gave evidence that in pressuring - in the pressure he received to issue the infringement notice, Mr Murphy, on Ms Burgess' instructions, impliedly threatened him with disciplinary action and that subsequent advice from the Workplace Health Safety Queensland  
25 legal unit confirmed that the approach taken by Mr Watts was indeed correct.

Now, today and tomorrow, firstly today we will call Mr David Cappelletti. He's been an inspector since the year 20004. He's currently employed in the position of principal inspector, industrial, for Workplace Health Safety Queensland. He will  
30 give evidence as follows. In part, firstly -

**COMMISSIONER:** He was the witness that had a discussion with Mr de Jersey about - in terms of some anxiety he had about giving evidence. Is there anything  
35 we've got to be aware of in that regard?

**MR WHEELAHAN:** No.

**COMMISSIONER:** Okay.

40 **MR WHEELAHAN:** Those issues have been resolved.

**COMMISSIONER:** Thank you.

45 **MR WHEELAHAN:** He will give evidence that the culture developed following the election of the Palaszczuk government and the appointment of Minister Grace Grace where Workplace Health Safety Queensland went from a relaxed and effective workplace to one with a culture of bullying, intimidation and harassment

of inspectors by senior management. He will give evidence that from the appointment of Ms Burgess as director in her position, the CFMEU would bypass the formal triaging process and call her directly, which, of course, he will say led to the CFMEU complaints taking priority.

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**COMMISSIONER:** I think Mr Hayes said something to the same effect, didn't he, that the CFMEU complaints - I think all the witnesses said that.

10 **MR WHEELAHAN:** Correct. So to date we've commenced with the inspector level, and today, after Mr Cappelletti, we start moving up the chain of command to more senior people, which I'll go through now. So the foundation was laid. Now, Mr Cappelletti will say that not doing what the CFMEU wanted led to being chastised by Ms Burgess and operations managers, and his evidence will be that Ms Burgess was the conduit between the CFMEU and the regulator. Secondly, we  
15 will call Ms Sarina Wise. She is currently the executive director, compliance and field services, for Workplace Health and Safety Queensland. She commenced in that position 16 October 2023.

20 **COMMISSIONER:** So she was the successor to Mr Dennett? Is that the position that we're -

**MR WHEELAHAN:** Yes.

25 **COMMISSIONER:** Well, there might have been someone in between, Ms Bancroft or someone.

**MR WHEELAHAN:** Yes, there was a bit of movement.

30 **COMMISSIONER:** But it's that level, one above Ms Burgess.

**MR WHEELAHAN:** Correct. We propose further down the track, Commissioner, preparing for you - because there's a lot of movement of people and positions and indeed a restructure, so we need some point-in-time probably organisational charts for you.

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**COMMISSIONER:** I think there was some tendered last time, and the quick look I had at the witness statements is that there's something in Mr McKay's witness statement also.

40 **MR WHEELAHAN:** Correct. I just think it's helpful to have them - they are - with some witness statements, there's an org chart. We just need to bring it all together.

45 **COMMISSIONER:** But, in effect, Ms Wise was the boss of Ms Burgess, or the boss of the person who occupied her position.

**MR WHEELAHAN:** Yes, superior to Ms Burgess. That's the critical point. And she will give evidence about Helen Burgess and her relations, as in Ms Burgess' relations, with persons within the regulator and her proposals for an internal restructure. She will also give evidence about Ms Burgess' removal from compliance and field services and the change in workplace culture in the employment group. You'll recall the cease-work order. She'll give evidence about the cease-work order of those inspectors and those working within the regulator, ceasing their own work.

5  
10 **COMMISSIONER:** So this was something that was sort of a bit surreal. The inspectors put notices - applied notices, gave notices, issued notices, whatever the verb is - to their own organisation about the way they themselves were being treated. Is that -

15 **MR WHEELAHAN:** Yeah, their own HSRs did. That's right. And treated on site, and there's a particular exhibit that sets it out, and Ms Wise sets out in full what the cease notice issue was. You're right: it's quite extraordinary that the regulator who's regulating safe workplaces in certainly the construction industry and others -

20 **COMMISSIONER:** Well, supposed to be.

**MR WHEELAHAN:** - its own workplace in attending construction sites is considered not safe by their own HSRs. She'll give evidence about the triaging of complaints and statutory requests. There's a 1300 number, and she'll give evidence about deputy director of Office of Industrial Relations Mr Peter McKay taking direct calls from the CFMEU.

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30 **COMMISSIONER:** So that's her direct report? As the executive director of OIR, she reported, Ms Wise, to the deputy director-general of OIR - well, really whatever department -

**MR WHEELAHAN:** So he is superior to her. She reported to him.

35 **COMMISSIONER:** It does seem strange - if that's the situation, it seems a very strange outcome that the CFMEU, instead of dialling in to the 1300 number, which presumably is a level at least one or two below Ms Burgess, is making calls to - above her, above Ms Wise, and to the deputy director-general. Do I - is my understanding correct?

40 **MR WHEELAHAN:** No, you're right. I mean, she was very surprised as well. Part of her evidence that when she will arrive she will say - she was - she'd come from New South Wales. She has an impeccable CV and very accomplished. And she was surprised - she's very - doesn't exaggerate or embellish things, so for her to say, "Well, I'm surprised that when I come to Queensland and we have a dedicated AAA number that we then have the CFMEU ringing my superior direct." And, of course, she's interrogated: "Well, how do you know that?" And in her statement she says, "Well, I heard it. You'd get off the phone and it would be

someone from the CFMEU demanding that somebody come on site or deal with an issue."

5 **COMMISSIONER:** I think Mr McKay's coming to give evidence this week too, isn't he?

10 **MR WHEELAHAN:** Well, he is. My learned junior's just passed me - you know, not only did that happen, and this is - Ms Wise will get to, but for reference, paragraph 60, and this is 22 November 2023 at a Workplace Health and Safety board meeting that she was told by Kurt Pauls when she offered to him, "Well, why don't you call me instead of Mr McKay?" Mr Pauls responded with words to the effect of:

15 "We only call the top dog. Your time will come."

And it's extraordinary, really. It seems that the CFMEU had a - you know, in their view, a hotline to the top dog. They didn't need to go through the AAA or the 1300 number; they just called the top - I see the operator's brought that on screen - which is extraordinary. I will flow from that, because the obvious  
20 consequences - and Ms Wise goes through this - is that you don't have the normal logging of complaints, whether they're serious, whether they're not, the triaging. You've just got the CFMEU ringing the top dog. And so the whole system breaks down. And she then gives evidence about trying to remedy this and suggests at meetings and suggests to the CFMEU that we need to have contact through one  
25 central number, just as all the others unions do. And ultimately she writes to the administrator about that as well.

**COMMISSIONER:** I guess we'll hear from Mr O'Grady in due course, but presumably that behaviour's stopped now.

30 **MR WHEELAHAN:** She'll give evidence with respect to a construction compliance blitz that she had carried out in late 2023, and again, conduct of Mr Kurt Pauls, as you noted, Commissioner, who then was a member of the Work Health and Safety board and his approach and conduct towards her about that  
35 upcoming blitz. She'll give evidence about, again, what we say is one of the tactics of calling for resignations of people, resignations demanded by the CFMEU of persons within the Office of Industrial Relations, and indeed they called for her resignation as well. She'll then, if she has time, deal with - there was an issue about seeking details of deceased persons, workers, and their actual information.  
40 It's anticipated that Mr Cappelletti and Mr Wise -

**COMMISSIONER:** Ms Wise.

45 **MR WHEELAHAN:** Ms Wise should be finished today. And then tomorrow Mr Peter McKay will be called. He is called on the basis that he was the former deputy director-general of the Office of Industrial Relations for the period June 2023 to June 2024 and -

**COMMISSIONER:** He was the successor to the - was it - was his name Craig Allen, the person Mr Hayes gave evidence about who said - and you have just mentioned him in opening - he came to the office and said you can - "I've got an open-door policy. You can talk to me any time about your complaints." And then when Mr Hayes did, he got no response.

**MR WHEELAHAN:** Yes, but there was Ms Kym Bancroft -

**COMMISSIONER:** In between. Right. I see.

**MR WHEELAHAN:** So that's part of why we need - there's a bit of a -

**COMMISSIONER:** Yes, there were a few people in that role.

**MR WHEELAHAN:** That's right. And that's part of the case study. For example, Ms Bancroft, the evidence is - you'll remember Ms King said that she was targeted, and in layman's term her life was made hell, that -

**COMMISSIONER:** I take it she didn't last very long.

**MR WHEELAHAN:** I think about 12 months. Certainly not the career position, let's put it, that she no doubt would have thought it would be. So Mr McKay, from a topical sense, will give evidence about the following matters. Firstly, the issues raised by inspectors about bullying and intimidation of Workplace Health Safety inspectors by the CFMEU. Among other things, he will give evidence about that cease-work direction that you're interested in, Commissioner, that was issued by their own health safety representatives in response to CFMEU filming inspectors and then using the footage in derogatory online posts about inspectors. We've seen some of that already through Mr Watson and other witnesses.

Secondly, the official - he'll give evidence about the triaging system again, the official system for notifying and triaging safety notifications, and he will say the CFMEU's refusal to use that system. He'll describe how as the deputy director-general overseeing an organisation with over 900 staff, he in effect became a call centre operator, personally taking CFMEU calls and transcribing them into an email to the assessment team. He will describe how many of the CFMEU calls to him involved trivial or non-urgent matters. He'll also explain why he went along with that extraordinary process.

Mr McKay will give evidence about Helen Burgess, her role during Mr McKay's time as the deputy director-general, complaints he received about Mrs Burgess, his own concerns about her and how he dealt with those concerns. He will also describe a campaign by the CFMEU to try to reinstate Ms Burgess into a position where she would have control over inspectors. He will give evidence about his dealings with Mr Ravbar and Mr Pauls, including where Mr Ravbar attempted to physically intimidate him at a coffee shop in the building where Mr

McKay was working. He will describe other attempts by the CFMEU to coerce or influence the Office of Industrial Relations.

5 He'll also give evidence, Commissioner, about his involvement in advising the government on BPICs. So there is a crossover with some of the other case studies, as there often is with a number of witnesses. He was advising the government on BPICs, including anticipated additional cost to the taxpayer from BPICs and the concerns of departmental officials that BPICs would hand over control of building sites to the CFMEU. At that juncture, Commissioner, I call Mr David Cappelletti.

10 **COMMISSIONER:** Is Mr Cappelletti in the courtroom? Mr Cappelletti, will you come forward into the witness box, please.

15 **<DAVID CAPPELLETTI, SWORN**

**<EXAMINATION BY MR WHEELAHAN**

20 **COMMISSIONER:** Please take a seat, Mr Cappelletti. If you think that at any time you need a break, Mr Cappelletti, or you need time to compose yourself or you've got any other concerns, just raise them, because this is not intended to be some sort of trial of your stamina. Just try and attempt to get to the truth from your perspective.

25 **MR CAPPELLETTI:** Thank you, Commissioner.

**MR WHEELAHAN:** Please state your full name.

**MR CAPPELLETTI:** David Cappelletti.

30 **MR WHEELAHAN:** And your occupation currently?

**MR CAPPELLETTI:** Currently I'm a principal inspector with Workplace Health and Safety Queensland.

35 **MR WHEELAHAN:** And your address is known to the Commission?

**MR CAPPELLETTI:** Yes.

40 **MR WHEELAHAN:** And you have prepared a statement of 68 pages when the annexures are included, correct?

**MR CAPPELLETTI:** Yes, correct.

45 **MR WHEELAHAN:** Have you had an opportunity to review that statement before today?

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** Is it true and correct in every particular?

**MR CAPPELLETTI:** Yes.

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**MR WHEELAHAN:** I tender that statement and the annexures, Commissioner.

**COMMISSIONER:** This is a 20-page statement. How many annexures are there?

10 **MR WHEELAHAN:** Two.

**COMMISSIONER:** Just two. All right. Okay.

15 **MR WHEELAHAN:** It's the compliance, monitoring and enforcement policy, so it's very bulky. So it might appear there's more annexures, but there are in fact only two.

20 **COMMISSIONER:** And what are we going to mark this annexure as? Because Mr Cappelletti doesn't seem to have a middle name. Do you have a middle name, Mr Cappelletti?

**MR CAPPELLETTI:** No.

25 **COMMISSIONER:** All right. DXC-1?

**MR WHEELAHAN:** Yes, that's appropriate.

30 **COMMISSIONER:** So the witness statement of David Cappelletti affirmed 3 March 2026, 20 pages, 122 paragraphs with two annexures will be exhibit - I'm sorry, I didn't ask if anyone had any objection; there's no objections - will be exhibit DXC-1.

35 **<EXHIBIT DXC-1 WITNESS STATEMENT OF DAVID CAPPELLETTI AFFIRMED 3/3/2026, 20 PAGES, 122 PARAGRAPHS WITH TWO ANNEXURES**

40 **MR WHEELAHAN:** Thank you. So, Mr Cappelletti, you're employed as a principal inspector, industrial, for Workplace Health Safety Queensland, and you've been with the Office of Industrial Relations since mid - in that role since mid-2024?

**MR CAPPELLETTI:** Yes.

45 **MR WHEELAHAN:** What role did you have prior to that, and what date did you start employment with Workplace Health Safety Queensland?

**MR CAPPELLETTI:** I commenced with Workplace Health and Safety in about November 2004 as inspector, then I progressed on to - a couple of years later, about 2006, to a senior inspector, and that was in construction. Spent about 17 years as a construction inspector. Currently, I'm an industrial inspector and have had that role for about three years.

**MR WHEELAHAN:** All right.

**COMMISSIONER:** Mr Cappelletti, Mr Watson, Mr Hayes gave evidence that around the time you were recruited there was an attempt to recruit I think a dozen, maybe a couple of dozen, of people from industry, who actually understood how industry worked. Were you part of that recruitment phase?

**MR CAPPELLETTI:** Yes. Yes, I was. There was about 22 of us that were employed.

**MR WHEELAHAN:** And following on from the Commissioner's question, as part of industry, can you tell the Commissioner what qualifications you have?

**MR CAPPELLETTI:** My qualifications are I'm a trade-qualified carpenter and joiner. I also have a - I held a builder's licence, registered builder, and I was also a licensed building inspector.

**MR WHEELAHAN:** You commenced, again, your extensive work history - at the age of 16 you commenced employment?

**MR CAPPELLETTI:** Yes, bricklayer's labourer, yes.

**MR WHEELAHAN:** If you can just take the Commissioner through your work from 16 prior to joining as an inspector with the regulator.

**MR CAPPELLETTI:** So I started work as a bricklayer's labourer at age of 16. I then moved on to the Brisbane City Council. I was around about 18. They called it skilled labourers at that time. Then I moved on to Public Works as an apprentice carpenter, and I did my four-year apprenticeship with Public Works, which is now called QBuild. Back in those days it was known as Public Works. And I did my four-year apprenticeship, and spent a further six years as a qualified tradesman with them. After 10 years, I established my own construction and maintenance business, and I spent around about eight to 10 years doing that. Then I moved on and secured a role with Workplace Health and Safety Queensland as an inspector.

**COMMISSIONER:** Seems close to - sorry - seems close to about 20 years' experience in the industry?

**MR CAPPELLETTI:** As an inspector?

**COMMISSIONER:** Sorry?

**MR CAPPELLETTI:** Yes, about 20 years. Yes.

**COMMISSIONER:** Before you joined the inspectorate?

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**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** So over that, well, 20-odd years, at paragraph 11 you sort of describe the type of projects that you had worked on.

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**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** Can you just describe those for the Commissioner, your experience?

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**MR CAPPELLETTI:** So as a construction inspector -

**COMMISSIONER:** I think there's two lots of 20 years, Mr Wheelahan. There's 20 years before joining the inspectorate and then another 20 years.

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**MR WHEELAHAN:** Yes. Sorry, I'll rephrase that. You joined the inspectorate November 2004?

**MR CAPPELLETTI:** Yes.

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**MR WHEELAHAN:** And since that time, another 17 years, or 17 to 20 years, can you describe the type of projects that you've been dealing with as an inspector?

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**MR CAPPELLETTI:** So as an inspector in the construction area, we did everything from small renovations right through to housing, civil works, high-rise construction works. I was personally on the Clem 7 tunnel for about two years. I was selected to be in that. The Gateway Bridge projects. It was everything, everything from the smallest project to the multibillion-dollar projects.

35

**MR WHEELAHAN:** And can you describe your duties as an inspector on those various projects?

**MR CAPPELLETTI:** Mostly - sometimes it was proactive work, calling in, doing audits and assessments. Sometimes it was reactive work, following up on complaints. We would do enforcement and compliance. We would do education. We'd do training of people if we had to. We'd sit in on board meetings and try and speak with the directors and managers of the big projects to try and get them on board with what their obligations were. We'd do accident investigations, complaints, and quite often on-call work, which involved after-hours on calls doing accidents, all that sort of stuff.

40  
45

**MR WHEELAHAN:** So at 14, you say that - in the first 15 years of your employment, which I then take it's, say, 2004 to 2019, thereabouts, the culture was more relaxed. Can you just explain what you mean at paragraph 14 there? I think you've got it in front of you.

5

**MR CAPPELLETTI:** I've got it in front of me. Yeah, in those early days it was quite a self-managed role to a degree. I mean, we were quite well trained. We were given a lot of responsibility, but we were given a lot of freedom as well to be able to make our decisions with flexibility and with the experience that we have.

10 We were quite well supported through the management. We very rarely had any pushback from anybody. We didn't have any complaints from industry. As a team, we worked very well together. We all got on quite well. We bounced information off each other. We learnt off each other. It was just a more relaxed environment where we felt more comfortable and supported in doing our role as inspectors.

15

**MR WHEELAHAN:** And then at paragraph 15, you pointedly extract a point in time and say that things changed. Can you take the Commissioner through that, please?

20 **MR CAPPELLETTI:** It was probably with the - straight after the Newman government, and the Palaszczuk government was elected. It was quite quickly after the election and the Palaszczuk government took power that our roles seemed to change to a point where we lost a lot of our freedom. And what I mean by freedom is our independence to make our own decisions, to run jobs as we saw fit, to write notices or not write notices, which is the way we take enforcement action.

25 Just the way we went about our job from day to day, which gave us a lot more flexibility and a lot more, basically, support.

30 **MR WHEELAHAN:** Well, at 15, you said it's gone from that relaxed and effective workplace, and I'm quoting you here:

"...to one with a culture of bullying, intimidation and harassment of inspectors by senior managers."

35 Now, what's your basis for making that's statement?

**MR CAPPELLETTI:** Personal experience. Also working with - because inspectors are a close-knit team, and we work quite closely together. We quite often go out to the big jobs in pairs. It's just an experience of personally being

40 bullied and intimidated by senior management, working with and talking with other inspectors that were bullied and intimidated by senior management. It became the norm. It was a daily occurrence where we were micromanaged to a point where we virtually couldn't make our own decisions.

45 **MR WHEELAHAN:** All right. So when you refer to "senior management", obviously you're referring to people. Who are you referring to?

**MR CAPPELLETTI:** The main management people I'm referring to in this instance was Marc Dennett as an executive director, Helen Burgess as a director of construction, Mark Houston as an operations manager and Chris Mutton as an operations manager.

5

**MR WHEELAHAN:** And they might say they were just giving you directions about your duties. Why do you characterise it as bullying, intimidation and harassment?

10 **MR CAPPELLETTI:** It was a - it became personal, that you were singled out if you didn't find favourably when we went to job sites that involved the CFMEU. You were singled out if you didn't do what Helen Burgess said to do, and it came down the line from her. So if you - we tried to follow the legislation, which is what we're there for. We were pushed into a scenario where we were pushed away  
15 from the legislation to give the unions usually a favourable outcome. So if we didn't come to a favourable outcome for the unions on sites, then it would and down through Helen Burgess and the operations managers personally. I myself was pulled aside many times and chastised and spoken to and threatened with performance management because I wasn't toeing the party line, I guess.

20

**MR WHEELAHAN:** By whom?

**MR CAPPELLETTI:** In the early days it was Helen Burgess, when she first started the role. But after that she pushed - she pushed it through operations  
25 managers, which was Mark Houston and Chris Mutton.

**MR WHEELAHAN:** And when you say by not doing what they wanted, what do you mean by that? You'd go to a site, and what was being demanded of you?

30 **MR CAPPELLETTI:** If we went to a site that was a request for assistance by the CFMEU, we were almost expected to find favourable outcomes that the union wanted. The trouble started usually when we - the favourable outcomes they wanted wasn't compliant with the law and the legislation. So we were on one hand enforcing legislation as we saw it or as we understood, and we'd been trained in it.  
35 They didn't agree with it, because they wanted a different outcome. So if we didn't find a favourable outcome for the CFMEU, then that would cause problems.

**MR WHEELAHAN:** So when you say they didn't agree with it, you're talking about officials of the CFMEU?

40

**MR CAPPELLETTI:** Officials of the CFMEU, but at the other side of it was also the Workplace Health and Safety management.

**MR WHEELAHAN:** How do you know - sorry, I withdraw that. You then say at  
45 19 that with the Palaszczuk government coming into power and the matters you've already discussed, you say:

"There appeared to be a culture of mistrust between management and the inspectors. The mistrust grew from a betrayal by senior management of the inspectors on a regular basis."

5 They're very strong words. What do you mean by a betrayal?

**MR CAPPELLETTI:** I think it was a general understanding and feeling amongst the inspectors that the senior management sold out and betrayed the inspectors whilst at the same time supporting and enabling the CFMEU. It seemed the  
10 inspectors didn't have any support and virtually no rights when it came to the CFMEU complaining about the way inspectors interacted on job sites or what we did or didn't do. So I think from personal experience and from speaking to other inspectors, it's - it's the overall treatment of inspectors and not having any support  
15 when we came back to the office. It was one thing to have issues and arguments and problems on site, but you would expect to be able to come back to your own office and get the support of your own management, which didn't exist.

**MR WHEELAHAN:** Well, I have to break that down. So you're at the site. What is it that is occurring that you then need support when you go back to the office?  
20

**MR CAPPELLETTI:** Well, you knew that when you were sent to a CFMEU request for assistance that it wasn't going to be a pleasant experience. You knew as inspectors through dozens of site visits that it inevitably ended up a disagreement and an argument on site because we were enforcing the law as it stood and the  
25 CFMEU organisers wanted a favourable outcome for what they wanted, and the two didn't usually marry up. So you were out on site. It was always tense. It usually always ended up in an argument and a stressful situation that created anxiety and stress for the inspectors, and you would think you could go back to a safe place and be supported, which was our own office. And that didn't occur. So  
30 basically, with inspectors, we didn't have anywhere to turn.

**MR WHEELAHAN:** When you say it didn't occur, would you go back and say - you talk about favourable outcomes, so do we take it that that's the CFMEU were asking for a particular notice or action -  
35

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** - under the Act, and you're saying, "No, I don't think that that's appropriate or legal."  
40

**MR CAPPELLETTI:** That's right, yes. I mean -

**MR WHEELAHAN:** Can you explain that, how that works?

45 **MR CAPPELLETTI:** I mean, you can only write a notice if you form a reasonable belief that the law has been broken, and as an inspector we get scrutinised with how we write our notices, and if they get appealed they have to be

right. With our evidence-gathering, our photographs, our note book notes, we just can't make a round peg fit into a square hole. So they wanted us to do that. You know, we -

5 **MR WHEELAHAN:** They?

**MR CAPPELLETTI:** The CFMEU organisers. I call them entry permit holders. We couldn't form a reasonable belief and write a notice, whether that's an improvement notice, a prohibition notice or an infringement notice, without  
10 having the evidence and that evidence corresponding with the section of legislation that's breached. They didn't understand that or didn't want to understand that. So it would cause conflict.

**MR WHEELAHAN:** And that conflict, when you returned to the office, did you  
15 raise those matters, I think, with - you say senior management broadly. Who would you raise these matters or who were you seeking support from that you're now saying that you felt betrayed by senior management?

**MR CAPPELLETTI:** In the early days it was Helen Burgess, but we come to  
20 realise quite quickly that she wasn't on our side. Then we raised them with our operations managers, whoever that was, to no avail. There was usually no support there. The answer we usually got was that's what the government of the day wants, so do what it you're told.

25 **COMMISSIONER:** Who were the operations managers apart from Mr Mutton and Mr Houston?

**MR CAPPELLETTI:** They were the two main ones that we worked under. We  
30 did have another two operations managers that were pushed out of their role over time.

**COMMISSIONER:** Who were they?

**MR CAPPELLETTI:** One of them was Nick Drapes. He was a manager of mine  
35 for a long time and very good, very supportive. And other one was Andrew McKenna, who was also very good and very supportive.

**COMMISSIONER:** And you say they were pushed out of their roles. What do  
40 you mean by that?

**MR CAPPELLETTI:** I think that they were in conflict with Helen Burgess and  
they wouldn't do what she wanted them to do. So they didn't fit the role. So she pushed them aside and put people in there that would do whatever she want,  
45 whether it was legal or moral.

**MR WHEELAHAN:** So if I can direct your attention, Mr Cappelletti, to  
paragraph 28. You've given evidence about going on site, demands by the

CFMEU for their favourable outcome or action under the Work Health and Safety Act. You say there was - in here, can you take the Commissioner through your beliefs about Helen Burgess' role and relationships with the CFMEU?

5 **MR CAPPELLETTI:** Well, it was well known through the inspectorate that Helen was the contact person through the union. My opinion is that directly Helen was dealing with Royce, Royce Kupsch, and that's where I say that I believe that she - well, she was the conduit. And I understood that because I would often be  
10 told by operations managers that, you know, we've just - "I've just been called by Helen, and the union has contacted her and require an inspector to come back to site straight away."

**MR WHEELAHAN:** You give an example in your statement of - with respect to Royce Kupsch and Helen Burgess -  
15

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** - being in contact. What knowledge do you have of that?

20 **MR CAPPELLETTI:** It was in the office at Mount Gravatt one day where I was sitting next to Helen. She'd come in to do some work and I heard her phone ring, and I could hear the conversation, or I could hear the voice on the other end of the phone which was quite a loud, unmistakable voice that I believe was Royce, Royce Kupsch. I have known Royce for about 22 years, so I know he's got quite a  
25 loud - loud, strong, booming voice. So I could identify - it was probably about 90 per cent sure it was Royce but I couldn't hear the conversation, the actual wording of what they were talking about.

**MR WHEELAHAN:** And what followed from that conversation, do you recall?  
30

**MR CAPPELLETTI:** No.

**MR WHEELAHAN:** So at paragraph 32, you summarise in substance what you were saying about operations managers saying, "Helen's told us to tell you to do something." Can you just take the Commissioner through those events?  
35

**MR CAPPELLETTI:** Well, usually the operations manager would get a call from Helen and give some details on what the issues were raised by whoever called her, and then the operations manager would relay that on to us and virtually  
40 send us to the site straight away.

**MR WHEELAHAN:** And were these for urgent matters or -

**MR CAPPELLETTI:** Usually not.  
45

**MR WHEELAHAN:** Usually not?

**MR CAPPELLETTI:** Usually not. Small things.

**MR WHEELAHAN:** Can you take the Commissioner through what type of matters?

5

**MR CAPPELLETTI:** General access and egress. Amenities not being clean and tidy. Hazardous chemical registers not being in place. Traffic management issues. Small things like that.

10 **MR WHEELAHAN:** So your evidence that you've given is small things, not of an urgent nature, and being told by Helen Burgess that - you say via the union - that you need to come on site for these matters?

15 **MR CAPPELLETTI:** Through the operations managers. But, yes, to drop what you're doing and head straight down there.

**MR WHEELAHAN:** And drop what you're doing and go straight there, did this create some sort of priority or not over other stakeholders?

20 **MR CAPPELLETTI:** Yes. Yes.

**MR WHEELAHAN:** Can you explain that to the Commissioner?

25 **MR CAPPELLETTI:** Well, we were - we knew that the way it worked was that if the CFMEU requested assistance that that took precedence over all other stakeholders and all other jobs. Probably the only thing it didn't take precedence over was a serious accident.

30 **MR WHEELAHAN:** Right. And when you would attend a CFMEU complaint such as a general access/egress to site, how many hours would you end up sort of spending on site, as a rule of thumb?

**MR CAPPELLETTI:** Me personally?

35 **MR WHEELAHAN:** Yes.

40 **MR CAPPELLETTI:** Usually not as long as they wanted, because I wouldn't usually play along with that - that - I call it a game. But the way they end up getting on site is by issuing a notice of entry under their powers under 117 of the Act, and on that notice of entry is what their suspected contraventions are. I would usually just stick to what their suspected contraventions were, because that's the legal way they got on to site. I don't - didn't see why I had to spend time with them walking around the site for six hours as they made things up as they walked around. That's not the intent of legislation.

45

**MR WHEELAHAN:** And these walk-arounds, how long would they take?

5 **MR CAPPELLETTI:** Some inspectors were on site six, seven hours. I would be on site, particularly if they were big sites so there was two of us, I quite often worked with Noel Hayes, and we would address the issues that they brought up on their notice of entry, and obviously whilst we were addressing those issues if we came across other stuff that they mentioned and we thought it was significant and serious, we'd address that. We wouldn't walk away from it. We typically didn't want to entertain them. We just stuck to the basics of why we're here, what's your issues, what's on your notice of entry and went from there.

10 **COMMISSIONER:** Why did you not want to entertain them?

**MR CAPPELLETTI:** Excuse me?

15 **COMMISSIONER:** Why did you not want to entertain them?

**MR CAPPELLETTI:** Well, we realised that the request for assistance wasn't always for the benefit of outcome of safety. It was more for some possible leverage against punishing the builders.

20 **COMMISSIONER:** Were there any views that you reached about that objective, that there was some desire to obtain leverage to punish builders?

25 **MR CAPPELLETTI:** Well, that's the main view we held, particularly after a while when we established a pattern of behaviour that, you know, we were called to site and felt that we were being used, as - I say, political leverage, but I don't know if it is that. I'd say leverage to slow down the builder, to issue enforcement notices, whether they be improvement notices, prohibition notices or infringement notices, and quite often being pressured into unnecessary enforcement action.

30 **COMMISSIONER:** You say there was a pattern. Were there certain builders that were the focus of these attempts, in your recollection?

35 **MR CAPPELLETTI:** Usually it was - in my opinion, from what I observed and from my experience, it may have been builders that were probably out of favour with the union, whether it would be EBA issues or some other issue.

**COMMISSIONER:** Can you recall names of builders that were out of favour and there was a pattern of complaints by the CFMEU in relation to those builders?

40 **MR CAPPELLETTI:** It's a long time ago and my memory's not that good, but I guess CPB comes to mind. Sometimes Hutchinson builders. Seymour Whyte occasionally.

45 **COMMISSIONER:** Seymour and Whyte?

**MR CAPPELLETTI:** Seymour and Whyte, yes. As I said, it's a long time ago, and I would have been able to tell you 10 of them if we were right in the middle of that time, but at the moment a lot of them I can't recall.

5 **COMMISSIONER:** I think Mr Hayes mentioned Tomkins Builders?

**MR CAPPELLETTI:** Yes, Tomkins, yes. Yes. I recall Tomkins. McNab. Dooleys Constructions at some point.

10 **COMMISSIONER:** What was that last one, sorry?

**MR CAPPELLETTI:** Dooleys.

**COMMISSIONER:** How do I spell that?

15

**MR CAPPELLETTI:** I think it's D-o-o-l-e-y-s. They were a smaller builder. But it was mainly the tier 1 and tier 2 builders.

20 **COMMISSIONER:** And do you have any view why it was mainly the tier 1 and tier 2 builders?

**MR CAPPELLETTI:** I think they were the larger projects with the most workers and the biggest dollar value.

25 **MR WHEELAHAN:** Do you know whether or not Watpac was also a target?

**MR CAPPELLETTI:** Watpac, yes, Watpac.

**MR WHEELAHAN:** You say yes very quickly.

30

**MR CAPPELLETTI:** Yes, because as you mention them now I'm starting to get the recollection.

**MR WHEELAHAN:** Why do you agree they were a target?

35

**MR CAPPELLETTI:** From some of the site visits we did that we were required to attend, requests for assistance.

40 **MR WHEELAHAN:** What was it about the site visit that made you assess that they were just being targeted as opposed to legitimate health and safety concerns?

**MR CAPPELLETTI:** I think the regularity of the complaints, the regularity of being requested to assist.

45 **MR WHEELAHAN:** At that particular - at Watpac? The regularity of being called to Watpac?

**MR CAPPELLETTI:** Just about all of them, yes.

**MR WHEELAHAN:** Yes, each of the ones that you've told the Commissioner were targeted?

5

**MR CAPPELLETTI:** Yes, it almost felt like we were going to a different builder every day of the week at some point in time.

**MR WHEELAHAN:** Paragraph 49, still on this topic, you say that - we're moving to you being on site, and you give some evidence about being - attempts to manipulate you. Can you just take the Commissioner through your evidence at 49 and 50?

**MR CAPPELLETTI:** Well, I -

15

**MR WHEELAHAN:** I might blow up paragraph 49, Commissioner.

**MR CAPPELLETTI:** So, I mean, from the outset you understood -

**MR WHEELAHAN:** Just hold on. So we're just going - on the screen in front of you we're going to enlarge paragraph 49. Do you see that?

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** Now, if you can take the Commissioner through your evidence and explain that?

**MR CAPPELLETTI:** So I think that, as I say there, part of difficulty when we do turn up to site is we're trying to focus and concentrate on the details of the complaint and what legislative area it applies to. We would be followed around and pressured and manipulated almost by whoever the entry permit holder was, or usually there was more than one, pushing us in a direction and pressuring us, questioning us, arguing with us about what we felt was compliant or what we felt wasn't compliant. Usually ended up in an argument with the entry permit holders, them disagreeing with what we said, pulling out things of legislation or codes of practice that they think that we weren't following, and we knew that it was, you know, not the way - they didn't - they misinterpreted something or were trying to manipulate something out of the legislation to suit them. So I guess that part of the pressure on site visits was that it was usually stressful because you were arguing about every point rather than being able to find an outcome for the safety.

**MR WHEELAHAN:** When you say arguing, it's not like a polite legal argument between counsel. You've described it here as raised voices, aggressive behaviour, "standing in our personal space", swearing and occasionally personally abusing you?

45

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** And you recollect examples of that happening?

5 **MR CAPPELLETTI:** Broadly, yes. Specifically, I - again, it became such a regular occurrence that one day blended into the next.

**MR WHEELAHAN:** So when you say a regular occurrence, so that's a statement of the general behaviour that you had to encounter?

10 **MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** Okay. If I could have enlarged paragraph 50, please. Mr Cappelletti, let me know when that's enlarged for you.

15 **MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** You commence this paragraph saying that you had to take back control of the site visit. Can you just take the Commissioner through your evidence in this paragraph and explain it?

20 **MR CAPPELLETTI:** So what we had to do was obviously walk away and focus on the issues that were mentioned in their notice of entry and focus on those specific things rather than let them walk us around the site to every point and corner that they would do their own assessment and inspection on, finding fault.

25 **MR WHEELAHAN:** So what you say here is:

"We had to take back control of the site visit. This would result..."

30 Can you take the Commissioner through your evidence there?

**MR CAPPELLETTI:** Well, usually the result in one of the union organisers stepping out and making a phone call presumably to Helen Burgess, complaining about our conduct on the site. And Helen Burgess would inevitably call the operations manager that would call us and basically say, you know, do what the union want throughout that site visit.

40 **MR WHEELAHAN:** So can you specifically recollect - I mean, you've said here Mr Mutton or Mr Houston - telling you, "Just do what the union want."

**MR CAPPELLETTI:** Yes.

45 **MR WHEELAHAN:** You can? All right. And your evidence about it being a telephone call to Ms Burgess is because of your earlier evidence - you've said here Mr Royce Kupsch and so forth -

**MR CAPPELLETTI:** Yep.

**MR WHEELAHAN:** - that she was the conduit?

**MR CAPPELLETTI:** Yes.

5

**MR WHEELAHAN:** They weren't calling Mr Mutton or Mr Houston directly?

**MR CAPPELLETTI:** Not that I know of.

10 **MR WHEELAHAN:** Not that you knew of. And you say it was common knowledge amongst all the inspectors that Ms Burgess was being called directly?

**MR CAPPELLETTI:** Yes.

15 **MR WHEELAHAN:** Okay. So you attempted to resist the instructions from either Mr Mutton or Houston to just do what the union's telling you. Can you take the Commissioner through your evidence there?

20 **MR CAPPELLETTI:** Usually when we'd speak out about the fact is that we couldn't comply with what the union wanted because we didn't feel that it was legal, that what they wanted us to do, we couldn't apply the legislation and take enforcement action because we just couldn't simply - it didn't exist. We could only issue notices on things that were within the legislation. But we had the -

25 **COMMISSIONER:** Say that last bit again. I just missed that. You what with notices about the legislation?

**MR CAPPELLETTI:** We could only usually issue notices if we had the evidence and it was in the legislation.

30

**MR WHEELAHAN:** Now, I will have enlarged paragraph 52 of your statement for the purposes of a comparator to the union. Can you take the Commissioner through the evidence there?

35 **MR CAPPELLETTI:** Basically what it says. I don't think I ever came across anyone from the AWU ever.

**MR WHEELAHAN:** So no pressure from - you've never come across them on site, doing your job?

40

**MR CAPPELLETTI:** No. Never.

**MR WHEELAHAN:** Commissioner, we started later. Are we going to go to 11.20 or -

45

**COMMISSIONER:** Whatever you want. We can go to 11.20, 11.30, whatever you like.

**MR WHEELAHAN:** So I'm going to jump around a bit, Mr Cappelletti, and I want to bring up paragraph 80 of your statement. It flows from the subject matter of the evidence that you're giving now. So this is an example in your evidence of a  
5 specific call from a Mr Mutton. Do you remember the occasion - to give you some context, not remember - this was a site visit where you say there was a Mr Mattas, M-a-t-t-a-s, from the CFMEU?

**MR CAPPELLETTI:** Yes.  
10

**MR WHEELAHAN:** Do you recollect the site visit that you gave evidence about here in your statement?

**MR CAPPELLETTI:** There was two.  
15

**MR WHEELAHAN:** Yes.

**MR CAPPELLETTI:** But they were both the same site. It was a Hutchinson Builders site. I think it was West Village at West End.  
20

**MR WHEELAHAN:** Right.

**MR CAPPELLETTI:** I'm not sure which one this - I'm not sure whether this was the first one where we were sent down there at the request of Mr Mattas for  
25 inspector assistance under - he was trying to enter site under the Act, 68(2), which was health and safety representative request for assistance.

**MR WHEELAHAN:** I might assist you. So at paragraph 69, there were only two site visits you give evidence about involving Mr Mattas at the Hutchinson site?  
30

**MR CAPPELLETTI:** Yes. Both the same site, yes.

**MR WHEELAHAN:** Yeah, correct. It's just a different date but there are only two visits you give evidence about?  
35

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** So 69, if we deal with this particular one.

**MR CAPPELLETTI:** Yes, so that's the second one. So that's the one where he - that's the one where he entered site not as an entry permit holder.  
40

**MR WHEELAHAN:** Yes.

**MR CAPPELLETTI:** He tried to enter site - I think that one there was possibly under section 81(3) of the Act.  
45

**MR WHEELAHAN:** We can take that off the screen. Yes?

**MR CAPPELLETTI:** So we were called -

5 **MR WHEELAHAN:** So paragraph 71. You were on site. What I'm directing you to is - you've given evidence before about these phone calls from the union, you said, don't get the favourable outcome.

**MR CAPPELLETTI:** Mmm.

10

**MR WHEELAHAN:** And if we do blow that paragraph up on screen, can you actually recollect this - what you've described as Mr Mattas being argumentative?

**MR CAPPELLETTI:** Yes.

15

**MR WHEELAHAN:** Do you recollect this?

**MR CAPPELLETTI:** Yes.

20 **MR WHEELAHAN:** Well, take the Commissioner through what actually happened then.

**MR CAPPELLETTI:** All right. So that was the second site visit where we were requested to come down for assistance. Mr Mattas was on site. He was already on site, and he'd actually, from what we understood, entered site illegally. He was asked by the Hutchinson Builders to go down to the site office. I think during that time it was still COVID, so we had to fill out a COVID declaration plus sign in and let them know that he was there. When we arrived on site, I saw him wandering around looking at things on his own. When we went down to the site office, Inspector Frank D'Allura and myself, to sign in and fill out the COVID declaration, we asked the site project manager and a few of the other managers there what was happening. They explained to us that Dean Mattas had illegally entered site. They directed him to come down to the site office to sign in and fill out the paperwork. He had ignored them.

35

Whilst we were down in the site office, Mr Mattas walked in and we started asking him what issues he had, why he called us down there, and he said access and egress and a few other bits and pieces. Then we started to ask him, "Have you signed in and have you filled out the COVID-19 declaration?" And he said, "No, and I'm not going to." And I said to him that's - it's part of the requirements of the site that you have come onto. He flatly refused, and then I asked him, you know - "I saw you walking around the site by yourself and I was told you've been walking around the site without telling anybody. Is that true?" And he refused to answer my question. And I said to him, "Under the workplace health and safety legislation as an inspector I'm asking you this question and you should be answering." And he said, "No, I'm not answering."

45

The conversation got a lot more heated after that. We were arguing backwards and forwards about his right to be there and what he should be complying with. And it got quite tense. We were raising voices and quite argumentative, and I said to him that if it doesn't stop, because it's getting quite out of control, we'll just leave the site. And he just said -

**COMMISSIONER:** Who will leave the site?

**MR CAPPELLETTI:** Myself and the other inspector, Frank D'Allura. And Mr Mattas just said, "Go ahead. I'll just make a phone call and get another inspector down here." We didn't leave the site. We kept on there and kept doing what we had to do.

**COMMISSIONER:** You described when you started your description of this event as a request for assistance. Do I take that as a term of art that means a complaint by the CFMEU to someone in WHSQ that they can't be on site or they are on site but there's an attempt to get them off site and they're asking for assistance to either remain on site or to get on site? Is that what that phrase means?

**MR CAPPELLETTI:** Yes. Yes.

**MR WHEELAHAN:** On this topic, if I can have enlarged paragraph 80. Again, this paragraph follows on from another visit by Mr Mattas, and you've - I'll just paraphrase without going to 76 where he was refusing to sign in. Is it a common thing that CFMEU officials won't sign in when they enter a construction site?

**MR CAPPELLETTI:** I don't know if that's common. It does occur.

**MR WHEELAHAN:** And then at 80, so you've had a discussion leading up to this with Mr Mutton - sorry, Mr Mattas - and then you receive a phone call from Mr Mutton?

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** And what does he tell you?

**MR CAPPELLETTI:** He said that he'd gotten phone calls about the way we were conducting the site visit. I don't know who he had a phone call from. And he basically said to me to just do what he wants, do what Chris - do what Dean Mattas wants.

**MR WHEELAHAN:** Well, who would possibly call him about the site visit (crosstalk)?

**MR CAPPELLETTI:** I would say Dean Mattas at some point stepped away and made a phone call to either Royce or Helen Burgess.

**MR WHEELAHAN:** Okay. And he told you - so I didn't get the last bit. He told you to do what?

**MR CAPPELLETTI:** He told us just to do what Mr Mattas wanted.

5

**MR WHEELAHAN:** Right. And then at 82 - sorry, 86:

"During my conversation with Mr Mutton..."

10 You push back. Is that a fair characterisation?

**MR CAPPELLETTI:** Yes.

**MR WHEELAHAN:** And so what did you tell him?

15

**MR CAPPELLETTI:** I just said I had concerns about the way Mr Mattas was conducting himself, that he was acting unlawfully and I wanted something done about it.

20 **MR WHEELAHAN:** And tying all this in, is this an example where you're seeking the support of Mr Mutton when you're telling him, "I think I'm being asked to do something that's unlawful"?

**MR CAPPELLETTI:** Yes.

25

**MR WHEELAHAN:** And did you get that support?

**MR CAPPELLETTI:** No.

30 **MR WHEELAHAN:** Commissioner, I would like to just go five minutes and then release Mr Cappelletti, rather than keep him over the break.

**COMMISSIONER:** Very well.

35 **MR WHEELAHAN:** And have a 15-minute adjournment before Ms -

**COMMISSIONER:** Can you remind me \_ and Mr O'Grady might be able to remind me - is Dean Mattas one of the organisers that's been removed by the administrator? I had a recollection he was, but there are so many names in my mind I can't remember.

40

**MR O'GRADY:** I can confirm that over the break, Commissioner, and let you know.

45 **MR WHEELAHAN:** Now, one final topic, Mr Cappelletti, that I want to ask you - sorry, two more. The issue of - you give evidence in your statement that you

understand there's an MoU between Queensland Police Services and the Office of Industrial Relations?

**MR CAPPELLETTI:** Yes.

5

**MR WHEELAHAN:** Can you explain in your time there since the election of the Palaszczuk government thereafter or - how the police would interact with you if there was a right-of-entry dispute with the CFMEU?

10 **MR CAPPELLETTI:** Usually the builder would call the police if they believed that the CFMEU entry permit holders were not allowed to be there legally and they were trying to make their way on. In the early days of all these things happening, the police would turn up for a matter of trespass, and that's the avenue the builder would take. Somewhere down the track, which I didn't know about and  
15 we couldn't understand, we heard that the police stopped turning up or were intercepted on the way to site by somebody telling them that there's no need to come to site because the entry permit holders were actually coming onto site legally, so there was no reason for them to be there.

20 And we couldn't understand why or how that was happening, and I didn't know there was an MoU until probably December last year when I read in the Courier-Mail that Workplace Health and Safety Queensland had an MoU with the Queensland Police and the contact person was Helen Burgess. So we started to understand that's how the police were intercepted and phoned, because when they  
25 were phoned to come to a site to assist in trespass, the police would contact Helen Burgess as the contact person and she would tell them there's no need for you to go because the entry permit holders are actually coming onto site legally. So they wouldn't show up.

30 **MR WHEELAHAN:** All right. That's what you assume that she's told them?

**MR CAPPELLETTI:** Yes.

35 **MR WHEELAHAN:** Yes. Now, finally -

**COMMISSIONER:** When you say you couldn't understand the - why the police were - I think your word was intercepted en route to a site, what did you mean by that?

40 **MR CAPPELLETTI:** Well, we didn't know there was an MoU, so we couldn't figure out how Helen Burgess knew what area or station the police were coming from, who they actually were, who was dispatched to go to site. We couldn't figure out how she knew that stuff. It was only until we understood through the media that there was an MoU and she was the contact person we understood that they  
45 would phone her and then she'd tell them no, don't show up because they're actually acting lawfully and can go onto site.

**MR WHEELAHAN:** Now, finally, Mr Cappelletti, you give some evidence about being aware of a hit list, and if you can quickly clarify, we're not talking about an assassination list. What's the hit list you're talking about?

5 **MR CAPPELLETTI:** Well, the hit list was something I was made aware of by another inspector by the name of Paul Kitchener. And he approached me one day in the Mount Gravatt office and said, "I have been down at the Robina office and I overheard or spoke to operations manager Chris Mutton who said that there's a hit list of five inspectors that he'd been engaged, I presume by Helen Burgess through  
10 the union to get rid of these five inspectors." And I said, "I had no idea. What are you talking about?" And he said, "Well, there's a hit list." He said, "You're on it." He said, "Inspector Hayes is on it." There was another three. There was another inspector Gary Matheson, Geoff Collis and Anthony Watego. And all five of us had had some run ins with Helen Burgess and the union on quite regular  
15 occasions, so they wanted us out of the way.

**MR WHEELAHAN:** And what time period did you have this discussion with Paul Kitchener?

20 **MR CAPPELLETTI:** It was over - just in the office one day.

**MR WHEELAHAN:** Sorry, I mean what year?

25 **MR CAPPELLETTI:** I can't recall.

**MR WHEELAHAN:** You'll have to give some -

**MR CAPPELLETTI:** I think it was probably about two or three years - or two years into Helen's role as a director.

30 **MR WHEELAHAN:** Okay.

**COMMISSIONER:** So what's that, about early 2020s? 2019, 1020?

35 **MR CAPPELLETTI:** I'm pretty sure it was before COVID, so I think so.

**COMMISSIONER:** 2018, 2019?

40 **MR CAPPELLETTI:** 2019, late 2019, I think. I think Paul Kitchener would be able to give you the answers to all that, because I do believe he put in a formal complaint about it.

**MR WHEELAHAN:** Commissioner, there are no applications to cross-examine Mr Cappelletti. I propose that he be released and that we have a 15-minute break  
45 before Ms Wise is called.

**COMMISSIONER:** Very well. Sorry.

**MR O'GRADY:** Before you adjourn, Commissioner, there is no application to cross-examine, but I do have the answer to your question. Mr Mattas was removed on 4 September 2025.

5

**COMMISSIONER:** Thank you. And he was an organiser?

**MR O'GRADY:** He was an organiser. He was made redundant, and you might recall Mr Irving's evidence about how he decided to remove various people from the organisation. It's found actually in exhibit MI-3 to Mr Irving's witness statement where the people who've left the organisation are listed.

10

**COMMISSIONER:** Sorry, what was that last bit?

**MR O'GRADY:** Where the people who Mr Irving exited from the CFMEU are listed.

15

**COMMISSIONER:** Thank you. Thank you very much for your evidence, Mr Cappelletti. I appreciate the difficulties that were involved in you coming forward in your position to give this evidence, and the efforts you've made are appreciated, so thank you.

20

**MR CAPPELLETTI:** Thank you.

**COMMISSIONER:** You're released.

25

**MR CAPPELLETTI:** Thank you.

**<THE WITNESS WAS RELEASED**

30

**COMMISSIONER:** We will adjourn for 15 minutes until just before quarter to 12.

**<THE HEARING ADJOURNED AT 11.27 AM.**

35

**<THE HEARING RESUMED AT 11.43 AM.**

**MR WHEELAHAN:** Thank you, Commissioner. I call Ms Sarina Erica Wise.

**COMMISSIONER:** Is Ms Wise in the body of the courtroom?

40

**MR WHEELAHAN:** Yes, she is.

**COMMISSIONER:** Ms Wise, can you come forward into the witness box, please.

45

**<SARINA ERIKA WISE, AFFIRMED**

**<EXAMINATION BY MR WHEELAHAN**

5 **COMMISSIONER:** Please take a seat, Ms Wise. Mr Wheelahan will ask you some questions. It may be you need to speak up a little bit. I'm just not sure about how the AV system is working.

**MS WISE:** Sure. Is this okay.

10 **COMMISSIONER:** I'm not - I'll get told if it's - it's okay.

**MR WHEELAHAN:** Please state your full name.

**MS WISE:** Sarina Erika Wise.

15

**MR WHEELAHAN:** And your address is known to the Commission?

**MS WISE:** Yes.

20 **MR WHEELAHAN:** And what position are you currently employed in?

**MS WISE:** I am the executive director for compliance and field services for Workplace Health and Safety Queensland.

25 **MR WHEELAHAN:** And you appear today to give evidence under a compulsory notice -

**MS WISE:** Correct.

30 **MR WHEELAHAN:** - from the Commission. You've prepared - with your advisers, you've prepared a witness statement in response to a compulsory notice, correct?

**MS WISE:** Correct.

35

**MR WHEELAHAN:** And that statement is of 29 pages and annexures extending to page - final annexure SW-25 finishing at page 184, correct?

**MS WISE:** Correct.

40

**MR WHEELAHAN:** And are there any changes you want to make to that statement?

**MS WISE:** No, there is not.

45

**MR WHEELAHAN:** Is it true and correct in every particular?

**MS WISE:** Yes, it is.

**MR WHEELAHAN:** I tender that statement, Commissioner.

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

**MR CLIFT:** No, Commissioner.

10 **COMMISSIONER:** No? Thank you. Mr O'Grady?

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

15 **COMMISSIONER:** The statement of Sarina Erika Wise made 7 April 2026, 103 paragraphs, 27 pages with 25 annexures will be exhibit SEW-1.

**<EXHIBIT SEW-1 STATEMENT OF SARINA ERIKA WISE MADE  
7/4/2026, 103 PARAGRAPHS, 27 PAGES WITH 25 ANNEXURES**

20 **MR WHEELAHAN:** When did you commence your position as executive director, compliance and field services?

**MS WISE:** On 16 October 2023.

25 **MR WHEELAHAN:** Now, what tertiary qualifications do you hold?

**MS WISE:** I have a grad cert in government investigations.

30 **MR WHEELAHAN:** And take the Commissioner through your previous experience before commencing your current role.

35 **MS WISE:** So I spent 16 years working for the New South Wales public service. In that time, I worked for a range of regulatory agencies in New South Wales, including SafeWork NSW, which is the equivalent workplace health and safety regulator in New South Wales, to the regulator that I'm currently working for in Queensland. During my time in SafeWork NSW, I headed up the WHS metro inspectorate, one of the fast-paced inspectorates that cover the whole Sydney metropolitan area. Prior to that, I worked for various regulators over the 16 years during my tenure in the New South Wales public service in a range of operational, leadership roles, senior executive roles, before moving up to Queensland in my  
40 current role.

**COMMISSIONER:** What is the graduate certificate in government investigations and management? That's a - some sort of course where -

45 **MS WISE:** It's a postgraduate certificate around managing major investigations in the government setting. So a lot of my experience was heading up taskforces, leading major investigations into fraud, doing large operational activities with

inspectors and other compliance staff. I spent some time in Liquor and Gaming NSW, where I worked closely with the New South Wales Police on a number of taskforces and operational activities through that time as well.

5 **COMMISSIONER:** I was under the mistaken belief before I heard from Mr  
Jenkinson yesterday - I asked him a question about the sort of people that should  
be in a role equivalent to the Australian Building and Construction Commission  
but at a state level, and he told me that you didn't need to be - have a policing  
background. It's - there are plenty of people within government who have very  
10 strong investigative backgrounds. And I presume you're an example of that sort of  
person?

**MS WISE:** Yes, I am.

15 **MR WHEELAHAN:** And your current role, detailed at paragraph 8, if you can  
take the Commissioner through what activities your current role involves?

**MS WISE:** So I currently head up the inspectorate for Workplace Health and  
Safety Queensland. That has four different regions that cover the state. I also head  
20 up the statewide investigations unit, which does all the serious incident and fatality  
investigation when workers tragically lose their lives at a work site. I also head up  
the programs and operational support area, which coordinates proactive  
compliance programs for across the state. I also head up the division that is  
responsible for advisory services and assessment services, which is a triaging  
25 function and a call centre, where all the incident notifications come through to my  
area before they're allocated out to the respective areas.

**MR WHEELAHAN:** And how many staff report to you currently?

30 **MS WISE:** Approximately 300.

**MR WHEELAHAN:** And across a number of regions?

**MS WISE:** Across four regions and those other units that I've described.

35 **COMMISSIONER:** And are those regions geographical regions?

**MS WISE:** They are geographical regions, yes.

40 **MR WHEELAHAN:** And those regions are overseeing Queensland's workplace  
health safety compliance and regulatory functions?

**MS WISE:** Correct.

45 **MR WHEELAHAN:** And that's a core part of your role?

**MS WISE:** That's correct.

**COMMISSIONER:** But those 300 are not all inspectors?

5 **MS WISE:** No, they're not. Approximately 200 are inspectors. The statewide investigations unit are inspectors as well, although we call them investigators. But the other portion of my staff are program management, advisory services, call centre functions, leaders, directors.

10 **MR WHEELAHAN:** All right. We probably -

**COMMISSIONER:** And is an investigator someone who's just a skilled inspector? Is that -

15 **MS WISE:** Back to your previous point, they're usually ex-police. They come with that background generally. But some have worked their way through the inspectorate and moved over into the investigations area.

20 **MR WHEELAHAN:** You detail in your evidence a number of direct reports, being eight. We won't go through those now, but you do say at paragraph 11 that after you commenced your role on 16 October 2023, you quickly identified significant issues across Workplace Health Safety Queensland. Can you take the Commissioner through what those significant issues were?

25 **MS WISE:** There was a number of significant issues. At a high level, it was operational dysfunction. In my opinion there, was a lack of strategy. There was inadequate governance frameworks. So what that resulted in, that there wasn't really the strategic vision for the area on how to get the best outcomes for Queenslanders. The other dysfunction included - and I quickly identified that there was regulatory capture by the CFMEU when I arrived, from what I observed.  
30 There was also cultural issues. I recall at the time when I started I had about 60 unresolved HR-type matters on my books, which was an extraordinary amount given I had about 320 staff. And I guess as an example now I have a running eight matters on hand in that same sort of HR space. So that's fairly consistent. So 60 at the time.

35 **COMMISSIONER:** You had 60 and now you've got eight?

40 **MS WISE:** Yeah, matters on hand that related to this dysfunction and cultural issues that I had identified that in my opinion didn't appear to have been managed appropriately up until my arrival as there was a lot of historical matters on that list, which, you know, I would ask questions as to what's being done about this matter, and there was little that could be provided in response.

45 **COMMISSIONER:** There was what provided?

**MS WISE:** Little. Little response they could provide by way of what was done in regards to these HR outstanding -

**COMMISSIONER:** Who's "they" who were responding?

5 **MS WISE:** Depending on the matter, if it was an ethical standards matter, if it was an HR performance matter, those areas of the business I would ask, you know, where's this matter - you know, what is being done with this particular matter up until my arrival, and they said, "Well, no-one's really managed that accordingly," so I had to take it upon myself to work through each of those matters and deal with them appropriately.

10 **MR WHEELAHAN:** So where did accountability sit for resolving all those HR issues?

15 **MS WISE:** I thought it sat with me, and I still do. As the executive director of the area where those staff report in to, it's my role as the executive director to manage HR matters, obviously with the assistance of the corporate areas of the business or legal advice and support, but ultimately it's up to me to maintain a functional area.

20 **MR WHEELAHAN:** What are the matters that you said you considered was your words:

"Deep regulatory capture."

25 A lot of people will want to know what you mean by that.

30 **MS WISE:** So in a regulatory space, we use the term "regulatory capture" where the regulator becomes, like the word suggests, captured by - in some cases it can be an entity, an individual, a business that generally you're regulating, and what occurs with the regulatory capture is the regulator is no longer impartial and the entity or individual that's captured the regulator is actually controlling and influencing the regulator to a point where the regulator, as I said, is no longer impartial in their decision-making or their approach.

35 **MR WHEELAHAN:** And what prompted you to reach that conclusion so quickly after commencing your role, 16 October 2023?

40 **MS WISE:** So I'd just come from the equivalent regulator in New South Wales. So I was very across - the legislation's almost identical across the two jurisdictions, and the difference in how New South Wales was operating when I left to when I came up here to the Queensland regulator was chalk and cheese. The triaging arrangements that were in place very early on that I noticed, which I'm happy to provide further details with in my - further down in my statement, was probably the first thing that caught my attention as regulatory capture. The CFMEU wasn't using the standard processes, the 1300 number, whereas in New  
45 South Wales that was common practice. And so it was quite alarming when I got here to see how different it really was.

**MR WHEELAHAN:** So you said you were quite alarmed, particularly with the triaging, and that was an example of regulatory capture. Is that right?

**MS WISE:** Correct.

5

**MR WHEELAHAN:** You deal with this in your statement commencing paragraph 56. Just take us through - so when you arrive there is a designated 1300 number for stakeholders?

10 **MS WISE:** Yes. All WHS regulators have the same set-up. Obviously the numbers are different, but the purpose of this system is so that businesses can notify incidents to the regulator, which they're required to do for certain circumstances under the legislation. It's also for businesses to get advice and information about compliance and how to comply with the legislation. It's also  
15 used by emergency services where we have a fatality occur at the work site. The ambulance service or the police call us through this line as well to alert us to attend to the site. And it's also used by unions to request assistance through the statutory provisions that exist in the WHS legislation, like right of entry, for instance. All those requests and notifications come through that 1300 number.

20

**MR WHEELAHAN:** Is it - I think another witness - is it also the AAA - what - why is it called the AAA?

25 **MS WISE:** I'm happy to explain that. So that is one of my units that report in to me, and it's assessment and advisory. So it's three As, AAA. They've gotten that name over time, but essentially AAA is the team that's responsible for the triaging and the phone call 1300 number.

30 **MR WHEELAHAN:** And is it or is it not very important that calls be triaged appropriately and records made of what it is that stakeholders might bring to the attention of the regulator. Can you take the Commissioner through that?

35 **MS WISE:** It's very important that the 1300 number exists and that it's being used appropriately for a number of reasons. The team that heads up that space has policies and procedures on making decisions, assessing matters in a certain way, allocating them to the right operational area and region. It's also important because they issue what we call significant incident notifications when certain matters come in, which alert executives and other leaders within the organisation when there's a significant incident occurring. So there's a lot of procedures and policies  
40 that sit behind the 1300 number process that if it's not used properly, there is misreporting or records that are not being obtained through that process that when, as a government agency, we're required to report how many calls we got for X. If it's not being used appropriately, those records are not accurate.

45 **MR WHEELAHAN:** Is it a 24-hour number?

**MS WISE:** It is. It reverts to a call service at a certain point in the day, but it is manned 24 hours.

5 **COMMISSIONER:** So it's important for both those reasons for - so you have a complete record of all calls that are incoming, and secondly so that the policy and procedures that you put in place to deal with each complaint, which might mean dealing with the complaint in three different ways, for example, sending it off as a priority, sending it to a certain region and also it might constitute a significant - what did you call it? A significant -

10

**MS WISE:** Incident.

**COMMISSIONER:** Incident notification. There's a whole lot of things that might need to be done with one particular complaint that if you don't do it through the 1300 number, I assume it's hard for every - sorry, for all the policies to be applied to that complaint in a way that's consistent?

15

**MS WISE:** And it also is inefficient, because it has to go through multiple hands before it gets back to that team that has to go through those processes.

20

**MR WHEELAHAN:** So at your paragraph 57, picking up after you've now explain to the Commissioner that - what you say, would you agree, the critical importance of having the 1300 central number used by everybody, it has triage purposes, record-keeping purposes and so forth, what do you say you observed on your arrival?

25

**MS WISE:** So very early on, I observed in the same office as Peter McKay, who is the deputy director-general who I reported through to at the time -

30 **COMMISSIONER:** That's your direct report?

**MS WISE:** Yes, that was my direct report. He was receiving phone calls from the CFMEU directly on his mobile phone. I witnessed that in the office on a number of occasions very early on. And I knew that it was the CFMEU, because once he finished those calls he would then revert to me, whether - if I was there in person, he'd speak to me. If I wasn't, he'd email or call or text message me and say that he'd received a call from the CFMEU and they were requesting assistance at X site for a right-of-entry matter. So essentially bypassing the 1300 process and calling Mr McKay for their requests.

40

**COMMISSIONER:** You use this phrase "requesting assistance", and I asked this question of Mr Cappelletti: what does requesting assistance mean? Is it code for something?

45 **MS WISE:** It's a term we use because there's statutory requests within the WHS legislation whereby union officials can request our service for when they get to site - particularly right of entry is probably the most common occurrence - and

they can't get in because the business is refusing their entry. There is a section within the legislation where they can request the regulator's assistance to attend that site and facilitate that entry. So it's a core piece within our WHS legislation which we call request for service just to -

5

**COMMISSIONER:** Request for service or request for assistance?

**MS WISE:** Request for assistance, request for service. It's interchangeable.

10 **COMMISSIONER:** He said it was only used for right of entry. You say it was almost - it was normally used -

**MS WISE:** There are - sorry, Commissioner.

15 **COMMISSIONER:** Sorry.

**MS WISE:** No, that was my fault. They are also used for other provisions that unions can ask for assistance around issues resolution. It's not used very often, but there are other sections. But the common occurrence is right of entry. So it is more - broader than just right of entry.

20

**COMMISSIONER:** But in your experience, was it - these calls for assistance from the CFMEU that you received from Mr McKay, were they always right of entry requests?

25

**MS WISE:** They were always framed in that way.

**MR WHEELAHAN:** And the calls were to the office landline or his mobile?

30 **MS WISE:** What I observed was his mobile. We don't have office landlines anymore.

**MR WHEELAHAN:** When you say "observed", you've actually physically heard him answer it?

35

**MS WISE:** Correct. Multiple times.

**MR WHEELAHAN:** And then afterwards report to you that the union want assistance, as you've described; is that correct?

40

**MS WISE:** Correct. Correct.

**MR WHEELAHAN:** And did you approach Mr McKay about this?

45 **MS WISE:** Yeah, very early on. I was obviously surprised by how it was operating, as I said earlier. And I said to Mr McKay, "Why are they not using the 1300 number? In New South Wales, that's how it operates down there." Mr

McKay said something to the effect of, "And that's the current arrangement." I could tell he wasn't happy with the arrangement, but -

**MR WHEELAHAN:** He wasn't?

5

**MS WISE:** He wasn't happy with the arrangement because it was a burden on his time, I could see. But I didn't get really get much information as to why that was the current arrangement at the time.

10 **COMMISSIONER:** Did it surprise you that this was happening?

**MS WISE:** Yes, which is why I concluded there was regulatory capture very early on, because it was very unusual that such operational matters around right of entry were going to the level of a deputy director-general. And Mr McKay doesn't know the procedures that sit behind the AAA teams, so it was inefficient that he was taking the calls, but also he wasn't really well equipped to manage those calls as well, because there's certain questions we need to go through when we receive calls. He was - you know, that's not his role.

20 **COMMISSIONER:** It seems a pretty brave thing to say to your new boss to - because the implication is - it seems to me to be, "There seems to be something going wrong, boss."

**MS WISE:** Well -

25

**COMMISSIONER:** "And you're involved in it."

**MS WISE:** - those that know me know I - yeah, I don't hold back. Very professional in my approach, but when I see something that needs to be called out, I will call that out. And I don't think he took it in a negative way, me raising it. I was just questioning the why; why is it like that?

**COMMISSIONER:** And do I understand your evidence to say you didn't get a very satisfactory answer or it was a little bit unclear, that it was just - I don't want to put words in your mouth.

35

**MS WISE:** No, he just said it's the current arrangement. And subsequently at a later time I found out that the previous arrangement before my time with a director that was reporting through to me when I arrived, Ms Helen Burgess, I understood that she was actually fielding the calls at her level when she headed up the construction inspectors, and what came to me later on was because she'd been moved out of that role and she no longer had the construction inspectors reporting up through to her, that this appeared to be a transition from the calls going to her needing to go to someone else, and for whatever reason it was with Peter McKay.

45

**COMMISSIONER:** I don't quite understand. Mr McKay is going to come and give evidence, so maybe I'll ask him this question. I don't understand why he took the calls.

5 **MS WISE:** You'd have to ask Mr McKay that question. I can't - I don't know. It was already in place when I'd arrived and was happening quite frequently.

**COMMISSIONER:** And what did you do, suggest to him, when you discovered this unusual issue?

10

**MS WISE:** So I could see it was a burden on his time, you know, taking multiple calls in a day sometimes and then referring them to me that I would then have to refer them to my assessment team through - that head up that 1300 number area. And then I'd also make calls to my regional director saying, "Heads up, we've got a request that's come in." So it was causing a lot of inefficiencies for not just Peter McKay but myself and other manoeuvring that request down to where it needed to come in for recordkeeping purposes and allocation. I said to Peter I could see it was a burden on him and it was in my view a broken system.

15

20

And I said, "Well, do you want me to try and take that away from you with the CFMEU," with the view at the time if I can transition them over to me, then I will move them back to the 1300 number. Obviously I wasn't going to say that directly, but - at the time, but that was the plan. And Mr McKay said something - words to the effect of, "That would be great. When the time is right, Sarina, we'll look to do that."

25

**COMMISSIONER:** And when did the time become right?

30

**MS WISE:** Not as quick as I would have hoped. There was a few, I guess, hurdles that I went through to get to where we wanted to land, but I think the next piece was Mr McKay was moving out of that role, and I thought that was an opportunity potentially to shift the calls back to where they needed to go through the 1300 number, and I'm happy to talk through that part of my statement now if you would like.

35

**COMMISSIONER:** I've taken over your examination, Mr Wheelahan. Sorry.

40

**MR WHEELAHAN:** I'm grateful, given my voice wasn't quite holding up in the first session. You've allowed me to recover. So bringing you back, paragraph 60, which I've enlarged on screen, this follows on from where you've just told the Commissioner that Mr McKay, when you offered to take these calls off - obviously you had your plan that by doing that you might be able to send them back to the 1300 number - and he said:

45

"When we find the right time, I will make that happen."

Then on 22 November 2023, just take the Commissioner through this specific paragraph, please.

5 **MS WISE:** Sure. So Mr Kurt Pauls was a representative of the CFMEU, but he was also a member of the Workplace Health and Safety board at the time. So that was a board that provides advice to the Minister, and there's multiple board members from both union background and industry background, and Mr Kurt Pauls was one of those members at the time.

10 **COMMISSIONER:** Can I just ask you a question about that while it's in my mind?

**MS WISE:** Sure.

15 **COMMISSIONER:** I described it to Mr Wheelahan this morning as a supervisory board, but it's an advisory board, is it? Is that a better way to think about it?

20 **MS WISE:** It's an advisory board, yes.

**COMMISSIONER:** But presumably it has some supervisory role, because it has to advise the Minister on what should be done and needs to understand what is going on?

25 **MS WISE:** You're testing me on the terms of reference. There is the advisory piece to the Minister, but there's also a round oversight of the regulator generally in relation to performance. But don't quote me how that's framed in the terms of reference. But it's along those lines that there is some oversight. But I think there's some arm's length to that as well, from recollection.

30 **COMMISSIONER:** Sorry, I distracted you from describing what went on on 22 November 2023.

35 **MS WISE:** No, that's fine.

**MR WHEELAHAN:** Yes, that related to Kurt Pauls, because that's -

**MS WISE:** Yes.

40 **MR WHEELAHAN:** - identifying him.

**MS WISE:** I'm happy -

45 **MR WHEELAHAN:** So you say here you asked -

**COMMISSIONER:** Sorry, you just go on with your description.

**MR WHEELAHAN:** Yes. Good.

**MS WISE:** Okay. Sorry. So one of these board meetings, as the executive director for compliance and field services, all their executive directors for Workplace  
5 Health and Safety Queensland attend these meetings, as well as the deputy  
director-general. At one of these meetings there was a break. I went up to Mr  
Pauls and thought this might be a good opportunity to start that conversation  
around transitioning him away from - or from the CFMEU making calls to Peter  
10 McKay. And I said to him words to the effect of, "You know you can call me not  
Peter. You know I've got the inspectors reporting through to me. That will make it  
a bit faster, I would think." And he responded with words to the effect of, "We  
only call the top dog. Your time will come." And I realised at that point there was  
no real need to further push the conversation. I had to think outside the box and  
work out another way from there on in.

15

**COMMISSIONER:** What's "your time will come"? What did you take that to mean?

**MS WISE:** I would have to ask him exactly what he thought - meant. But in my  
20 opinion, I think it's a power play. You know, they only wanted to talk to the top  
dog, as they called it, and, you know, my time will come when, you know, they  
accept me into being able to meet their - I guess their expectations or - again, my  
opinion, but they were trying to test me out to see essentially are you going to side  
with us or are you going to push back on us, and we'll work out one day your time  
25 will come sort of thing. But again, just my opinion.

**COMMISSIONER:** Remind me how long this was after you started?

**MS WISE:** Not long. I don't waste time, generally. Well, I started on 16 October,  
30 so it was about five weeks in.

**COMMISSIONER:** Goodness.

**MR WHEELAHAN:** Well, effectively, it sounds like the CFMEU had a hotline  
35 to the top dog in their view?

**MS WISE:** Yes.

**MR WHEELAHAN:** Yes.  
40

**MS WISE:** Correct.

**MR WHEELAHAN:** They didn't need a 1300 number because they had the TG,  
45 the top dog?

**MS WISE:** Yeah, they bypassed that system, went straight to the top dog.

**MR WHEELAHAN:** All right.

**COMMISSIONER:** Mr McKay presumably had a whole lot of other things as - on his plate as the deputy director-general. What's his full title? Deputy  
5 director-general of OIR, or is it broader than that?

**MS WISE:** OIR, yeah, Office of Industrial Relations. Exactly. He was extremely busy, as was I, but moreso than me, and I knew that which is why I was like how - and sometimes he couldn't answer these calls that would come through, and  
10 he'd say, "They've left me multiple messages. I've got to look what that's about." And as time progressed, occasionally when they didn't get through to him they would call me, but it was on the odd occasion when they really had tried to get through to him and they couldn't.

**MR WHEELAHAN:** Still on the same subject matter of the 1300 number, paragraph 61, again dealing with Mr Pauls and again a right-of-entry dispute. Can you take the Commissioner through this, because the conclusion's quite instructive to the questions he's just asked of you.

**MS WISE:** So this is one of those situation where they couldn't get hold of Mr McKay, from recollection, and I received a call directly from Mr Pauls on my mobile phone. And at that time around April '24, what they were doing, the CFMEU, when they requested our assistance, was they would go to a site on numerous occasions and call the regulator, say, "We need a right-of-entry request.  
25 There's - we've not been able to get into this site." And many of the times it was because they'd refused to sign into the visitor site register for entry, which is generally an entry condition on a construction site. So what they were doing was saying, "We now have to exercise the right-of-entry provision because we're not being allowed into this site and we'll get the regulator out here." So because they weren't technically allowed on the site, we still had to respond to those matters as  
30 statutory requests.

So in this instance that I detail in paragraph 61, I received a call from Mr Pauls requesting a right-of-entry assistance or request, and he explained essentially  
35 something around the visitor, "They won't let us in." Words to that effect. It was quite early. Usually the calls were quite early in the morning, given the construction industry. So I said, "Look, yes, okay, we'll arrange something as per the approach under the legislation," and I terminated the call and essentially allocated it to the AAA team to manage and deal with appropriately. A few hours  
40 later, I noticed that I was getting calls from Mr Pauls. I couldn't answer those calls because I was chairing a meeting at the time, which is my core - one of my core functions, not to field requests for right of entry. And so I let the calls go to message bank, and I was able to text message while I was chairing the meeting and I said to Kurt Pauls, I said, "If it's urgent, call the 1300 number," in my text  
45 message to him.

And a few hours later, I received or made a call to him - I can't remember which way - but I had a conversation with him on the same day later in the afternoon where he was abrasive, abrupt, rude. Said, "How dare you tell me to call the 1300 number. I will not deal with an AO5 level person for my urgent construction matters." And I said, "Well, I can't answer your call all the time. I'm chairing a meeting." And I was quite firm in my response, professional as always, and said, "If you want it to be urgent and you want efficiency, you'll need to call the 1300 number." And he didn't like that response, and that was sort of the substance of that conversation.

**MR WHEELAHAN:** So would you say that there was some resistance from - moving from the top dog hotline to the 1300?

**MS WISE:** Yes, a lot of resistance.

**MR WHEELAHAN:** A lot of resistance. You made some efforts early on, more efforts to get this 1300 number used by the CFMEU. But, again, internally there was some road blocks as well. Is that reasonable? Or maybe not road blocks, a bit of a go-slow until -

**MS WISE:** Yeah, a very -

**MR WHEELAHAN:** "Yes, Minister"-type difficulty?

**MS WISE:** A slower pace than what I would like it to be. But, yes, I did try multiple ways to really push having the CFMEU use the 1300 number. There was a meeting - and if you want me to go to that example, I can - where Peter McKay was actually leaving the role as the deputy director-general. He'd gotten a new role outside of OIR, and Ms Donna Heelan was going to be acting in the deputy director-general role. And Peter decided that we'd call a meeting with a number of the construction unions to advise them of that change, and I thought this would be a good opportunity to try and navigate them again away from the calls; now that Peter was no longer going to be accessible, that there was potential that we could get them to use the 1300 number or something similar to that. And so this meeting occurred on 29 May -

**MR WHEELAHAN:** So for reference for the Commissioner, this is - this meeting you detail at paragraph 63 of your statement?

**MS WISE:** Correct.

**MR WHEELAHAN:** Yes. Proceed.

**MS WISE:** Sorry. So the meeting occurred on 29 May. In attendance was again Mr Kurt Pauls. There was a rep from the ETU or the Electrical Trades Union, and also the Plumbing and Pipe Trades Union as well in that meeting, as well as myself, Peter McKay and Donna Heelan. So there were six of us in attendance. In

the meeting, Peter explained that he was leaving and that Donna was going to be in the chair temporarily while they recruited to the position, and so essentially the calls would need to change. I took it upon myself at that stage to make a suggestion in the meeting that I could provide them with a special construction  
5 hotline that would be for union - construction unions only, when in reality that was just going to be diverted back to the 1300 number, but I thought that we needed to be a little bit strategic.

10 And so I suggested and talked about, you know, the efficiencies of this, how you'd get, you know, better service. People would be manning it. I will put people in there with construction experience so that they had those qualifications so that, you know, complex matters that you're calling in about could be managed. So I really tried every effort to sell the suggestion at the meeting. I could see that it wasn't really going anywhere. My colleagues weren't sort of jumping on the  
15 bandwagon of it, and Mr Pauls said, "No, we want all the regional director numbers. All the directors that have all the regions that report to you, Sarina, we want all their numbers, and we'll call them in lieu of Peter when Peter leaves." And I said, "Well, I don't know if that's a great idea." I said, "They might be on leave. They might be sick. You know, all these things that, you know, may cause  
20 inefficiencies for you." And they didn't seem to worry about those issues. They just wanted the - or Mr Pauls just wanted the regional directors' numbers after Mr McKay had departed.

25 So essentially that's where it landed, that that was the position we took, that we would provide the regional directors' numbers. I wasn't overly happy with where it landed, because I didn't want my regional directors to be pulled away from their core duties to take phone calls from the CFMEU and nor should they, but that's the direction it took at that stage.

30 **COMMISSIONER:** Who made that decision? Mr McKay or Ms Heelan?

**MS WISE:** It seemed to be agreed on by both of them. There wasn't a formal decision process, but like I said, I turned to them and they were like, "No, no," they both sort of agreed, "We'll do the regional directors' approach." So it  
35 was - you know, I wouldn't attribute it to one or the other; it was sort of where they were heading with agreeing.

**COMMISSIONER:** I beg your pardon?

40 **MS WISE:** They were just agreeing with let's move with both of them at the time.

**COMMISSIONER:** Is this the first time that Mr McKay had done anything to change the process? You'd started in October '23. This is now May '24, and is this  
45 the first time as he's going that a change is being made?

**MS WISE:** I'm not sure if he was trying things in the background that I'm not aware of, but it was the first time that I'd seen him have a visible conversation, or

in the same room as the CFMEU, about the triaging and manoeuvring it away. He may have been doing other - having other conversations that I wasn't privy to, but to my knowledge, yes.

5 **COMMISSIONER:** And the outcome was to agree with what Mr Pauls said over your objection?

**MS WISE:** Yes. That was where we landed, and I left the meeting and Peter said, you know, "Send them an email with all the contacts for the regional directors."  
10 And I had to obviously call a meeting with my regional directors and explain what was happening, and I said to them, "Look, we're going to monitor this. If it becomes unmanageable," which I thought it would pretty quickly, "I will be advocating strongly for it to change again." And, you know, it -

15 **COMMISSIONER:** You said that or Mr McKay said that?

**MS WISE:** I said that to my directors who were going to now start receiving the phone calls, that we'd continue to monitor how this would go, but that's essentially where the position at the moment - that's how we're going to manage it.  
20

**MR WHEELAHAN:** Were there any cogent reasons given by Mr Pauls or indeed your own departmental people -

**MS WISE:** No.  
25

**MR WHEELAHAN:** - to reject your proposal?

**MS WISE:** No. No, no-one gave me an explanation why. They just - Mr Pauls was very firm on getting the regional director numbers, which again, speculating somewhat, but I thought it was leading up to an election, does he want to - do they  
30 want contacts for all my different directors? And, you know, again speculating a little bit, but it was unusual because, again, them being available to take calls wasn't the best, you know, process. But I did think oh, this is somewhat reverting back to the days of when the CFMEU, as I understood it, were calling Ms Burgess  
35 directly, who was at the same regional sort of director level at that time. So it was almost like they were trying to revert back to that approach by going to the directors.

**MR WHEELAHAN:** And in that approach, you've described the approach of Mr Lynch and Mr Pauls in this meeting as aggressive?  
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**MS WISE:** Yes. So Mr Lynch was from the ETU. The triaging was just one part of the conversation within the meeting. We got to a point where Mr Lynch got quite aggressive and abrasive and was shouting across the room. It was quite a  
45 small room. It was about two by three metres in size. So we were in this quite confined space with six of us, and he was raising his voice, saying, you know, and naming some of my inspectors saying they were effin' hopeless, using the full

word, and saying that, you know, blood is going to be on your hands, words to that effect, that, you know, Queensland work is going to die because of the incompetence of the department and your inspectors, and it just went on like a tirade for - it felt like quite some time.

5

I looked over to my colleagues thinking are we going to interject here? This is, you know, poor behaviour. And no-one seemed like they were going to do anything, so I took it upon myself and interjected and said to Mr Lynch, "I'm going to stop you there," and went through what I had done, you know, up until that point. I had introduced a new region so that we could be more responsive, because part of his complaint was the Olympics are coming and all this new infrastructure is going to come and you're going to kill people because you're not doing your jobs. And so I said, "I've set up a new region. I'm conscious of these infrastructure increases. We're more responsive now because we're based in the city. We have got a team there now." I talked about - I made a comment to say "I can't talk about HR matters with you" because they were making complaints about certain inspectors being hopeless and "what are you doing about that, Sarina".

And I said, "Well, it's not appropriate that I talk about internal performance management or HR matters with external stakeholders, so you're going to have to just leave that with me." And it defused the situation. Mr Lynch was very heightened, and Mr Pauls at one stage said, "You've been here for months," in other words sort of asserting I hadn't done anything. So that was, yeah, part of that conversation. That's how it transpired.

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**MR WHEELAHAN:** And you said that the other departmental staff didn't respond. Did that surprise you, given that you'd worked for the same regulator in New South Wales, or the mirror regulator?

**MS WISE:** It didn't surprise me at that time. I'd been there for a number of months and sort of seen the regulatory capture and how we would sort of - when the CFMEU was pushing us to do something, that seemed to be the norm, but I just couldn't in my way of operating sort of go along with that. So I can't speak for my colleagues, but I definitely wasn't going to sit there and be berated by anyone. So I felt the need to stand up, you know. Especially we're safety regulators, poor behaviour needs to be called out. That's, you know, what we talk about. So I was conscious of that, and I wasn't going to sit there and accept the abuse.

**COMMISSIONER:** When you say you've been there for months and you've seen the regulatory capture, were there other aspects of what you observed as the regulatory capture of WHSQ by the CFMEU other than issues surrounding the 1300 number?

**MS WISE:** Yeah, well, the triaging was the big one. There were things in relation to a data request that I talk about within my statement as well, which I thought showed again regulatory capture in how we sort of responded to the CFMEU with their requests. Just, you know the example about the top dog, things like - little

things that would happen like that and I think ordinarily in New South Wales, and I appreciate it was under a different government at the time I was down there, but those behaviours weren't accepted, especially not to senior executives. You know, they would say, "We're not going to talk to that stakeholder if they're going to speak to us like that," whereas my observations here was we accepted that they were allowed to speak to us like that. And I can't put words in other people's mouths, but that's how it appeared.

**COMMISSIONER:** You said the 1300 number was - the centralised number which could be used for the variety of purposes you've described was used in New South Wales and I think you said in all other jurisdictions. Is that right?

**MS WISE:** Yes, so I'm actually the member of the heads of workplace health and safety, so I am the Queensland member, so I meet regularly with the other jurisdictions. They all have their version of the 1300 number, because the nature of our business or operating model is we need to funnel notifications that are required by legislation in, triage them, so determine how to appropriately deal with them, and a number - a central number is stood up in all the jurisdictions to do that.

**COMMISSIONER:** Did you ever raise this issue that you were dealing with in Queensland with your colleagues in other jurisdictions, other states, other territories?

**MS WISE:** Yes, I did. At the time, Victoria was sharing some of my frustrations, because they were having difficulties down there, and I even spoke about the Facebook situation, which was another piece within my statement around the CFMEU posting videos of my inspectors on Facebook. And they - my equivalent in Victoria had similar experiences with what they were doing to her inspectors down there at the time. She said to me that the - they'd actually written a letter to the CFMEU in Victoria saying that they should remove those posts, otherwise they're not going to engage with them anymore, and I said, "That'd be great. I'd like to do that up here." I think she subsequently lost her job not long after that, just quietly, but I don't want to attribute the two. But, yeah, so there was definitely similarities with some of the issues we were having in Queensland, particularly with Victoria at the time. Not so much in the other jurisdictions, though.

**COMMISSIONER:** I don't understand why you didn't lose your job. You've come into this environment and you're shaking it up. You're a foreigner from New South Wales. How did you survive?

**MS WISE:** I've been in regulation for a long time. I think if you're straight down the line and you give reasons for your decisions, it's very hard for people to try and push you out, but I don't know. I was making improvements and I still am, so I'm outcomes-focused. So is that your question, Commissioner, why I haven't been pushed out?

**COMMISSIONER:** Why someone like you - normally shaking up the status quo would be someone like your colleague in Victoria, someone who gets spat out by the status quo?

5 **MS WISE:** So you're saying why do I think that the person down in Victoria -

**COMMISSIONER:** Why you?

10 **MS WISE:** Why I didn't get kicked out? Well, I think they wanted me to get kicked out, the CFMEU. They asked me to resign multiple times. Called for my resignation because I wasn't going to be swayed. And, like I said, I'm straight down the line. I'll do what's right, and that's where you have to be for a proper regulatory framework. You know, proportionate, appropriate, integrity's critical. So they tried to push me out but they did not succeed yet.

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**COMMISSIONER:** Sorry if I've rather taken you off topic, Mr Wheelahan.

20 **MR WHEELAHAN:** No, no. At 65, so we're now at 7 August 2024, you finalised a brief to Donna Heelan -

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**MS WISE:** Yes.

**MR WHEELAHAN:** - about the triaging process. She was acting director-general of OIR, so she was after Mr McKay; is that right?

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**MS WISE:** That's correct.

**MR WHEELAHAN:** And with the speediness of a glacier, no doubt, was that implemented?

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**MS WISE:** So I was not going to let this one go, obviously. At this stage, the CFMEU went into administration, or there was talk of it going into administration, so I thought great opportunity, let's fix this triaging system up. So I drafted a briefing note at the time and sent it to Ms Heelan for her endorsement. And the briefing note was essentially why the CFMEU and unions should use the 1300 number. And the - also attaching to the brief was a letter to the administrator of the CFMEU advising him of that change, that the calls would now be diverted to the 1300 number and no longer to call my regional directors. I sent that briefing note up with that recommendation on 7 August 2024 and submitted the brief. It's a standard government process to submit briefs up for approval. And, unfortunately, it wasn't supported at that time by Ms Heelan.

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**MR WHEELAHAN:** Not supported?

45 **MS WISE:** Not supported by Ms Heelan at the time.

**MR WHEELAHAN:** All right. So at paragraph 69, you quote her as advising you that it would be put on hold (indistinct) is that what you mean by not supported?

**MS WISE:** That's correct.

5

**MR WHEELAHAN:** Were any reasons given?

**MS WISE:** Sorry?

10 **MR WHEELAHAN:** Any reasons beyond that?

**MS WISE:** Not beyond that. There was passing comments after that where there had been a Quinn - a review done by a man by the name of Greg Quinn.

15 **MR WHEELAHAN:** Greg who, sorry?

**MS WISE:** Quinn.

**MR WHEELAHAN:** Quinn.

20

**MS WISE:** Who had reviewed our operating processes around that same time. And she was saying - Ms Heelan was saying that, "We'll wait to see the findings of that review and we'll go from there." And I said, "But this is a great opportunity. They're now in administration. We should act on this." But there was this, what I could tell from her, wanting to wait for other things to fall into place.

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**MR WHEELAHAN:** For other things to fall into place?

**MS WISE:** As in the review findings coming out, from the Quinn review.

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**MR WHEELAHAN:** Okay.

**MS WISE:** That was in a passing discussion with her. But beyond that, I didn't know if there was other reasons why she was putting it on hold.

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**MR WHEELAHAN:** So you've raised this Mr Quinn. Was he within the department, a consultant?

**MS WISE:** No.

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**MR WHEELAHAN:** Can you tell us anything about him?

**MS WISE:** So it was under the former government. The Minister appointed Greg Quinn to review the WHSQ, or Workplace Health and Safety Queensland, and how we operated. It was the view at the time that that review had been requested in response to CFMEU constantly complaining about our ineffectiveness as a regulator, so the review was done by Mr Quinn. He was an external. I understand

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he used to work for Hutchinson Builders, and he came in and interviewed a number of people - apologies, this isn't in my statement.

**MR WHEELAHAN:** No, no, that's fine. I asked the question.

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**MS WISE:** And, as a result of that review, there was some inkling that he might talk about the triaging 1300 process and, therefore, I believe Ms Heelan was wanting to wait and see what that looked like before she initiated my triage proposal.

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**COMMISSIONER:** What's so significant about your triage proposal, other than requiring the CFMEU to do what every other participant in the industry was doing, that is ringing the 1300 number?

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**MS WISE:** Commissioner, my question as well. I don't know. It seemed like logic to me to move - although by this stage I'd been there for some time, but, yeah, it was quite unusual that we weren't going down and moving the triaging back to the 1300 number like every other jurisdiction operates.

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**COMMISSIONER:** And the response you got was this would be put on hold pending outcomes in writing, and you were told orally you were waiting for the outcome of the Quinn review?

**MS WISE:** Correct.

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**MR WHEELAHAN:** And between that, Commissioner - your evidence at 72, you're contacting Ms Heelan's office with weekly updates -

**MS WISE:** Yes.

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**MR WHEELAHAN:** - trying to get this pushed through?

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**MS WISE:** Correct. I sent a number of calls that were coming into my regional directors every week. There was a standard email that would come out to me each week for updates for the DDG or the deputy director-general, and I took it upon myself to say, "Well, this is - I'm going to - each update I'll put in how many calls I'm receiving, how many calls my regional directors are receiving, and continue to do that on a weekly basis." Because - and I forgot to mention that even though the regional directors were the point of contact at this stage of the CFMEU's requests, when the CFMEU didn't get the outcomes or the response they wanted from my regional director, they would escalate and call me. So it was also a burden on my time that I was managing them as well as my regional directors. So I provided that information on a weekly basis up to Ms Heelan and resubmitted the brief not long after that.

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**COMMISSIONER:** What was that resubmitting the brief -

**MR WHEELAHAN:** Sorry, Commissioner. We have an issue of static on live stream that I have been asked to raise with you.

5 **COMMISSIONER:** Right. I'm not an expert on resolving those issues.

**MR WHEELAHAN:** I'm merely the messenger.

**COMMISSIONER:** What would you like me to do?

10 **MR WHEELAHAN:** I would like - well, we're at the time for adjournment anyway, so we could have the luncheon adjournment so that - now.

**COMMISSIONER:** All right. Do we need to come back a little bit earlier? Are we going to finish with Ms Wise by 3.30?

15 **MR WHEELAHAN:** We do not need to come back earlier. I will finish with Ms Wise.

**COMMISSIONER:** Okay. All right. Is there any cross-examination of Ms Wise?

20 **MR WHEELAHAN:** There's only one application by Mr Clift. We've now passed the paragraph he - he said he might not press it. So I'll have a discussion with him over lunch.

25 **MR O'GRADY:** (Indistinct) application made back on 17 November last year to cross-examine her. I would seek leave to briefly cross-examine Ms Wise.

**COMMISSIONER:** All right. Can you have a chat to Mr Wheelahan about the timing of that. Do we need to come back a bit earlier because of that?

30 **MR O'GRADY:** I will be less than five minutes.

**COMMISSIONER:** All right.

35 **MR O'GRADY:** So let's have the luncheon adjournment. The static's apparently interfering with our discussions.

**COMMISSIONER:** All right. Well, 2 o'clock then?

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

**<THE HEARING ADJOURNED AT 12.42 PM**

**<THE HEARING RESUMED AT 2.00 PM**

45 **COMMISSIONER:** Mr Wheelahan.

**MR WHEELAHAN:** Thanks, Commissioner. Ms Wise, I'll have paragraph 93 brought on your screen just to direct your attention to it, to a change of topic. This topic involves a Mr Nathan Williams and Helen Burgess. And commencing in 18 July 2025, you received a call from a Gavin Gleeson?

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**MS WISE:** Yes. So -

**MR WHEELAHAN:** Take the Commissioner through this chronology of events, please.

10

**MS WISE:** Sure. So Gavin Gleeson is the director of the ethical standards unit within OIR. I received a call from him on 18 July 2025. During the conversation with Mr Gleeson, he alerted me to some information that he'd received from the Crime Commission, or Crime and Corruption Commission, the CCC, in relation to information that had come out of an investigation that they were undertaking into Mrs - or Ms Burgess. And he said in the conversation, Mr Gleeson said to me, "The information that I've been able to obtain from the CCC is that there's an inspector that is still within your inspectorate that they've found to" - his father, the inspector's father, was a CFMEU delegate at a site in the Gold Coast area, and, subsequently the investigation - information coming out of the investigation was that his father was also in a long-term relationship with Ms Burgess for some time.

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At that point in the conversation, he gave me his name, and I asked how he was recruited, when he was recruited, if there was any overlap with Ms Burgess being the construction director at the time. Mr Gleeson went on to say that Helen was actually part of his recruitment process, who had appointed this inspector about approximately five years prior. And my response to the information was, "Well, I'll need to go down to the office that he's based in and have a discussion with him in relation to where he's going to be based," because not long before this call, the individual inspector had just been successful at getting an expression of interest into a special major projects team which would attend all the key government construction projects.

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So my view at that stage was, well, there's questions on this individual's credibility. They haven't disclosed any conflicts of interest around any relationships with a director, Ms Burgess, who, even though she wasn't in that role at that time, any previous declarations hadn't been made, and so I was concerned that the inspector shouldn't be on the - within the team that inspects high-risk projects across the state.

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**MR WHEELAHAN:** So the inspector was the son -

**MS WISE:** Yes, so -

**MR WHEELAHAN:** - of who?

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**MS WISE:** His father was a CFMEU delegate.

**MR WHEELAHAN:** Yes.

5 **MS WISE:** Or delegate or representative of some sort on quite a large, known site down in the Gold Coast area, and his father, the same CFMEU delegate, was in a relationship with Ms Burgess for a number of years is what I was told.

10 **MR WHEELAHAN:** Right. And how did you end up resolving this conflict, then?

**MS WISE:** Well, I said to Mr Gleeson, "We need to act here. I'm not comfortable with him continuing on in that team. I've got concerns around the fact that he hasn't disclosed this conflict of interest." And Mr Gleeson went -

15 **COMMISSIONER:** Why does he have to disclose anything? Isn't it really for Ms Burgess to disclose it?

**MS WISE:** Well, they both had a duty to disclose, so -

20 **COMMISSIONER:** He did?

**MS WISE:** Yeah. Yes.

25 **COMMISSIONER:** As an employee - sorry, candidate for a job?

**MS WISE:** Within our code of conduct, if there's any conflicts of interests that you may have, or perceived even, you have to declare those. So there was obviously questions around what Ms Burgess had done to declare herself in conflict.

30 **COMMISSIONER:** And she's selecting someone she's got a personal relationship with through her de facto. I understand that. If he's a candidate for a job, he's got to disclose?

35 **MS WISE:** So not in the recruitment process.

**COMMISSIONER:** Right.

40 **MS WISE:** But after he was employed, he was within the construction directorate which she oversaw, and at that stage he should have declared a conflict, and so should have she, of that relationship outside of work.

**COMMISSIONER:** Why? Because Ms Burgess was in a supervisory role?

45 **MS WISE:** Yes.

**COMMISSIONER:** Sorry, I didn't understand that. Right.

**MS WISE:** Sorry, I mixed that up for you. So yeah, there's multiple prongs where conflicts of interest declarations should have occurred in relation to this, and none had been declared at any stage. It was unknown that this inspector had any  
5 connection to Ms Burgess outside of work, and the fact that he was also in this major projects area, which had a lot of dealings with the higher end of the construction projects and the government projects, brought some concern to me about the appropriateness of that.

10 How I managed the situation: so initially Mr Gleeson said to me it's up to the delegate, being Ms Heelan, to decide on how we're going to manage this, and we've got - you know, still waiting on the CCC findings. I said, "Well, I've still got to do certain things to protect the reputation of my area." So I suggested that I  
15 move him out of that special team, and that wasn't supported by - eventually it wasn't - well, when it went up to Ms Heelan, she didn't support that proposal at the time. She was concerned, from my discussion with her, that, you were, it was unfair on him potentially, that, you know, he was getting moved out of a team because of his association with Ms Burgess, whereas I was of the view that the fact he hadn't declared a conflict over the last five years or a conflict of interest  
20 form hadn't been submitted, then there was cause for me to be concerned around his credibility.

How I managed it: the expression of interest got to - it was a three-month, I think, opportunity. Got to the end and I met with the inspector and spoke to him  
25 about - because by then he'd put in a conflict of interest form, which goes to the manager and the director of the area, and I explained to him that people in the office are going to find out, essentially, through management duties and otherwise, because they'll need to manage that conflict, because the conflict form also talked about his father and his connection with the CFMEU site, because he can't attend  
30 that site now there's a conflict of interest with that as well. So there was a few pieces that I had to manage, and I explained that to him, and as a result he agreed that I could move him into a different area outside the inspectorate.

**MR WHEELAHAN:** So was his father's site that he was working on as a  
35 CFMEU delegate going to be within his area of responsibility?

**MS WISE:** Correct. And had been for many years.

**COMMISSIONER:** Because he had been a WHS inspector at the Robina office?  
40

**MS WISE:** That's right, in the area where that project was based.

**COMMISSIONER:** So someone in your organisation, if they are - if they're related to someone above them in the managerial chain and they apply for a job  
45 within that managerial chain, has to disclose that fact?

**MS WISE:** The internal person has to.

**COMMISSIONER:** Yes.

5 **MS WISE:** But once you become appointed, it's best practice that you explain that  
at the recruitment point. But the person that's an existing employee has a duty to  
declare that conflict as part of that recruitment process. But once he became an  
employee, that's when his duty kicked in to declare it, not just with his father,  
noting that he was potentially going to go to that site and be a - you know,  
10 regulating that particular site, but also in relation to the connection with Ms  
Burgess. He needed to declare that as well, given she had supervisory duties in his  
area.

**COMMISSIONER:** He had to do it twice, did he? Maybe not at the recruitment -

15 **MS WISE:** Well -

**COMMISSIONER:** Sorry, you go.

20 **MS WISE:** Story, Commissioner. So it's preferred he would have done it at the  
front end of the recruitment, but you can't mandate it to someone who's not a  
public servant at that point. So Ms Burgess had the duty at the recruitment point  
when she was on the panel for the decision-making.

**COMMISSIONER:** Yes, I understand that.

25 **MS WISE:** But once he became an appointed inspector or a public servant, it was  
at that junction he should have made declarations about his father and Ms Burgess  
separately.

30 **COMMISSIONER:** But his father straight away, because he was responsible for  
supervising that site?

**MS WISE:** Yes, once he was appointed as an inspector.

35 **COMMISSIONER:** But only at a later stage when he was seeking the  
secondment in relation to Ms Burgess, or straight away?

40 **MS WISE:** No, it still would have been in his area the whole time, so he should  
have done it straight away, noting that there could be - and the reason you do this  
is if a serious incident happens at that site and no-one is aware of your conflict,  
you may get sent out as an inspector to do an investigation into what's occurred.  
And if that goes to court and the conflict's disclosed at that point, it's - essentially  
the credibility of that case is ruined.

45 **COMMISSIONER:** That's in relation to his father?

**MS WISE:** Yes. Yes.

**COMMISSIONER:** But it is an unusual circumstance that he had to disclosed, once employed, his relationship with Ms Burgess, because she should have done that prior to him being employed. So he wouldn't have had to do it had she fulfilled her obligation.

**MS WISE:** The general approach is that both parties do it so that there's controls on both sides on how to manage that conflict. So, yes, given she was more senior, you would expect her to have a higher level of a duty there, but the expectation generally is that both parties do declare the conflict so that their manager can actually manage that conflict.

**MR WHEELAHAN:** I'm going to change topics, Commissioner, so if there's anything further you want to ask on that issue. I'm changing topics to the cease unsafe work order, earlier in your statement commencing at paragraph 51 and 52.

**MS WISE:** Yes.

**MR WHEELAHAN:** You're well aware, when I refer to the cease unsafe work order, what that is? And if you are, can you tell the Commissioner about -

**MS WISE:** Yes.

**MR WHEELAHAN:** - your knowledge of it when you commenced on 6 October 2023.

**MS WISE:** So when I started my appointment on 16 October, I was made aware within the first few days that on 6 October there had been an unsafe work order issued by my health and safety representatives, which were also construction inspectors within my division.

**COMMISSIONER:** So this is, what, a week or 10 days before you started?

**MS WISE:** 10 days before I started this had been issued, yes. So as a result of that, there was - and there's a copy of what that initial order talks about. But as I understood it, when I saw it, coming into the role, was inspectors in the construction area issued this order because when they would attend certain sites with a particular CFMEU official being on that site, what would occur is they would be filmed in the course of their duties and then that footage that the CFMEU reps or union officials would capture would then be posted on the CFMEU Facebook page.

And what would then happen is in some cases they would edit the footage, there would be commentary, and what would occur is the sheer number of comments that would flow on from those videos that were publicly posted would talk about my inspectors that were in the videos in inflammatory ways, would use a whole raft of negative swear words, talking about the individual inspectors. And so the

health and safety representatives within my area, who were also construction inspectors, made the decision to issue this order which stopped them from going to those particular sites when that particular CFMEU official attended.

5 **MR WHEELAHAN:** And there was - when you say "that particular CFMEU official", was there someone particularly in mind?

**MS WISE:** Yes, it was Matthew Vonhoff that was named in the order.

10 **MR WHEELAHAN:** And the matter ended up being serious enough that it was referred to the Queensland Industrial Relations Commission for conciliation?

**MS WISE:** Yes. So it had already been referred to the Commission by the time I arrived on the 16th, so I was required to attend the Commission in my role as the  
15 ED for that area, and obviously 10 days into the role I'm still getting my head across all the different policies, procedures and everything that we had in place, and I went to the QIRC for the first conciliation meeting. Well, it was the second one. The first one occurred prior to my attendance. And at that meeting, there was a number of construction inspectors, who were HSRs as well, and the union  
20 delegate, and they explained the situation prior to my appointment about the CFMEU posts and the Facebook and some of the behaviours that had happened in that space. And what I realised quite quickly was, well, what - you know, what have we done to provide support here as the organisation?

25 So in part of that conciliation I agreed to do a number of things: putting a cyber abuse guideline in place on what the inspectors can do when these posts go up on the internet; also offered to - and committed to putting in a workflow assessment so if they thought they were being hindered or they'd had certain dealings with CFMEU officials, they can refer it over to my investigations area to look at  
30 potential breaches there. Some really - I don't want to say basic, but standard sort of pieces that I would have expected should have already been in place weren't, so I felt the need that we needed to have a number of these in play and so made that commitment to do that. And on that basis, they said, "Once those commitments are put in place, we'll withdraw the cease work order."

35 **MR WHEELAHAN:** You mentioned that there were basic policies and procedures that you would have thought ought to be in place at the regulator. Is that at the regulator or -

40 **MS WISE:** At the OIR level, as the agency. Even - and I think I refer to it in the next paragraph where I talk about the lack of having a standard policy in place around psychosocial hazards, which we regulate as the WHS regulator and we didn't - OIR didn't have its own policy. So it goes back to my earlier comments and statements around the dysfunction and the lack of policies and procedures.  
45 We've come a long way from then, or since then, I should say, but - and this policy that we now comply with our own legislation came into effect on 8 October '24. But back to the conciliation, it was quite evident for me, 10 days into the role, that

there were gaps that I needed to fill, and it only came to my attention through those conversations in that QIRC meeting.

5 **MR WHEELAHAN:** So not only gaps, though. I'm reading what you've said here. You've noted it's actually a breach of the very legislation that they're charged with regulating?

**MS WISE:** Correct. Yes.

10 **MR WHEELAHAN:** Is that your position?

**MS WISE:** Yeah, well, technically if my inspectors went to another business, they would have issued a notice on it. So - and you can imagine the frustration for my own inspectors saying, "We're going to businesses issuing notices for this, and our  
15 own business doesn't have it." So, you know, I continually - and I put it there in paragraph 55 - repeatedly raised the need to move on getting this policy in place.

**MR WHEELAHAN:** Was it raised with you any previous complaints by  
20 inspectors, other than the cease work stop order material, when you commenced employment?

**MS WISE:** Not at that stage. This was really - because it was 10 days in - the first exposure I had to the issues. I did hear commentary around Ms Burgess and her  
25 behaviours prior to my appointment, but not directly in relation to the policies, procedures and the CFMEU side of things. That really came to a head in this conciliation meeting.

**MR WHEELAHAN:** Right. I'm going to change topic to the construction  
30 compliance blitz that you refer to, commencing paragraph 75.

**MS WISE:** So -

**MR WHEELAHAN:** So this is - we're at the period of late 2023. So just explain  
35 to the Commissioner what a construction compliance blitz is and what it is that you proposed to do at that time?

**MS WISE:** So one of the things I identified early on, as I think I mentioned  
40 earlier, was the lack of strategy around how we operated as the regulator in my division. So I was pretty quick to see some opportunities on doing some proactive compliance work in that space. So this is still fairly early on into my appointment. I put in place a plan of sorts to undertake a construction compliance blitz, which is fairly standard for a regulatory agency doing proactive compliance. In my  
45 experience, the best way to do something like this is to do it in phases, and one of the first phases is to send correspondence or utilise comms and get the message out to the sector you're regulating that you're going to do a blitz and you're going to be focusing on certain areas of risk.

The reason you do that stage is really to communicate and try and promote voluntary compliance, because the reality is with 200-odd inspectors, I'm never going to be able to have inspectors attend every site. So this is a strategy and very much a way of operating in a contemporary sense for regulation around  
5 issuing - the phase around communication, around awareness, and then the second phase reverts into those really high-risk sites that the inspectors attend in the second on the field - or in-the-field-based activity side.

10 So given the more people that are aware of this compliance blitz the better, because it's around awareness, it's around changing behaviour, I spoke to Mr Pauls, given that he was at that stage a Work Health and Safety board member, about the blitz, and I thought he'll be happy to see some, you know, work in this space, given his interest in the construction industry. And I explained the  
15 initiative, how it's contemporary, how it operates, what the outcomes are and how it's best practice for regulation. And in that conversation, Mr Pauls was unhappy with the approach. He said, "You're letting people know you're coming." And I went on to try to explain to him the contemporary practices and why we do it this way. He was still dissatisfied with how it was operating, so I -

20 **MR WHEELAHAN:** What did you explain to him as to the contemporary practice and why you did it that way?

**MS WISE:** Similar to what I was saying to the Commissioner about we can't attend every site, and so this is about promoting compliance, trying to get  
25 businesses to comply voluntarily, giving them the tools to do that. So the letter of correspondence has links to self-audit checklists, and this is what the legislation is; make sure you're complying. So it's about encouraging compliant behaviour. And so I explained that to him and said, you know, like, "We're sending 20,000 letters out. That will take 10 years for my inspectors to go to that many businesses, so  
30 this is an efficient and appropriate way to respond with a regulatory program of this nature."

I don't think he really understood the concept, and he said, "You're letting them know you're coming." And I said, "Well, no, we're not going to tell them what date  
35 we're going to be there. It's - you know, we're doing a blitz for the next two months." And I said, "Look, I'll send you a copy of the letter, and you can see what I mean by the guidance and what I'm trying to achieve here." And so that conversation terminated or ceased, and I went away -

40 **MR WHEELAHAN:** Did you explain to him that there would be unannounced visits, though?

**MS WISE:** Yeah, I said that was part of the phases. So the first phase is the awareness. The second phase is going out, boots on the ground, risk-based,  
45 looking at the highest-risk construction sites that we should target and doing those unannounced visits in that way. So there was still that element. He was dissatisfied with the fact I was sending out this letter to everyone telling them about the blitz. I

think they wanted us to, you know, surprise them and hide in bushes and catch people out, and that's not - that's not what regulation's about. We're about changing behaviour and getting people to comply. It's not enforcement; it's regulation. So -

5 **COMMISSIONER:** You said he didn't seem to understand the strategy. You'd had a very significant history in New South Wales, presumably in all industries, not just construction.

**MS WISE:** Correct.

10

**COMMISSIONER:** What was his background to enable him to understand this strategy, as far as you knew?

15 **MS WISE:** Well, I don't think he had any background to be able to understand it, but I thought I was trying to give him the common sense behind it to make it - make him realise, and when I talk to industry now or other unions, they understand the strategy. They go, "Oh, that makes sense. I see what you're trying to do." I think it was another example of that regulatory capture piece where he thought, "Well, I'm going to tell you how to regulate." And here I am saying that, you know, "I'm experienced. I understand regulation. This is contemporary. This is how we do risk-based compliance." And him saying, "I don't like it," was unheard of. I thought, "It's not your role to tell me what you like or not like. I'm telling you I come here with experience, and this is how it should be done." So I think he was, you know, testing the water to say, you know, "Is she going to sway in her approach if I don't like it?"

25

**COMMISSIONER:** You say you sort of do a very large sort of scoping exercise or send out a lot of letters to a whole people in the industry, and then you said you pick out the high-risk targets within that group. How do you ascertain who those targets are?

30

**MS WISE:** I don't want to give away all my secrets. No, look, there's a few ways to do it. You look at the data, you look at the evidence, if they've had significant incidents in a certain timeframe, if they've had multiple complaints. You can look at if they've got workers' comp claim data as well, if they've had multiple claims that they've made about injuries. So there's a whole raft of data sources we look at to say, okay, what's the profile of risk here and which ones should we target on the ground? And I explained that to him, and, you know, he was still of the view in that conversation that I shouldn't be sending out the letters.

40

**COMMISSIONER:** It's not really a question for you, but I just wonder what the utility of having him on the Workplace Health Safety advisory board would be, given - when he comes to give evidence, he can talk about his experience, but I just don't understand what skill set he brings.

45

**MS WISE:** The board is a make-up of half industry and half union generally.

**COMMISSIONER:** I see.

**MS WISE:** So it's - I think he was appointed on the basis of his union representation.

5

**MR WHEELAHAN:** Did he give you any cogent reasons, other than saying, "Well, they're going to know you're coming," as to his rejection of your proposed blitz?

10 **MS WISE:** No. No, that was his view. He was firm that he didn't agree based on the fact that we were letting them know we were coming.

15 **MR WHEELAHAN:** All right. You stated here that you ended by telling him that you'd send him a copy of the letter that was going to be sent out as part of the blitz?

**MS WISE:** Yes.

20 **MR WHEELAHAN:** And did you do that?

**MS WISE:** So, yes. So we use a system called Vision 6, so it sends out large mail-outs. So we were sending 20,000. I'm sending 90-plus thousand now for these type of campaigns, but at the time we started, 20,000. And the program actually tracks - so we can evaluate the success of the reach, essentially, that the communication is getting to. And the program says when the emails have been sent, who opens them - when they've been opened or if they haven't been - unread and things like that. So it's an evaluation tool to know how that communication piece hit the mark by way of reach. And so I added his email to the list that was going out under that program, and the letter went out to the 20-odd thousand email addresses.

25  
30  
35 And the following day I received an email from Mr Pauls, and the email was sent to me but copied in the Minister's office; Peter McKay, who was my direct supervisor at the time; Peter McKay's boss, who was the director-general. A number of CFMEU emails were in the email, and the email essentially outlined that he hadn't received the letter that I said I would send him, and as a result, it said:

40 "The CFMEU has lost faith in your ability to operate in a transparent manner."

After receiving this email, I spoke to Peter, because he'd been copied into the email, so he'd seen it.

45 **MR WHEELAHAN:** Peter McKay?

5 **MS WISE:** Sorry, yes, Peter McKay. And I also checked the Vision6 program because I thought, "I'm sure we added him to the list. I'm not sure why he wouldn't have got it." And I found in the system that he had got the email and in fact he had opened it or someone had opened it on his end. And so I said to Peter McKay, I said, "The system's saying that he's received it and it's opened, so I'm not sure where this email has - why this email has come to me." Mr McKay at that stage said, "I'll call him and I'll ask him to apologise to you."

10 **MR WHEELAHAN:** Did you ever receive an apology?

**MS WISE:** No, I haven't received an apology. I did receive a retracting - an email from him retracting his previous email, but he went on to say in that email that he was still unhappy with the compliance approach I was taking in relation to the letter being - letters being sent out.

15 **MR WHEELAHAN:** Still involving the same persons, Mr Pauls, Mr McKay and this time, in addition, Michael Ravbar, Jade Ingham and the Minister's office at paragraph 80, you deal with more correspondence that, if you like, is trying to -

20 **MS WISE:** Yes.

**MR WHEELAHAN:** - do anything other than compliment the work that you doing?

25 **MS WISE:** Yes, so this was a separate occasion on 8 April 2024. I received an email from Mr Pauls, this time -

30 **COMMISSIONER:** Just going back to the previous one, which is exhibit SW-18, can you just identify who the recipients of this email were? There's a number of people, some of whom we know, some of whom -

**MR WHEELAHAN:** I'll bring that up on screen. Page 120, Mr Operator, SW-18. And enlarge the "from Kurt Pauls" subject heading.

35 **COMMISSIONER:** So Kurt Pauls is the OH&S coordinator, or was. Has he been removed as well? He's been removed. Same way? Same - by being -

40 **MR O'GRADY:** Yes, Commissioner, he was terminated on 1 August 2025 by way of redundancy.

**COMMISSIONER:** 2025?

**MR O'GRADY:** 2025. And again, that's contained in the exhibit MRI-3.

45 **COMMISSIONER:** Okay. So he was the OH&S coordinator sending to you and cc'ing to Peter McKay. Who's Michael De'Ath?

**MS WISE:** Peter McKay's supervisor or director-general at the time.

**COMMISSIONER:** Director-general of what, education or infrastructure?

5 **MS WISE:** Education at that time.

**COMMISSIONER:** Education. And what's this next bit say? Industrial relations: who's that?

10 **MS WISE:** That was the Minister's office email address, I believe.

**COMMISSIONER:** Who within the Minister's office?

15 **MS WISE:** I think it was a general inbox that they had. But we'd have to check and double-click on it to see.

**COMMISSIONER:** Sorry, say that last bit again?

20 **MS WISE:** I might have to check and just see the full email address one.

**COMMISSIONER:** And then Mr Ravbar we know, Mr Ingham we know. Just remind me Kane Lowth?

25 **MS WISE:** I'm not aware of who Kane Lowth is. I assumed it was from the CFMEU.

**COMMISSIONER:** Just remind me who he is, Mr O'Grady.

30 **MR O'GRADY:** I don't know off the top of my head.

**MR WHEELAHAN:** He's represented by Ms O'Gorman, along with Michael Ravbar.

35 **COMMISSIONER:** That's right. He is too. So he's some official within the CFMEU. And Mick Robinson?

**MS WISE:** He's from the - well, was at the time from the CFMEU.

40 **COMMISSIONER:** Do you know if those people have been removed, Mr O'Grady? Mr Lowth and Mr Robinson.

45 **MR O'GRADY:** Well, I would expect if that Ms O'Gorman is representing Mr Lowth, there is a high likelihood that he's been removed. I don't know off the top of my head Mr Robinson, but I'll make enquiries over the course of the evening and let you know.

**COMMISSIONER:** Thank you. And you will have a look and see what you can make of that industrial relations email?

**MS WISE:** Yes.

5

**COMMISSIONER:** Thanks.

**MR WHEELAHAN:** Yes, so whilst you've got that email on screen, it's in a bit more detail than your commentary before. Critical of your proposed blitz.

10

**MS WISE:** Correct.

**MR WHEELAHAN:** And again, why is it being sent to everybody right up the chain to - including the Minister's office? And then that ties in, of course, to where I was taking you now, which is at paragraph 80, and colloquially the topic is - and we've heard this from other witnesses - where the CFMEU calls for your resignation. Take us through that, this particular episode, with respect to you and your knowledge of it with respect to others.

15

**COMMISSIONER:** Just before you do that, what is the question to Mr Wheelahan's question? Why is this being sent all the way up to the Minister's office?

20

**MS WISE:** It was extremely unusual. I've never seen anyone talking about such an operational-type matter referring their dissatisfactions up all the way to the Minister's office and feeling the need to copy in all my supervisors, or my two supervisors above me. Again, I think it's that regulatory capture piece that it's a power play that, you know, "If we don't do what we say, we'll tell your bosses that we're unhappy with you and this will put pressure on you."

25

30

**COMMISSIONER:** When you say you've never seen it, you've never seen it in Queensland or New South Wales?

**MS WISE:** You'd see complaints going to the Minister's office directly about things that had happened by the regulators, but not in this nature where you're actually cc'ing everyone in there and calling out senior executives, you know, potential poor performance in their view in that way. I hadn't seen that in my time.

35

**COMMISSIONER:** And I think you opened this case study by saying that the relevant minister was Minister Grace.

40

**MR WHEELAHAN:** Grace Grace, yes. And I did also in opening direct attention to Ms Bancroft and the targeting of her and this witness. These calls for resignation, objectively the submission is this is on any reasonable view an email to undermine Ms Wise, as she said, to all her superiors. Do you agree with that?

45

**MS WISE:** Correct.

**MR WHEELAHAN:** Yeah. So returning to paragraph 80. So beyond that email, just take us through Mr Paul's -

5 **MS WISE:** Yes.

**MR WHEELAHAN:** - next steps in his relationship with you.

10 **MS WISE:** This was a separate example with a similar approach from the CFMEU where I received an email on 8 April 2024. Similar people were copied into this email as well. It was in relation to a complaint that he had made where he said that he had not received a response, and as a result of that, I quote he wrote in the email:

15 "Ms Wise, if you are not going to put the safety of Queensland HSRs, workers and the community as a priority, the CFMEU asks for your resignation immediately."

20 Again, a very trivial matter that in my experience - up until this point, I'd never had my - anyone ask for my resignation, so it was quite unusual, and bewildering to be honest. I remember I think it's after this where I went into the Minister's office and they were talking about the email that I'd received calling for my resignation.

25 **MR WHEELAHAN:** This is at paragraph 83, this issue.

**MS WISE:** Yes, thank you. So it was around the same - it - or was this - sorry. Apologies. Can we just go back to - is this the same time?

30 **MR WHEELAHAN:** Go back to 81, Operator, please.

**MS WISE:** There was multiple emails. I need to recall.

35 **MR WHEELAHAN:** Just stop there. I mean -

**MS WISE:** Sure.

40 **MR WHEELAHAN:** Your evidence is he calls for your resignation claiming that you're incompetent and unfit to occupy your position. The Commissioner's just asked you about your experience, which is very extensive, in a regulator in New South Wales, the mirror regulator, and he's asked what's Mr Pauls' expertise in the area?

45 **MS WISE:** Well, none, in my opinion.

**MR WHEELAHAN:** Yeah.

**COMMISSIONER:** Where's this email in the evidence? I just can't see it. The 18 April 2024 - sorry, 8 April 2024 email.

5 **MR WHEELAHAN:** No, it's not exhibited. So it's a narration from this and others, because there's more than one occasion where he's called for the resignation.

10 **COMMISSIONER:** I think I'd be assisted by the actual email to see who it went to, at some stage.

**MR WHEELAHAN:** If you want it, we can obtain it through Crown Law.

15 **COMMISSIONER:** Which is normal, to have - anyway, it doesn't matter. You'll get it.

**MS WISE:** It's in SW-18.

**COMMISSIONER:** It is? I looked in SW-18 and I couldn't see it.

20 **MS WISE:** Sorry. It should be.

**COMMISSIONER:** You're quite right. The bottom of page 127. And over to 128.

25 **MR WHEELAHAN:** Yes, 128.

**COMMISSIONER:** Just tell me - just go through the same process, Ms Wise. Can you bring up, please -

30 **MR WHEELAHAN:** Do you want that on screen? 128, Mr Operator.

**COMMISSIONER:** Can you just tell me who these people are? Kurt Pauls we've done. Industrial relations, you're going to come back to. Who's Graham Fraine?

35 **MS WISE:** At that stage he was the deputy general - not deputy - director-general that Peter McKay reported to.

**COMMISSIONER:** Sorry?

40 **MR WHEELAHAN:** Peter McKay, I think the witness said. Is that right?

**MS WISE:** Yeah, Peter McKay reported to Graham Fraine at that point.

45 **COMMISSIONER:** So this is at the time when the reporting arrangements have moved to the Department of Infrastructure.

**MS WISE:** Yes. Correct.

**COMMISSIONER:** That's why Graham Fraine is on the list rather than - who was the other chap, Michael De'Ath or someone?

5 **MS WISE:** He was no longer the DG for OIR at this stage, that's correct. He was Department of Education previously.

**COMMISSIONER:** Then Peter McKay, Sarina Wise, Michael Ravbar, Jade Ingham, Dylan Howard. Who's Tim Maguire?

10 **MS WISE:** I'm not sure.

15 **MR WHEELAHAN:** Is there an easier one - say, page 132, because that one has a lot of redactions. If I can interject by asking the witness a question. 132 in the centre. It seems strange - firstly, is it the case that the union, Kurt Pauls, on what are not such significant issues that ought to be involving the Minister's office and all the senior people copied hereto, that Mr Pauls would email them about just about any issue. Is that right?

20 **MS WISE:** It would appear that way. It was absurd that he was going with such trivial matters -

**MR WHEELAHAN:** Trivial. That's the word I was looking for.

25 **MS WISE:** - is how I would explain it, yeah.

**MR WHEELAHAN:** So trivial matters. We get an email to - and then copied to everybody to put as much pressure on you as possible. Did you feel that that was what was happening?

30 **MS WISE:** Yes.

**MR WHEELAHAN:** Yes. On 132, again, do you see the copied-to box? Can you just take the Commissioner through -

35 **MS WISE:** So it's the same recipients again.

**MR WHEELAHAN:** This one's unredacted.

40 **COMMISSIONER:** It's got another name there, jcollie, which is new. Who's jcollie?

**MS WISE:** I'm unaware, but usually they were CFMEU emails.

45 **MR O'GRADY:** I can assist, Commissioner.

**COMMISSIONER:** Yes, thank you.

**MR O'GRADY:** There was a (indistinct) who resigned - she was the executive assistant to the branch secretary, grievance, political women's officer, and she resigned on 27 September 2024. And while I'm on my feet, Commissioner, the answers in respect of Mr Lowth is he was an assistant branch secretary and he was removed by the determination at the same time as Mr Ravbar and Mr Ingham. And Mr Robinson, he was the South East Queensland - sorry, he was the health and safety officer for Townsville, and he was made redundant on 19 August 2025.

**COMMISSIONER:** And the only other one is Dylan Howard, and I think he was removed as well at some point, wasn't he?

**MR O'GRADY:** I think that's right, Commissioner, but I'd need to check that. But Mr Howard was an official from the union. But how his employment came to an end isn't dealt with expressly by Mr Irving in his witness statement.

**COMMISSIONER:** Sorry, not dealt with?

**MR O'GRADY:** Well, it's not dealt with in the table. But you might recall Mr Irving has attachment A to his witness statement, and that's where he sets out the people who were removed at that point in time.

**COMMISSIONER:** And what about - I'm sorry, what about Tim Maguire?

**MR O'GRADY:** He's not listed in Mr Irving's statement so I don't - I can't assist the Commission, I'm afraid.

**COMMISSIONER:** So apart from Mr Maguire and Mr Howard, everyone who was the - employed or an officer of the CFMEU involved in these email chains has either resigned or been removed.

**MR O'GRADY:** Yes.

**COMMISSIONER:** Either by Mr Irving's behaviour - Mr Irving's decision or by the determination that gave rise to Mr Irving's administration.

**MR O'GRADY:** Yes. Yes, Commissioner.

**COMMISSIONER:** Sorry, Mr Wheelahan.

**MR WHEELAHAN:** So, Commissioner, that answers your question about the email, and we've gone a little bit further. I'm not suggesting that whatever the email complaint on - that I took you to was not serious enough to go up the chain, but your evidence is that this was the usual pattern for trivial matters. Is that right?

**MS WISE:** Yes, in my experience has happened multiple times for matters I wouldn't expect needed to be briefed up to that level. A simple phone call - I

mean, he had the direct line. Asking the question where my complaint's up to would be more reasonable, I would have thought.

5 **MR WHEELAHAN:** All right. Now, the next matter you wanted to talk about was your attendance at the Minister's office, and I directed you to paragraph 83. Is that the correct - we'll just wait for the operator to bring that on the screen.

**COMMISSIONER:** Can I just go back to 128.

10 **MR WHEELAHAN:** 128, page number.

**COMMISSIONER:** Page 128. I mean, you've had a number of these requests. I asked you a question before lunch about why you weren't removed, you thought. But why didn't you just resign after receiving these - this is an email to the  
15 Minister, to your boss, your boss's boss, to members within the CFMEU. Why didn't you just say, "Well, I'll not worry about this. I'll just go back" -

**MS WISE:** I've got a mortgage is the simple question. No, look, I'd just moved up  
20 from New South Wales to start a new life in Queensland with my family. You know, this is a couple of months into a role. I'm not going to be pushed out of a role based on these unfounded claims. I have been doing it, as you know, Commissioner, for a long time, and regulation, like, you have a lot of robust discussions, a lot of robust stakeholders. Try and - people do generally try and push you here and there. It, you know, comes with the territory. But I wasn't going  
25 to be pushed out of my role that, actually, I love doing this work, by, you know, an agenda that they had which had nothing to do with me. I was just - they were just trying to use me as a pawn in their piece. So, no, I'm not going to let them push me out. So that's, I guess, my answer to your question. Sorry if I got a bit passionate about that.

30 **MR WHEELAHAN:** Well, no, no, that's - it reads, would you say a fair summary, you were under attack and targeted?

**MS WISE:** Yes.

35 **MR WHEELAHAN:** It's not normal -

**MS WISE:** No.

40 **MR WHEELAHAN:** - for trivial matters to be copied up the chain when you're a new person trying to do your job and you have an excellent CV and you're extremely qualified?

**MS WISE:** That's right.

45 **MR WHEELAHAN:** Paragraph 83, 17 November 2023. This is the meeting you wanted to give evidence about in the Minister's office?

**MS WISE:** Yes. So referring back to this, I now recall it relates to the first email where it was about the compliance blitz that Mr Pauls wasn't happy with, and it was around that time I attended a meeting with the ministerial staffers around  
5 unrelated issues. It was just a general meeting. I think it was the first one that I'd gone to since my appointment. And I remember entering the meeting, and before we sort of officially started the meeting there was some commentary and giggles by the senior staffers, "Oh, we see Kurt's been up at it again," in relation to  
10 the - "We saw his email," and I knew it must relate to the email about me that had come out before, because I knew they'd been copied into the email and everyone brushed it off as, you know, it was a common occurrence is how I interpreted it, which gave me some level of comfort that, you know, this is just the normal behaviour. So it's not just me that it's happening to; it's probably other people. But it was quite, yeah, interesting that made me think how many other people have  
15 received these emails.

**MR WHEELAHAN:** Well, 84, if I just -

**MS WISE:** Sorry.

**MR WHEELAHAN:** - have you look at that. There's two conclusions that you drew from that interaction?

**MS WISE:** Yeah, so like I was saying, from that engagement, I could tell that  
25 they weren't going to take any serious action, given they were sort of joking about, "Kurt's at it again. He's sending emails." And to me that came across as it was normal behaviour to the Minister's office and the staffers.

**COMMISSIONER:** Do you know who the senior staffer that you referred to in  
30 paragraph 83 was?

**MS WISE:** I can get the name in my records, Commissioner.

**COMMISSIONER:** I'd be grateful for that.

**MR WHEELAHAN:** And this request to resign immediately, you then said at 85  
35 and 86 that your - and you've described this as tactics:

40 "I was not the only person within the department to whom the tactics described above were used."

And you give an example involving an email Mr McKay forwarded. Can you take the Commissioner through that?

**MS WISE:** Yes. So this is another example, again, in my opinion a trivial matter.  
45 This one was sent from Mick Robinson from the CFMEU in relation to a fairly standard operational-type matter. And he wasn't - Mr Robinson wasn't happy with

the outcome from the regulator and in the email called for resignations immediately with anyone involved in the matter, which was Peter, myself and a number of other inspectors and managers who were involved. So, again, it was a similar tactic of when they weren't getting, in my opinion, what they wanted, they would revert to calling for resignations and sending it to all the levels above that individual person it related to.

**MR WHEELAHAN:** All right. The final topic I want you to address is - it's about a data release on International Mourning Day. Does that - you're familiar with that? And again, for the purpose of this evidence, I want you - not the - I withdraw that. In March 2024, the CFMEU asked for the names of all workers killed in the past year. Do you recollect that?

**MS WISE:** Yes.

**MR WHEELAHAN:** And you had an immediate concern under section 271, sorry to be legalistic for the live stream, under the relevant Act. Can you -

**MS WISE:** Sure.

**MR WHEELAHAN:** - firstly tell us what International Mourning Day is and what it commemorates?

**MS WISE:** So every year there's International Mourning Day, and it's commemorating workers that have lost their lives to workplace incidents. I was familiar with this day from my time in New South Wales. I became aware of a request made by the CFMEU leading up to that day, which happens late April, and the request from the CFMEU was for details of all workers that had passed away in workplace incidents the 12 months prior to the mourning day. So it came to my attention through an email that I got copied in. When I saw the request, I immediately thought, "I don't think this is lawful. We've got our own provisions under the work health safety legislation."

**MR WHEELAHAN:** Can you just explain, why did you consider it not to be lawful? Sorry, I'll go back -

**MS WISE:** Well, the release should not be lawful.

**MR WHEELAHAN:** The release?

**MS WISE:** Yes.

**MR WHEELAHAN:** What details were being asked for?

**MS WISE:** They were asking for names, personal details relating to the deceased.

**MR WHEELAHAN:** Such as?

**MS WISE:** Names, date of births, what business they worked for.

**MR WHEELAHAN:** All right.

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**MS WISE:** When I saw that request I thought, well, under our own legislation, under 271, we're not allowed to share -

**MR WHEELAHAN:** 271 of?

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**MS WISE:** The Work Health Safety Act Queensland.

**MR WHEELAHAN:** Yes.

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**MS WISE:** We're unable to share information that as the regulator we acquire through our investigative practices. So when I saw this request - you know, personal details and the like of deceased workers come to our attention through our inquiries that we make; therefore, I was concerned that this would be potentially breaching our own legislation if we were to release it to the CFMEU. I made that -

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**MR WHEELAHAN:** Did you communicate those thoughts to anybody?

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**MS WISE:** Yeah, I made that known in an email back to the internal group that - which comprised of a number of other executives within OIR.

**MR WHEELAHAN:** Who?

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**MS WISE:** I'll go off memory. I think there's the attachment there, but I believe it was Andrea Fox, who was also an ED. Andrew Harris, who was the corporate ED at the time.

**MR WHEELAHAN:** Commissioner, this is approximately paragraph 87 of the statement. I know I've moved around. This topic commences at 85.

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**MS WISE:** So -

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**MR WHEELAHAN:** So after the email, Mr Kurt Pauls, you'll see at paragraph 90, he's telephoned you - sorry, I'll go back a step. At paragraph 89, if we just blow that up, your email where you've expressed concerns was not addressed to the CFMEU -

**MS WISE:** No.

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**MR WHEELAHAN:** - as a recipient. And a Sebastian Bielen, B-i-e-l-e-n, a director of data evaluation services in the Office of Industrial Relations?

**MS WISE:** Yeah, so he had the request because as the director of data that's where all the information's maintained. And he was part of, as you can see in paragraph 89, the email correspondence as well as Andrea Fox and Andrew Harris. This was, as you say, an internal email conversation or correspondence  
5 between executives and a director, and in those exchanges of emails I articulate that I'm not comfortable with approving the release of the information. I was of the view that it may breach 271 if we were to release it and that I didn't agree with releasing it, and potentially a work-around would be getting endorsement from the families of the information that they're wanting.

**MR WHEELAHAN:** So you offered a work-around to what you believed was a breach of the Act by getting the endorsement of the families to release the information?

**MS WISE:** Yes. Well, then essentially they're giving the information rather than us, so -

**MR WHEELAHAN:** All right. Now, that email goes on the 26th - your email on the 26th of March 2024, and the timing's important, because then you get a  
20 telephone call that same day from Mr Kurt Pauls?

**MS WISE:** Yes.

**MR WHEELAHAN:** And -

**MS WISE:** So I'm having these internal conversations via email about my views around, you know, whether or not we should release this information, and I receive a call from Mr Pauls on the same day, who immediately was abrupt over the phone, saying, "I just spoke to Seb. You're holding up the data request we've  
30 got for International Mourning Day." And I was very taken aback, because it's completely inappropriate as a public servant to talk about decisions, whether or not they've been made or are still under consideration, to be discussing those with external stakeholders. So I was quite shocked that Mr Pauls was aware that I was holding up the request based on my concerns around the release.

**MS WISE:** Mr Pauls went on to say words to the effect, "This is what we do in Queensland," and essentially, "Get with the program." And I said, "Look, I've got to make - I've got to apply due diligence in my decisions. I'm not going to just release  
40 information without doing that." And that sort of terminated the call, but it was quite an aggressive call.

**MR WHEELAHAN:** Were you surprised that Mr Pauls was able to - maybe it's the hotline again to a director of data evaluation, this Sebastian fellow, just call him up direct?

**MS WISE:** Yeah, to be honest I was disgusted. And now, you know, I'm getting called and getting questioned about my decision-making, which - really, I

shouldn't have to explain that to an external stakeholder. It should be confidential information that stays within the department on, you know, how and when decisions are being made. Again, this to me is another example of the regulatory capture piece, because having a direct line of communication into a director of data, you know, these aren't forward-facing-type positions. These are IT and data type roles. How - you know, how's a stakeholder calling them directly and saying, "Where's my request up to?" It's unheard of.

**MR WHEELAHAN:** Yes. Now, you've said you were disgusted. You understatedly in your statement said that you wrote to Mr Sebastian Bielen indicating your disappointment. We might have that email brought up. Page 155 of the court book, exhibit SW-23. Not of the court book, of the statement. This is your email?

**MS WISE:** Yes. I was a bit more careful with my words in the email.

**MR WHEELAHAN:** Pardon?

**MS WISE:** I was a little bit more careful with my words in the email.

**MR WHEELAHAN:** So if we just - can you just take the Commissioner through that, in particular the second paragraph.

**MS WISE:** Did you want me to read that?

**MR WHEELAHAN:** Yes, so I've read that. So in summary, again, disappointment, but what you're more just shocked about is the fact that - you say this is another example of regulatory capture that you just couldn't fathom; is that right?

**MS WISE:** That's right.

**MR WHEELAHAN:** Did this happen in New South Wales when you were at the regulator?

**MS WISE:** Not to my knowledge.

**MR WHEELAHAN:** Now, you're reporting to Mr McKay at the time?

**MS WISE:** Correct.

**MR WHEELAHAN:** And you expressed your concerns about the legality of releasing the information?

**MS WISE:** Yes.

**MR WHEELAHAN:** What was Mr McKay's response?

**MS WISE:** I didn't actually see his final response. What I did say was, "I'm not willing to approve it, and if needed then you'll have to seek Mr McKay's approval to release it," because I wasn't comfortable in doing so. I believe it was released,  
5 but I'm not sure - I was no longer sort of involved in the discussion after I shared my strong views.

**MR WHEELAHAN:** Well, it's the same day. So at your paragraph 92, so we're still on 26 March, you state:

10 "Peter McKay approved the release of the information relating to the request."

**MS WISE:** Yes, so he was - he approved it. Apologies, I might have flicked  
15 through my notes on that one. But, as I said there, there were 92 - I was never provided any legal advice or made aware of any notification to the next of kin like I suggested, and the information was provided.

**MR WHEELAHAN:** Yeah. Just returning - 153, just finishing off this issue of  
20 the statement at page 153 with the email. Do you have that - can the operator blow that up, please, in the middle. This is from Sebastian on 25 March, 9.30 am to you and others. He says:

25 "Ladies, further to my email below, here is the data to be provided to the CFMEU and Queensland Council of Unions for the past 12 months. Please let me know if you approve the release..."

He's misspelt it realise:

30 "...of this information. Also please be aware that Kurt from the CFMEU called me last Friday asking for this information asap. Seb."

**MS WISE:** Yes.

35 **MR WHEELAHAN:** What do you have to say about that?

**MS WISE:** Well, again, it demonstrates that they had an in, as in the CFMEU had  
40 an in, to call directly to the director of data about their request. And, you know, the fact that he's saying - asking for this information asap, it's apparent to me that he was put under some level of pressure to hurry up with the data. And this email is Seb essentially asking for approval so that the information that he's put together can be released.

**MR WHEELAHAN:** Yes. Now, before you conclude your evidence, can I ask  
45 you this. You've now spent over two years inside Workplace Health and Safety Queensland.

**MS WISE:** Correct.

**MR WHEELAHAN:** And you were several years working for SafeWork NSW. What are the starkest differences you've observed between the two regulators?

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**MS WISE:** Essentially, my evidence today outlines how different it was in the sense that when I came into this role, the level of dysfunction, lack of procedures, lack of policies, the capture by the CFMEU, I'd never seen anything like that in my time in New South Wales, and I was there for six years in various roles and senior executive roles as well. The sheer level of reach that the CFMEU had in relation to being able to attempt to influence individuals at all levels - directors, inspectors, executives - through calling for my resignation, it was bewildering at the time when I came here. I just thought, what have I stepped into? This is, you know, shocking. And even, you know, speaking, you know, confidentially with my colleagues that were still at the time in New South Wales and explaining to them, and they just were shocked by some of the things that were happening, you know, that are obviously detailed in my statement to some degree. But it was a polar opposite. It was a complete polar opposite in relation to just the workings, the culture.

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Look, same legislation, same way of operating in the sense of inspectors go out, they respond to fatal incidents, they respond to complaints. It was, you know, the best way to look at how two things look completely different when they're trying to achieve the one outcome. I have spent the last two and a half years working very hard on fixing that, and we've come a long way. We've got all the procedures and policies in place now. We've got a really, really strong culture. It has shifted considerably since we put a lot into play, and I hope it continues in that direction. I very much am about fixing things and coming in and getting them right, and I've - you know, to your question why I didn't resign, I need to finish something. I can't leave it half done.

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So, look, it's not perfect. There's - you know, agencies with 300-plus inspectors are never going to be perfect. That's the reality. But we've come a long way, and this type of stuff that I've talked about in my statement and my evidence today I have not seen for a long time in - you know, when I say a long time, in the last 12, 18 months since all this has been happening, or since I've documented what's in my evidence, and I hope we continue on that trajectory. It - yeah, it was extremely shocking when I got here what condition it was in, but we have, as I said, come a long way.

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**COMMISSIONER:** Why don't you think you've seen it in the last 12 to 18 months? What's driven that? Particularly - you've talked about dysfunction and regulatory capture. Particularly focus on the regulatory capture.

**MS WISE:** Changing of leadership in my area. Ms Burgess, I was really strongly advocating to have her come out of my area when I got there, and I decided in doing that fairly early on. That changed the culture quite quickly. Obviously there

were still pockets of issues of culture, and we've just had to work on that with the right leaders in the right roles, and I've got a really, really good, strong leadership team now that sits underneath me and they're all working really hard to - with the same goals. So the culture is, yeah, it's improved.

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The regulatory capture piece: obviously there's been a change of government which, you know, in my experience in the safety world does change the dynamics of things. So that's obviously helped with pushing, you know, the regulatory capture piece away from us and starting afresh. And, yeah, just trying to fly the flag and get things right, how they should be in a high-performing regulatory space and having the right people to support that. So a combination of things but, yeah, we're not captured at the moment is my view.

15 **COMMISSIONER:** You've talked about your team and removing Ms Burgess. By your team, I assume you mean the team that reports to you?

**MS WISE:** Correct.

20 **COMMISSIONER:** What about the people above you? Mr McKay, we can ask what's happened to him when he comes to give evidence tomorrow. What about Ms Heelan, or Feelan. Heelan. What's happened to her?

25 **MS WISE:** She's over in a different agency at the moment. Yeah, I think that - like, changes in those jobs make a difference, but I think the accountability piece was really on me to make those operational changes. You know, as you saw in my evidence, sometimes it took a bit longer than I would have liked with different levels of support above, but I haven't had any serious concerns with, you know, conduct of those above me since I've been here. I think, you know, there's potentially pressures around the regulatory capture piece, but, you know, they were always very supportive what I was trying to do and what I was trying to achieve, so -

**COMMISSIONER:** Why do you think it happened, this regulatory capture?

35 **MS WISE:** Unfortunately WHS is an area where it can get politicised and it can get pulled, you know, with the government of the day, one way to the other. Sometimes it goes too educational and there's no compliance, you know on the other end of it. Sometimes it goes, under a Labor government, too union focused. It's a challenging area, WHS, because it's all about worker safety, but you've got all these political influences that really shouldn't come into play when we talk about safety. But the reality is they do, so I'm conscious of that, and with every regulatory agency always being, you know, straight down the line, making decisions based on the evidence, based on the risk, based on the proportionate piece, not on, you know - a proper public servant should be apolitical no matter what the government is of the day. I think that's important here, particularly in the WHS space.

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**COMMISSIONER:** What's happened to Mr - was it Mr Williams, the son of Ms Burgess' de facto partner?

**MS WISE:** He's still within my division, not in the inspectorate at the moment.

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**COMMISSIONER:** Not in the inspectorate?

**MS WISE:** Not in the inspectorate area.

10 **MR WHEELAHAN:** Commissioner, there's an application to cross-examine by Mr O'Grady only for this witness. He says he'll be five minutes.

15 **COMMISSIONER:** How are we - there are a couple of things that Ms Wise was going to come back to us with the details of the industrial relations email, and there's one other thing I've made a note of, but I can't read my writing.

**MR WHEELAHAN:** We fixed up. That was the email you couldn't find. The witness in the box then found it.

20 **COMMISSIONER:** There was two things: there was the email I couldn't find, and there was also an email address, and I asked who was the senior staffer. Sorry, the two things: who's the senior staffer referred to in paragraph 83 and 84, and who was the recipient of the industrial relations email within the Minister's office?

25 **MR WHEELAHAN:** I have been handed, but it's gone missing, a piece of paper answering your question about the industrial relations email address.

**COMMISSIONER:** Right.

30 **MR WHEELAHAN:** I think it's a generic one.

**COMMISSIONER:** And Ms Wise is going to look at her records and come back and tell you who the senior staffer is, and we will just have to work out whether that gets into evidence in some way at some later stage, I guess.

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**MR WHEELAHAN:** In respect of which email?

**COMMISSIONER:** Paragraphs 83 and 84.

40 **MR WHEELAHAN:** Sorry. Yes, at the moment she has no recollection. But I will ask that she have a look. Yes.

**COMMISSIONER:** Sure.

45 **MS WISE:** It's in my notes.

**MR WHEELAHAN:** It is in your notes? Okay. Thank you.

**COMMISSIONER:** We just have to work out how we get that into evidence at some point. Very well. Now, what attitude have you got to the cross-examination by Mr O'Grady and the cross-examination by Mr Clift?

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**MR WHEELAHAN:** Mr Clift has withdrawn his application to cross-examine.

**COMMISSIONER:** I see. And what's your attitude to -

10 **MR WHEELAHAN:** I agree with allowing Mr O'Grady to cross-examine.

**COMMISSIONER:** All right. Is there some written application? There's an old one, is there, Mr O'Grady - I shouldn't say old one - one of which you've given plenty of notice.

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**MR O'GRADY:** Yes, indeed. So on 17 November we put in an application and raised a number of issues.

**COMMISSIONER:** I see.

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**MR O'GRADY:** And one of the points we make is - in paragraph 7, is the distinction between the previous leadership and the current leadership of the union.

25 **COMMISSIONER:** Very well. And you're happy with this, Mr -

**MR WHEELAHAN:** Yes, it's the same cross-examination that's been replayed now, I think, with a number of witnesses.

30 **MR O'GRADY:** Yes. There is one additional matter that I'd seek to raise, but it will be very brief, and it flows from the fact that as at November 2025 we didn't have the statement, and I'd like to ask a couple of questions about the 1300 number, if I may.

35 **COMMISSIONER:** Very well. Ms Wise, Mr O'Grady will ask you some questions now.

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

40 **MR O'GRADY:** Ms Wise - could the witness please be shown paragraph 56 where you deal with the 1300 number. And am I correct in understanding that that 1300 number is for, in effect, all stakeholders including union stakeholders and including construction companies?

45 **MS WISE:** Everyone, yes.

5 **MR O'GRADY:** Yes. And it flows from that - well - and if you could then go to paragraph 67, where you explain the rationale for the triage proposal, and I put it to you that each of those matters that you identify in paragraph 67 have equal application to a construction company as they do to a union in that on the one hand you want to use the expertise of assessment services team, who have experience, training and resources available to them which are relevant to triaging inquiries, not just union inquiries. You'd accept that?

10 **MS WISE:** Yeah.

**MR O'GRADY:** Yep. And similarly, you don't want regional directors being - having their time consumed by requests from construction companies?

15 **MS WISE:** Correct, it's -

**MR O'GRADY:** And that would also apply to others other than the assessment service team, so inspectors and the like. They've got their job to do. Their job isn't to triage complaints made by unions and/or complaints made by construction companies?

20 **MS WISE:** The only thing I would say to that is if they're at a site -

**MR O'GRADY:** Yes. I'm talking about people being rung up.

25 **MS WISE:** Okay, only by calls, yes, then it's the most appropriate method, correct.

30 **MR O'GRADY:** And the third point you make at paragraph 67 is allowing CFS to efficiently address, you say, union requests and appropriately manage the risk of burnout and psychological harm for staff, but I put it to you that would apply in respect of requests made by construction companies and by unions?

**MS WISE:** Yes, it applies to all that use the number.

35 **MR O'GRADY:** Yes. And the same applies, I put to you, in respect of the last point you make, that you want to have all stakeholders having the same initial experience with the complaint assessment process so as to negate any potential criticism of preferential treatment or - for unions but also for construction companies?

40 **MS WISE:** Correct.

**MR O'GRADY:** Yes. Thank you. And you heard me say earlier that Mr Pauls was made redundant in August 2025?

45 **MS WISE:** I did hear you say that, yes.

**MR O'GRADY:** And he was replaced by Mr Anderson?

**MS WISE:** Okay.

5 **MR O'GRADY:** And Mr Anderson instructs me that when he is wanting to get in touch with your organisation - he was replaced by Mr Anderson on 1 September 2025, so shortly after Mr Pauls left in August.

**MS WISE:** Okay.

10

**MR O'GRADY:** And he instructs me that he has complied with the triaging policy by sending the prescribed notification form to the email address or calling the 1300 number. You don't take issue with that, do you?

15 **MS WISE:** Not to my knowledge, but if he says that's what he's done -

**MR O'GRADY:** All right. Thank you.

**MS WISE:** - happy to accept that.

20

**MR O'GRADY:** All right. And it's important that all stakeholders use the 1300 number, isn't it, so that resources aren't wasted by misprioritising matters that are reported to the department?

25 **MS WISE:** Correct.

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

30 **COMMISSIONER:** Thank you, Mr O'Grady. Anything that arises from that, Mr Wheelahan?

**MR WHEELAHAN:** No, Commissioner.

**COMMISSIONER:** All right. Can Ms Wise be excused?

35

**MR WHEELAHAN:** Yes, please, Commissioner.

40 **COMMISSIONER:** Thank you very much for your evidence, Ms Wise. I know you came to give evidence under compulsion, but grateful for your attendance here this afternoon.

**MS WISE:** Thank you.

**COMMISSIONER:** You're excused.

45

**MS WISE:** Thank you.

**<THE WITNESS WAS RELEASED**

**MR WHEELAHAN:** Commissioner, just one final matter before the day ends. I'm handing to you - this is the email I referred to before lunch from counsel for the administrator, just clarifying the position with respect to Royce Kupsch. It's had the necessary redactions made by the staff of the Commission and I've asked for the consent of everybody at the bar table to tender that into evidence, or that there no objection. And there is no objection, so I propose to tender that. And that answers the questions you had of me and also clarifies the position.

**COMMISSIONER:** Very well. Is that - there's no objection to this being received, in effect as evidence, unlike the document I received from Mr McLean yesterday, which is just received as a submission.

**MR WHEELAHAN:** Yes.

**COMMISSIONER:** This is intended to be evidence.

**MR O'GRADY:** We have no objection to going in as evidence, whether it is viewed as an admission being made by my client or otherwise.

**COMMISSIONER:** What's the - what will I mark this exhibit as, Mr Wheelahan?

**MR WHEELAHAN:** It's from the administrator, so it should probably follow the notations that you have been using.

**COMMISSIONER:** Well, I can describe - what should I mark it as? What - which -

**MR WHEELAHAN:** What are we up -

**COMMISSIONER:** How should it be described in terms of a letter and number?

**MR WHEELAHAN:** The number - I'm just getting instructions so that we don't have to change the number later.

**COMMISSIONER:** It is an email from Amelia Hughes, who is one of the counsel for the administrator, sent Wednesday, 18 March 2026 at 10.11 am to Legal, copied to Chris O'Grady, Felicity Fox, Brad Anderson and the subject is "Royce Kupsch".

**MR WHEELAHAN:** We could mark it SW-26, I hear my instructors saying, which - no, it's not really through Sarina, no it's not, although the question did arise through that. Counsel assisting, CA. It might be CA-1. I can take the honours and when we get back to you there might be other material, through counsel assisting by consent of the parties, as tendered as evidence, is the suggestion being made behind me.

**COMMISSIONER:** CA-1?

**MR WHEELAHAN:** CA-1.

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**COMMISSIONER:** Very good. Thank you. At some point we're going to have to get the proper records of the list of officials at the relevant time as filed or - I think it's filed - with the relevant federal regulator, which is some division of the Fair Work Commission now, isn't it, the registered organisations? Is that some division of the - used to be the industrial registrar.

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**MR O'GRADY:** And then it was the Registered Organisation Commission or ROC, but now it's gone back to the Commission, as I understand the position.

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**COMMISSIONER:** And then similarly there will be similar records kept at the state level by the state regulator, presumably.

**MR O'GRADY:** To the extent that those regulations were complied with, then -

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**COMMISSIONER:** I see. There might be some - there might be periods of which there were no proper filings?

**MR O'GRADY:** Yes.

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**COMMISSIONER:** That's something you and Mr Wheelahan can talk about and try and get a complete record.

**MR WHEELAHAN:** Commissioner, can I seek an amendment Mr de Jersey's handed me. We are, in fact, up to CA-4, so that exhibit should be marked CA-5.

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**COMMISSIONER:** We don't want two CA-1s, do we? That could get very confusing.

**MR WHEELAHAN:** No. Thank you.

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**COMMISSIONER:** That email will be marked CA-5.

**<EXHIBIT CA-5 EMAIL FROM AMELIA HUGHES SENT WEDNESDAY 18/3/2026 AT 10.11 AM TO LEGAL, COPIED TO CHRIS O'GRADY, FELICITY FOX, BRAD ANDERSON, SUBJECT "ROYCE KUPSCH"**

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**MR WHEELAHAN:** So tomorrow there will be one witness which is Peter McKay. There are some applications that have come through for cross-examination this afternoon, yet to be reviewed, but counsel will, of course, have discussions.

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**COMMISSIONER:** And who's making - who's made those applications?

**MR WHEELAHAN:** Ravbar and Lowth. So Ms Ruth O'Gorman has emailed an application, and also the administrator.

5 **COMMISSIONER:** All right. Very well. Well, you can talk to Ms O'Gorman and Mr O'Grady and see if you can resolve things before tomorrow.

**MR WHEELAHAN:** Yes. If the Commission pleases.

10 **COMMISSIONER:** Is there anything else? We'll adjourn till tomorrow morning.

**<THE HEARING ADJOURNED AT 3.24 PM**