



**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
COMMONWEALTH LAW COURTS, BRISBANE**

**TUESDAY, 14 JULY 2026
AT 10.00 AM**

DAY 35

APPEARANCES

**Mr S Wood AM KC - Commissioner
Mr E Gisonda KC - Counsel Assisting
Mr S Jenkins – Counsel Assisting
Ms M Stone - Counsel Assisting
Mr D de Jersey KC - Counsel for the State of Queensland
Mr C O'Grady - Counsel for the CFMEU Administration
Ms R O’Gorman KC – Counsel for Ravbar/Lowth
Ms A Freeman KC – Counsel for John Holland Pty Ltd and John Holland
Queensland Pty Ltd
Mr H Clift - Counsel for the CEPU, ETUQ, PGEUQ
Mr Grant Galvin - Witness**

<THE HEARING RESUMED AT 10.01 AM

COMMISSIONER: Deal with appearances. Mr Gisonda, you appear with Mr Jenkins and Ms Stone?

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MR GISONDA: Yes, Commissioner, and following the first witness, Mr Jenkins will be replaced with Ms MacNicol.

COMMISSIONER: Thank you. Mr de Jersey, you appear with who today?

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MR DE JERSEY: With Ms Samantha Amos, third from the right, Commissioner.

COMMISSIONER: For Queensland?

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MR DE JERSEY: Yes.

COMMISSIONER: Mr O'Grady, you appear with Ms Hughes for the CFMEU?

MR O'GRADY: Yes, Commissioner.

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COMMISSIONER: Ms O'Gorman, you continue to appear with Mr Massy for Mr Ravbar and Mr Lowth?

MS O'GORMAN: Thank you, Commissioner, I do.

25

COMMISSIONER: Ms Freeman, you appear for John Holland?

MS FREEMAN: Yes, that's correct, Commissioner. Thank you.

30

COMMISSIONER: Mr Duffy, you appear for the Honourable Grace Grace?

MR DUFFY: I do, Commissioner.

COMMISSIONER: Thank you. Have I missed anyone? Yes.

35

MR CLIFT: (Indistinct) Commissioner.

COMMISSIONER: Sorry about that.

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MR CLIFT: Not at all.

COMMISSIONER: And you're continuing to appear for the PGEU and the ETU?

MR CLIFT: And the CEPU.

45

COMMISSIONER: And the CEPU. I beg your pardon. Thank you.

MR CLIFT: All the acronyms.

COMMISSIONER: Thanks very much.

5 **MR CLIFT:** Thank you, Commissioner.

COMMISSIONER: Have you got enough room there, Mr Clift?

10 **MR CLIFT:** I'll manage. Thank you, Commissioner.

COMMISSIONER: All right. Very well. Mr Gisonda.

15 **MR GISONDA:** Thank you, Commissioner. Might I begin the proceedings today by calling Mr Grant Galvin, please.

COMMISSIONER: Is Mr Galvin in the hearing room? Mr Galvin, will you come into the witness box, please.

20 **<GRANT GALVIN, SWORN**

<EXAMINATION BY MR GISONDA

COMMISSIONER: Please have a seat, Mr Galvin. Mr Gisonda.

25 **MR GISONDA:** Now, Commissioner, you should have a witness statement of Mr Galvin sworn on 2 July 2026.

COMMISSIONER: Yes, I do have that.

30 **MR GISONDA:** If that could be brought up on the screen. And I do not seek to read paragraphs 13 to 15 of that statement.

COMMISSIONER: 13, 14 and 15?

35 **MR GISONDA:** Yes, Commissioner. Now, Mr Galvin, do you have a copy of that statement there in front of you? You can see that?

MR GALVIN: Yes, I do.

40 **MR GISONDA:** And just so you understand what I'm proposing is for paragraphs 13 to 15 of your statement to be struck out as though it's not there in your statement. Do you understand that?

45 **MR GALVIN:** I understand that.

MR GISONDA: So, otherwise, having regard to the remainder of your statement, that is, all the paragraphs other than paragraphs 13 to 15, are the matters in that statement true and correct?

5 **MR GALVIN:** Yes, they are.

MR GISONDA: I tender that statement, Commissioner.

10 **COMMISSIONER:** Are there any objections? No? Witness statement of Grant Galvin sworn 2 July 2026, six pages, 55 paragraphs, will be received as exhibit GG-1, except for paragraphs 13, 14 and 15.

**<EXHIBIT GG-1 WITNESS STATEMENT OF GRANT GALVIN SWORN
2/7/2026, SIX PAGES, 55 PARAGRAPHS**

15 **MR GISONDA:** Thank you, Commissioner. Mr Galvin, could you tell the Commissioner, please, or confirm, I should say, that you were the chief executive officer of Master Builders Queensland from July 2013 to June 2022. Is that correct?

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

MR GISONDA: And could you explain to the Commissioner, what is the Master Builders Queensland organisation?

25 **MR GALVIN:** Master Builders Queensland is an employer association, which is technically a union. It represents somewhere between 9,000 members, both subcontractors, builders and associates. It had a range of different services that are provided. It is predominantly focused around residential building. I would
30 estimate that the residential builders are probably 80 per cent of its membership. 20 per cent would be commercial builders, and there might be somewhere between one and eight I would call tier 1 builders, the large builders that have interactions with the CFMEU, and a handful of contractors that would work for those tier 1 contractors. It had a range of services, but very few of them actually revolved
35 around anything to do with the matters here today.

MR GISONDA: And could you just identify examples or some examples of what you described as the tier 1 builders who are members of the MBQ?

40 **MR GALVIN:** They would be the like of Hutchinson's, Multiplex, John Holland.

MR GISONDA: Thank you. And what's the difference or what's the distinction between Master Builders Queensland and the Master Builders Association?

45 **MR GALVIN:** So Master Builders Queensland has its own board, its own constitution in Australia. It's a federated model, and Master Builders Queensland is a member of Master Builders Australia.

MR GISONDA: And when you were the CEO of Master Builders Queensland, who was the CEO of the Master Builders Association nationally?

5 **MR GALVIN:** Danita Warne for the predominant amount of the time. William Harnisch was there for probably the first two years of my tenure in Master Builders Australia.

10 **MR GISONDA:** Now, in your statement at paragraph 8, you explain that in 2015, you were appointed a director of BERT, and you say at paragraph 9 that BERT provides redundancy payments and benefits to its members in Queensland and the Northern Territory. And then at paragraph 10, I'm just interested in this bit of your evidence, and I'd like to ask you a question about it. You say that Mr Ravbar was on the board of BERT at the same time that you were, and then you say:

15 "Mr Ravbar had a very dominant personality during board meetings."

Could you explain in a little more detail what you mean by that description of Mr Ravbar whilst you and he were on the board of BERT together?

20 **MR GALVIN:** Yes. Anyone who knows Mr Ravbar will understand the term "dominant personality", but I would say for the first 10, 15 and 20 minutes of any particular meeting, Mr Ravbar would have what could only be called generally a rant of some sort. It would be everything from banging the table through to issues that either related to political statements of the day, statements that were made from Master Builders Queensland, statements made by Master Builders Australia, something that John Holland, Hutchies or Multiplex may have done, and generally the easiest way of explaining it is he would hold court for a good 20 minutes of every meeting.

30 It had nothing generally to do with the contents of the meeting, and I learned very quickly that as soon as I got in there, probably the first two or three meetings, I thought, "I should probably engage and build a relationship," but I learnt very quickly that that is a pointless activity, and as everyone else on the BERT board found out, you just let him have his rant and then the meeting would commence, based on the board pack of the day, once that rant was over.

40 **COMMISSIONER:** How often were the board meetings? Weekly, monthly, quarterly?

MR GALVIN: I believe the BERT board meetings were monthly or could have been every two months. But I think I'm going to say monthly.

45 **COMMISSIONER:** And how many people on the board of BERT during the time you were a director?

MR GALVIN: There would have been eight people on the board of BERT. I can't give you that exactly, but I'm going to say eight.

COMMISSIONER: And how long did the meetings generally go for?

5

MR GALVIN: The meetings could go for - it would depend on Mr Ravbar. They could go for a short period of time; they could go for a long period of time. If there was a particular issue of particular interest to Mr Ravbar, the meetings could go for hours. It's not a - it's not actually a complex board or what they do is complex; therefore, the meetings should have been actually relatively brief and uncomplicated.

10
15 **MR GISONDA:** And at paragraph 12 of your statement, you talk about a rally that took place in 2017, in October 2017, and your estimate was that between a thousand and two thousand people marched on the MBQ's office in Spring Hill; is that correct?

MR GALVIN: That's correct.

20 **MR GISONDA:** And just skipping over paragraphs 13 to 15, as I've already explained, you say at paragraph 16 that the rally caught you by surprise in terms of its organisation, scale and purpose. When were you first informed that this rally was going to take place?

25 **MR GALVIN:** I was informed by the police the day before, late in the afternoon, and had I not had a rally from the CFMEU before, you know, the police said that they would be there, they would have a presence, not to be worried, it was just part of the course.

30 **MR GISONDA:** And you say that they marched to the office, chanting things like, "Wake up, Grant, wake up," to the tune of "Wake up, Jeff" by The Wiggles.

MR GALVIN: Yes.

35 **MR GISONDA:** Do you remember that taking place?

MR GALVIN: I do.

40 **MR GISONDA:** And what did you think about that?

MR GALVIN: Those chants were normally led by Mr Ingham. He liked to make up what I would have called war cries, you know, that you would use in year 9, 10 and 11. They always had some type of intention to be funny, provocative, but this one particularly, I mean, I didn't take a personal offence at being called the Purple Wiggles, but at the end of the day, you know, it was clear that the rally was about me at this particular point in time. It wasn't about anyone else. The rally, as it descended, or ascended, because they came up the hill, you know, got rowdier and

rowdier, and then the chants take on a different form, a slightly more aggressive form, as these things progress.

5 **MR GISONDA:** And you say that there were about 50 staff in the MBQ office on that day. What do those staff do? What's the role of some of the staff members of the MBQ?

10 **MR GALVIN:** The vast majority were administrative staff. There were some people in there who were lawyers. There were some people in there who were communications people. There were people in there who were marketing, people who do policy-type work. The make-up of the individuals is probably 60 per cent female, 40 per cent male, and at that time, I - I actually, in hindsight, I should have done more about ensuring that those staff were protected, but I didn't realise the voracity or the antagonistic nature of this rally.

15 **MR GISONDA:** And why do you make that observation, that in hindsight you should have done more to protect your staff? What happened on that day in relation to your staff?

20 **MR GALVIN:** The staff didn't just - sorry, the rally - and you could probably call it more like a mob. So there's a group of people who are generally following the trucks and following Mr Ingham and Mr Ravbar. They have large trucks there with large megaphones, and that way, that also blocks off the street, and so hence the police blocked off the top of the street that we were at. But there's a lot of people milling around as well. So when you look at a thousand or two thousand, it's not just the people at the front, but we ended up having the police trying to make sure that the people weren't milling around the rest of the building.

30 But there are glass windows around the building, and there were lots of people trying to look into the building, CFMEU participants in the rally, and I would guess that 80 per cent of them didn't know why they were there; secondly, probably didn't even know what BERT was, which was what the rally was about. And it was clear early on that these were aggressive people and enjoying the process of being able to stop the street and intimidate the people who were in the building.

35 **MR GISONDA:** And when you say "intimidate the people in the building", what did you see or hear to make you make that comment?

40 **MR GALVIN:** I heard some disgraceful sexist, swearing, derogatory comments, and comments I wouldn't even raise here. But they were of a sexual nature, particularly focused against the women who were in the building. Probably not surprising there were women in the building and men who were interested in what's going on, because this doesn't happen on a regular occasion. So people go up to the windows, and we happen to have three levels, but one of the levels was next to a garden bed out the front and if you have a look at the way Master

Builders operates. So people were running around, standing in the gardens, looking directly in the windows. So you can walk up to the windows and do this.

5 So you have the front of the building where the doors are, the glass doors, and then you have multiple access points at the front of the building where you can look in. There was also a second level of the building where there were lots of staff members standing just kind of looking at all the people, but I can tell you, the gestures of the people were so disgraceful that you could tell that there was a high level of animosity towards the staff in the building.

10

MR GISONDA: When you say "gestures", what are you referring to?

MR GALVIN: I'm not even - finger gestures. I'm happy to demonstrate them, but you can probably imagine what - what they were.

15

MR GISONDA: Well, I actually can't, so I think you should demonstrate to the Commissioner. Or maybe the Commissioner knows, but I think you should direct the gesture to the Commissioner. He'll be okay with that.

20 **MR GALVIN:** (Demonstrates).

MR GISONDA: Sorry about that, Commissioner. And you say in your statement at paragraph 17 that there were lewd and sexual comments that were being made to the women who were in the office looking out the window.

25

MR GALVIN: Yes.

MR GISONDA: And there were police at the rally at this point?

30 **MR GALVIN:** There were police. They were there from before the rally commenced. I have to give the police their due. They - they knew it was going on and they were inside and out of the building.

35 **MR GISONDA:** And what did they do, if anything, once these comments were being directed towards the staff inside the building?

MR GALVIN: They asked all the staff to remove themselves from site, and we moved them into the middle of the building so that they didn't have to put up with the going-ons.

40

MR GISONDA: And what did the staff say to you or any members of staff say to you after this event about the impact that that event had on them?

45 **MR GALVIN:** I can't actually remember specific comments, but it was disgraceful. I always use the test that if my daughter was in the building, what would I do? What would I think? And I would have been absolutely livid. Nobody should have to put up with those comments - anybody, whether they're in an

industrial environment, whether they're walking down the Queen Street Mall, and whether they're in a heated debate with someone.

5 **MR GISONDA:** Now, Commissioner, we have some - as Mr Galvin has said, police were present on that day, and we have some body-worn footage from the police who were present that day. So can I begin by playing video 1, please.

(Video played).

10 **MR GISONDA:** We're missing the audio, it seems.

(Video played).

15 **OPERATOR:** Sorry, we're just trying to resolve this.

MR GISONDA: While that's being resolved, Mr Galvin, perhaps I'll ask you about what happened at what you describe at paragraphs 18 and onwards of your statement. You say that at a point in time in the rally, Mr Ravbar, Mr Ingham and someone else who you believe was from the ETU were escorted into the building;
20 is that right?

MR GALVIN: That's correct. The police suggested that the quickest way to make this rally go away was to allow a delegation to come and talk to me.

25 **MR GISONDA:** So they came in, and then tell the Commissioner what happened once those three gentlemen were in the building and talking to you.

MR GALVIN: They came into the building, and it was a relatively short discussion, and I remember it quite distinctly, because I said - I mean, they
30 demanded that I support BERT and that I support the objects of BERT, and you know, the specifics I can't exactly remember, but I'd actually said to Mr Ravbar, "If you'd only just called me, you would have saved all the fellas walking up the hill." Because most of them don't like normally walking up the hill; they like walking towards George Street because it's flatter. And so walking up the hill is
35 generally a much more difficult task.

But I supported BERT, and the gentleman from the ETU said, "Well, that was a fuckin' waste of time" - excuse my French, but these are pretty much the exact words - "If only we knew that," and everybody kind of saw the funny side of the
40 fact that everyone had walked up the hill, we'd had a rally, and I was very actually very supportive of BERT and its cause. And it would be fair to say, though, if I was looking at BERT, I would ensure that the money that was generated by the interest that was created in these funds was actually given back to members. But despite that, I was content that the money was being used for the right purposes in
45 the industry at that time, plus MBQ as a whole supported BERT; therefore, I had no issues with BERT. And that was effectively the end of that short conversation.

MR GISONDA: And then what happened once they left the building?

5 **MR GALVIN:** Well, on the way out, Michael - sorry, Mr Ravbar - said, "Well, it's always good to get the boys out for a march." And that's not uncommon in the industry. You need to have marches and you need to have villains if you're going to participate the way that the CFMEU does, and so a march on a relatively regular basis is a good thing in terms of from a marketing perspective, if you are the CFMEU. So that was not a surprise to me that he liked to get the boys out for a march. And then he went outside and proceeded to tell the crowd that they'd
10 marched up here and changed my mind and Grant Galvin now supported BERT. Everybody cheered, everyone was happy, and the crowd dispersed. I was - yes.

COMMISSIONER: Was that true?

15 **MR GALVIN:** What's that, sorry?

COMMISSIONER: Was that true, what he said? What Mr Ravbar said?

20 **MR GALVIN:** I'd already supported BERT. So he said, yes, I supported BERT, but he also had to say they had marched up here and had a result and I now supported BERT. I had always supported BERT. I'm on the public record on many occasions supporting BERT. In fact, BERT supports a range of different activities, one of which is Mates in Construction. It's actually a world-renowned suicide prevention program. I had walked on the actual Kokoda Trail early on in my time
25 in support of BERT and Mates in Construction to raise money for Mates in Construction.

30 So I had no issues supporting BERT and many of the activities that it did. I probably ideologically thought that the interest that was gained from these redundancy trusts should go back to members, the same way as it does with superannuation, but on the basis that the money at that particular time was going back into the industry, I had no philosophical issue. I had always supported BERT and I continued to support BERT.

35 **MR GISONDA:** And just to put it in context, this rally about BERT, you understood, didn't you, that the reason the issue came about was because there was some legislation proposed by the Malcolm Turnbull government?

40 **MR GALVIN:** Yes.

MR GISONDA: I might now see if we can play the - video 1.

COMMISSIONER: If you need time, Mr Gisonda, we can just have a break for five minutes to get the video working, if that's the easiest thing to do.

45 **MR GISONDA:** Okay. We'll need to take the five minutes, Commissioner.

<THE HEARING ADJOURNED AT 10.28 AM

<THE HEARING RESUMED AT 10.37 AM

5 **MR GISONDA:** Thank you, Commissioner. Can we now please play video 1.

(Video played).

10 **MR GISONDA:** And can we then play video 2.

(Video played).

MR GISONDA: Thank you. So, Commissioner, just so we're clear about some of the things that were said in that rally, the policeman estimated I think 2,000
15 people. The participants in the rally said, "We are the union, the mighty, mighty union, the arse-kicking union. When I say 'union', you say 'power'. One, two, three, Malcolm Turnbull's full of shit." Those were the cries of those participating in the rally.

20 **COMMISSIONER:** Do you want to tender those videos?

MR GISONDA: I tender those videos.

25 **COMMISSIONER:** Are there any objections? How do I differentiate between the two?

MR GISONDA: The 2017 rally video 1. 2017 rally video 2.

30 **COMMISSIONER:** Are they both police body cam footage?

MR GISONDA: Yes.

35 **COMMISSIONER:** Video 1, police body cam footage, CFMEU protest rally, October 2017, from Roma Street Parklands to MBQ's office will be GG-2.

<EXHIBIT GG-2 VIDEO 1, POLICE BODY CAM FOOTAGE, CFMEU PROTEST RALLY, OCTOBER 2017, FROM ROMA STREET PARKLANDS TO MBQ'S OFFICE

40 **COMMISSIONER:** And video 2 of police body camera footage of CFMEU protest, October 2017, from Roma Street Parklands to MBQ's office will be exhibit GG-3.

45 **<EXHIBIT GG-3 VIDEO 2, POLICE BODY CAM FOOTAGE, CFMEU PROTEST RALLY, OCTOBER 2017, FROM ROMA STREET PARKLANDS TO MBQ'S OFFICE**

MR GISONDA: Thank you, Commissioner. Then, Mr Galvin, can I ask you about what you say in your evidence about - if I can describe it as the car-stickering incident, can you tell the Commissioner what you remember about that incident?

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MR GALVIN: It sounds a little comical, I have to say, in hindsight, but not long after this event, I was at a meeting at the CFMEU head office in Bowen Hills. It was with Mr Ravbar, it was with Mr Ingham and a guy by the name of Royce, I can't remember his last name. Kupsch? Mr Royce, we'll call him. Not long before
10 the end of the meeting, and I can't even tell you what the meeting was about, Mr Ingham departed. The meeting ended, you know, probably 10 minutes later, and I came out to find my car, which was parked directly in front of the CFMEU office, plastered in "Strike if provoked" stickers, and it's the union's little snake with the little teeth, and they're kind of round stickers and they're all sorts of different
15 colours. It was - they were plastered all over my car.

I decided at that point in time to hop in the car and drive off. I had this initial, you know, quandary of do I pull the stickers off before I drive away, given that I've got all these snakes all over my car? But I realised that standing in the front of the
20 building was Mr Ravbar, Mr Ingham - I don't know how many other staff, but they were all having a good laugh. And it was just a joke to them, but as far as I'm concerned, it's vandalism, it's intimidation, it's bullying, and if it was at any other, you know, work site, if it was at a school, if it was your car down the street, the police would be called.

25

MR GISONDA: And do you recall when this happened, this interaction?

MR GALVIN: This was not long after the rally we just saw then. I can't tell you the exact date.

30

MR GISONDA: And what was your state of mind at about this point, after the rally and after this car-stickering incident?

MR GALVIN: I've worked with pretty much every union known to mankind:
35 left-wing unions, right-wing unions. I've been through lots of industrial disputes. I've never seen anything - and by this stage, I had never come across anything like the CFMEU and the levels that they would go through to intimidate and to get what they wanted. I knew I was in the gun, so to speak. Another way I thought about it was, you know, it's like a furnace, and you hop in the furnace and you
40 start turning the gas up, and I knew that I was in the furnace and in the gun from that point in time onwards.

MR GISONDA: I now want to ask you some questions about BUSSQ. You were appointed a director of BUSSQ as a nominee from the Master Builders
45 Queensland; is that right?

MR GALVIN: That's correct.

MR GISONDA: And that took place in early 2014?

MR GALVIN: That's correct.

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MR GISONDA: And you say in your evidence that at that time, the chair of the board was Bob Lette, who was a solicitor.

MR GALVIN: Yes.

10

MR GISONDA: And someone else that you have noted in your evidence is a Mr Wally Trohear -

MR GALVIN: Yes.

15

MR GISONDA: - who is the former state secretary of the CFMEU. He was also on the board at that time?

MR GALVIN: Yes.

20

MR GISONDA: And tell me, what were your observations about the conduct of Mr Trohear whilst on that board?

MR GALVIN: I found Mr Trohear a true gentleman. I had probably many philosophical differences to Mr Trohear, and I was expecting to join the board and hear very similar types of sentiments that I heard from Mr Ravbar. But I found Mr Trohear never - and I can't think of one instance where Mr Trohear brought in any political, any CFMEU-related issues into the board. He was there on behalf of the members and ensuring that the members, his members - and I think he was there pretty much from the start of when BUSSQ commenced - were going to retire with a sum much larger than they otherwise would have. So his focus was always on what's in the best interest of the members, and that board worked extremely well for the vast majority of the time that I was there.

25

30

MR GISONDA: And what's your observations about his - if indeed you have any further observations about his professionalism whilst sitting on the board with you?

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MR GALVIN: I would sit on another board with him. That's the highest accolade that I can give him. Very professional.

40

MR GISONDA: And in late 2019, he retired, as you say, after 26 years he had sat on that board, and by this time, on his retirement, a woman by the name of Paula Masters was the chair of the board?

45

MR GALVIN: Yes.

MR GISONDA: And a lady by the name of Jacquie Collie had been appointed to the board as well; is that right?

MR GALVIN: Yes, that's correct.

5

MR GISONDA: And you say at paragraph 33 of your evidence that progressively over time you detected a notable shift in the operation and management of the board once Mr Trohear resigned.

10 **MR GALVIN:** Yes.

MR GISONDA: Can you explain to the Commissioner what you observed at that time?

15 **MR GALVIN:** I believe Mr Trohear was the voice of reason. He certainly understood governance from the very basic, and never did the issue of what the CFMEU or Master Builders or anyone else wanted ever come into the boardroom. It was always about the best interest of the members, whatever that might be at the time. And this didn't happen straightaway, but Ms Masters took over as the chair.
20 Ms Collie joined as well. Progressively, there were discussions and incidents and times where the issue of "We need to check with our sponsors about this decision", and the sponsors being MBQ, Master Builders Queensland, and the CFMEU.

25 I absolutely reject that, you know, position. MBQ and the CFMEU appoint directors who are independent and should be making decisions in the best interest of the members, not in the best interest of Master Builders Queensland and not in the best interest of the CFMEU. It's a very fundamental principle that, in terms of your fiduciary duties, you are not there on behalf of the sponsor. And so this kind
30 of crept in over a period of time, in terms of, "Yes, well, we better check with Michael about this," and sorry, I used the word "Michael" at that stage, because they would be the questions or the issues. And so they would have to revert, and this progressively increased over time, to, "Yes, well, we can't make a decision about that. We need to talk to Michael."

35

MR GISONDA: So they would say to you -

MR GALVIN: By this stage, I realised that we had some governance issues creeping into BUSSQ.

40

COMMISSIONER: Who's "they" that you're talking about that would say that you've got to run it by Michael?

MR GALVIN: So that would be Ms Masters, Ms Collie and Ms Eaves. Ms Eaves
45 was appointed I think somewhere in or around that time as well on behalf of the CFMEU.

COMMISSIONER: And what was the background of Ms Masters, Ms Collie and Ms Eaves?

5 **MR GALVIN:** They were all appointed by the CFMEU, or all employees of the CFMEU.

COMMISSIONER: Were they all employees during the period that they served on the board -

10 **MR GALVIN:** No. Ms Masters, I think, had retired from the CFMEU by that stage. Ms Collie was an employee of the CFMEU and Ms Eaves was an employee of the CFMEU.

15 **COMMISSIONER:** And what positions - you said Ms Masters had retired?

MR GALVIN: Correct.

COMMISSIONER: What position did she formerly hold with the CFMEU?

20 **MR GALVIN:** Prior - prior to resigning, I cannot tell you what her position was. I know it was senior, I think, but I couldn't give you the name of that position.

COMMISSIONER: And what position did Ms Collie hold?

25 **MR GALVIN:** I can't tell you, Commissioner.

COMMISSIONER: And what about Ms Eaves?

30 **MR GALVIN:** She was the finance/admin person for the CFMEU, I believe. Now, you would have to check that; I'm not an expert in -

35 **MR GISONDA:** Commissioner, we have the - I just want to double-check the precise titles of each of those three women, but we'll get that to you very shortly. And you said that you started to have concerns about the management of the - or governance of BUSSQ at about that time. You say at paragraph 34, you mention - you make reference of a Deloitte report. Can you tell the Commissioner how that came about and what happened in relation to the development of that Deloitte report?

40 **MR GALVIN:** Yes. On or about this time, APRA were looking at many of the smaller superannuation funds. It wasn't particular to just BUSSQ, but they were starting to look at the tenure of people who had been on the boards, and if you look at many of the boards, there'd been tenure of board members of, you know, well past 10 years. Secondly, they were looking at small funds and wondering,
45 considering, whether they should be merging with larger funds in terms of the best interest of members. The theory was - whether I agree with this theory or not

doesn't really matter - the larger the fund, the better the returns for members, the better the insurance, the better the service would be.

5 So by this stage APRA had looked at a very small board, and I can't think of too many superannuation boards that only had six people on them. But six is a very small number for a board, for a superannuation fund, which at that time probably had five and a half billion dollars under management. I had become the chair of the investment committee, not necessarily by choice, but by probably the last person standing. Early on in my tenure, I had very little understanding of finance, 10 so I went and did a masters of finance. It ended up turning into an MBA with a major in finance because the thought of actually calculating a bond myself was just too much for me to consider. But over a period of time, I became what I thought was a studious chair of the finance committee, and so -

15 **MR GISONDA:** The investment committee?

MR GALVIN: Sorry, the investment committee. And so this request from APRA came for a skills review, effectively, of the board, and that included a self-assessment, and then an assessment by board members of other board 20 members. That report was produced by Deloitte's in draft, and it had some - the word "derogatory" is the wrong word, but it had some misgivings about Ms Masters as the chair. It also had some comments by some of the CFMEU-appointed members of the board that were probably seen as derogatory by the chair of the board.

25 And subsequently, without the board's knowledge, that Deloitte report was modified and reissued. And once you start modifying Deloitte's reports because the chair of the board and the CEO had gone and requested a change, suddenly the chair of the board, Ms Masters, had an amazingly significantly wonderful set of 30 experiences that were included in the report, which went to Deloitte. At that point in time, I went off to APRA, I thought, as a whistleblower, because I could not work in an organisation where reports requested by APRA were modified by one or two individuals, not ratified by the board, and then reissued to APRA.

35 **COMMISSIONER:** Can you identify who the CEO at the time was? You identified who the three CFMEU appointees were.

MR GALVIN: At the time, I would have to check the CEO. I think his name was Damian Wills, but I - I could be wrong.

40 **COMMISSIONER:** And who were the other two MBQ appointees?

MR GALVIN: Sonya Beyers, who was an external lawyer who focused on governance, who Master Builders appointed because I met her during the AICD 45 training program. She did the governance section. And early on, I decided that instead of just appointing Master Builders people to the board, we should start appointing people with skill sets that would complement a superannuation board,

hence why she was appointed. And Paul Bidwell, who was actually the deputy CEO of Master Builders at the time.

5 **COMMISSIONER:** I used the word "appointed to the board". In your witness statement, you say "nominated".

MR GALVIN: Yes.

10 **COMMISSIONER:** Is there any distinction between those two terms?

MR GALVIN: Yes, there probably is a technical distinction. The board of Master Builders nominated those people. There's a ratification process, and when I say "ratification process", at BUSSQ at the time, that's a relatively loose term. If either MBQ or the CFMEU nominated a member, they generally became the board member.

15 **COMMISSIONER:** Are there any examples where either the CFMEU, during your decade or so as a member of the board of BUSSQ, nominated an individual as one of the three nominees and that nomination did not result in the appointment?

MR GALVIN: No, but there was a point in time, as we were going through this, what I would call a governance quandary, where Michael Ravbar was put forward by the CFMEU, and I raised - and it's documented - whether he would meet the fit and proper test, because at the particular time, he was being prosecuted civilly for a range of different activities that he'd been involved in, plus I was also aware of his long - "rap sheet" is the wrong word, but I can't think of the technical term, but in terms of a long list of things that he had done which, in my view, breached the law.

25 **MR GALVIN:** Now, any normal person, any board member, should be asking of any new board member: do they meet the fit-and-proper test? Now, I didn't have a problem if he met the fit-and-proper test, but I wanted the board, and I wanted the governance officer and the CEO, to at least consider that question.

30 **MR GISONDA:** You say that not long after you took your concerns to APRA, that you received a phone call from Mr Ravbar - this is at paragraph 39 of your statement - in which he expressed anger towards you, including about the fact that you'd taken your concerns to APRA. What do you remember about that phone call?

35 **MR GALVIN:** That's when I realised that being a whistleblower at APRA was a poor decision on my behalf, because there are only two people who knew I went to APRA as a whistleblower - myself and the person who was sitting on the other side of the table at APRA. And I could not believe that several days after this, I'm getting a call from Michael Ravbar, who is - I can't think of a better word - apoplectic about the fact that I would go to APRA about - at this particular

point in time, it was Paula Masters. It wasn't about Michael Ravbar or the fit and proper test.

5 Now, I can't tell you how Michael found out about that; I have no idea. But that was the last time I ever went to APRA, and if anyone ever asks me, "Should you be a whistleblower to APRA?" my answer would be categorically not.

10 **MR GISONDA:** And so your description of that phone conversation is that he was apoplectic. Do you remember anything in particular about what he said to you?

15 **MR GALVIN:** I couldn't use specific words, but if you normally listen to Michael, you kind of tune out after a while. He is loud. He's angry. He's vocal. And he's generally derogatory and threatening. That would be a summary of the - what happened.

MR GISONDA: So you say, first of all, you went to APRA in relation to your concerns about the governance arrangements of BUSSQ.

20 **MR GALVIN:** Specifically the Deloitte's report.

MR GISONDA: Specifically the Deloitte report.

25 **MR GALVIN:** And I took those two reports, the original report, and I took the modified report, because I thought, you know, normally when people are whistleblowers, they go, "I've got this idea and I think this has happened." I thought I actually had evidence to say, "Here is the first report, here is the second report, and here are the differences."

30 **MR GISONDA:** But then separate to that, you say you had raised concerns internally within BUSSQ -

MR GALVIN: Yes.

35 **MR GISONDA:** - if I can describe it that way, about whether Mr Ravbar, the proposed nominee of the CFMEU, was a fit and proper person to assume the role of director of the trustee of BUSSQ.

40 **MR GALVIN:** That's correct. And that's for two reasons: one is that every director should ask the fit and proper test about an incoming director, and secondly, I knew that APRA was already all over us, in terms of our governance and the range of other abnormal governance activities that were going on. So I think it was prudent to actually at least put on record that we should check his fit-and-proper status and potentially get legal advice about that.

45

MR GISONDA: And you say that after you raised these internal concerns about whether he was a fit and proper person - this is at paragraph 41 - you received another phone call from Mr Ravbar about that issue.

5 **MR GALVIN:** Yes.

MR GISONDA: And what do you remember about that phone call?

10 **MR GALVIN:** I use the word "aggrieved" in there. Agitated, angry. I can't think of too many other words, apart from he was one angry little ant at that particular point in time. Again, it's not unusual for Michael to swear, rant, rave, but there are different levels.

15 **MR GISONDA:** And you say that at this time, you are also receiving calls from some of MBQ's tier 1 members.

MR GALVIN: Yes.

20 **MR GISONDA:** And what were they saying to you?

25 **MR GALVIN:** "It's time to make peace with Michael," because this whole issue with BUSSQ is causing issues on our sites." And it was causing issues on the sites. It was causing disruptions on the sites. And, for example, the day of the march, I mean, that's lost time for all those tier 1 builders, who actually have nothing to do with BUSSQ. I mean, the reality was, there's a law in Australia that says you can be a member of any superannuation fund you want to be, and I can't actually
30 imagine anyone - Multiplex, Hutchies - going, "Yeah, we really, really, really want all our members to be part of BUSSQ." So I knew the pressure was on then from the tier 1s, coming to - not only to me but our board, to make peace and fix this issue so it goes away. And that's how this industry works.

MR GISONDA: And the issue now that we're talking about is the mooted or potential merger of BUSSQ with a larger fund?

35 **MR GALVIN:** Correct.

MR GISONDA: Now, you resigned from the board of BUSSQ on 13 October 2021.

40 **MR GALVIN:** Yes.

MR GISONDA: Why did you resign from the board?

45 **MR GALVIN:** I resigned from the board because when I originally did the Australian Institute of Company Directors program, which people might debate is good or bad or indifferent, I asked one question, and I said, "What if I disagree with a board decision? Am I liable for the decision if I think it's unlawful,

unethical?" And the answer is - and rightly so - is the board speaks as one. If you - even if you disagree with what that board decision says, if you continue to support that board, then you are liable for that decision.

5 So you get to a point where you ethically have a choice to make. You can either accept the unethical behaviour, which in my opinion was unethical, or I could resign from the board. And I chose to resign from the board because by this stage there were too many unusual governance practices going on with the board that was in charge of members' money that had turned into a political football about
10 who was going to control it and whether it should merge with another entity. And to be clear, I was in favour of following through with APRA's suggestion to look at merging with another entity. I wasn't actually wedded to Cbus just for the purpose of this exercise.

15 We had several other suitors already talking to us, and my personal opinion was we should look at merging with another larger fund outside of construction, because I can see, and my opinion is, that there's a conflict of interest when you are - you know, when you are working on a fund that's then funding other construction firms. And so I thought let's go and have a look at other funds. Let's
20 just do the exercise, and if it's in the best financial interest of members, then go ahead and merge. If it's not, carry on the way it was.

MR GISONDA: Now, if I could ask for the 20-page tender bundle that was circulated yesterday, late yesterday afternoon, to be brought up on the screen. And
25 if we go to page 2, please, this is a letter from APRA to Ms Masters, who at that point is the chair of BUSSQ, asking her to produce certain books. And if we go to page 6 of the bundle, please. Page 6. It's the previous page. No, the next page. It's a request that they produce the Deloitte report. Do you see that?

30 **MR GALVIN:** Sorry, you -

COMMISSIONER: You just need to look at the screen, Mr -

MR GALVIN: Sorry, you're asking me? Yes. Yes, I can see that, yes.
35

MR GISONDA: You see that? Yes. And that's the Deloitte report that you've been talking about; is that right?

MR GALVIN: That's correct. I'm not sure which version of the Deloitte report,
40 but that is the report in question.

MR GISONDA: So a version of the report, which might either be the final version or a draft version.

45 **MR GALVIN:** Yes.

MR GISONDA: But in any event, dated 25 August. Do you say that this notice must have come after you had taken your concerns to APRA?

5 **MR GALVIN:** I would say it probably has come after my concerns to APRA, yes.

MR GISONDA: And just bearing in mind, again, you - just so we can anchor this in the timeline, you resigned on 13 October?

10 **MR GALVIN:** Yes.

MR GISONDA: This notice is five days before then. You went to APRA whilst you were still a board member?

15 **MR GALVIN:** Correct.

MR GISONDA: And do you think it was about five days, in the last five days as your time on the board, or was it before then that you went to APRA?

20 **MR GALVIN:** It was before the last five days.

MR GISONDA: Okay. And then if we look at the page 7 of this bundle - thank you. You will see there in the first - now, you've left the board at this stage, because you resigned on the 13th. So I appreciate you haven't seen this document
25 before. But this is a document that's been produced on notice from BUSSQ after we received permission from APRA to - sorry, I'll rephrase that - after APRA confirmed that the conditions that are attached to this letter, which are found at page 9, no longer apply to the letter. So I just put that on the transcript, Commissioner. But going back to page 7 - thank you - the first paragraph says
30 that - it refers to correspondence from Lisa Cumberland. Do you remember who Lisa Cumberland was?

MR GALVIN: Yes, she was the risk and compliance officer.

35 **MR GISONDA:** And so it seems that she has provided the Deloitte report that had been requested, and the next paragraph then says that it -

COMMISSIONER: Well, it depends. I mean, she says she has provided the final report. Who knows whether that's what was requested in the - depends what the
40 date of the draft was and the date of the final report.

MR GISONDA: Yes, that's right. So the request was for the report dated 25 August 2021. And what the next paragraph says is that APRA had reviewed that report and was concerned by apparent deficiencies in the trustee's practices
45 identified by Deloitte across the following dimensions: board governance structure and composition; board skills, knowledge and experience; chair leadership; board performance evaluation processes; and board papers and reporting. And then it

says at the bottom of this page that section 2.3 of the report sets out concerns in relation to the impact on the adequacy of skills and capabilities of the board of the director nomination process. And then over the page, the board's perceived lack of directiveness and challenge in terms of the skills and capabilities that it requires in potential nominees.

And then do you see this next bullet point: in the letter sent to APRA on behalf of the trustee by its legal adviser dated 30 September 2021, it was stated that the recommendations set out within the Deloitte report are non-controversial and do not prima facie raise any prudential concerns or matters that can be regarded as legislative breaches. Do you see that?

MR GALVIN: Yes.

MR GISONDA: And were you aware that the legal adviser of BUSSQ had sent a letter to APRA on 30 September stating that the recommendations set out within the Deloitte report were non-controversial and do not raise prudential concerns or matters?

MR GALVIN: No, I have not seen this letter.

MR GISONDA: And then it says:

"APRA is concerned that the trustee has failed to grasp the seriousness of the observations raised by Deloitte and may have failed to act upon them with sufficient urgency."

In those last weeks that you were a director of BUSSQ, were you aware of those concerns from APRA?

MR GALVIN: Not from APRA. From my understanding, APRA hadn't done anything about it. But I would concur with APRA's now new concerns outlined in this letter.

MR GISONDA: It then says that:

"As a result, APRA views that permitting the trustee to add further directors without first confirming that the substance of the concerns within section 2.3 of the Deloitte report has been addressed risks a perpetuation of the inadequacies in board skills and capabilities highlighted by Deloitte."

And then there's a heading in the middle of the page, Actions, and just before that heading, it says:

"Further, upon reviewing the website of the trustee on 20 October, APRA noted that the profiles of directors Galvin and Eaves had been removed from the list of board directors."

What had happened to Eaves?

MR GALVIN: I'm unsure what happened to Eaves.

MR GISONDA: Do you know who replaced you and who replaced Eaves?

MR GALVIN: I know who replaced me. I actually don't have her last name, but her first name was Madeline.

MR GISONDA: Is that Dermatossian?

MR GALVIN: That's correct. And the reason for that was that - in my opinion and my advice to the board was stop appointing Master Builders Queensland employees to boards of superannuation funds.

MR GISONDA: And where did she come from?

MR GALVIN: I believe she was a lawyer as well, and I can't tell you where she actually came from, but she was - she was not known to Master Builders Queensland until effectively like a recruitment process.

MR GISONDA: And then under that heading Actions, it says:

"APRA requires that the trustee consult with APRA in advance of making any decisions to add or accept nominations that give effect to the addition of new directors."

Do you see that?

MR GALVIN: Yes.

MR GISONDA: And then the third bullet point from the end, it notes that on page 38 of the Deloitte report, it is identified that:

"The chair's competency and leadership, taken together with potential strategic and regulatory impacts for BUSSQ, needs to be addressed by the board with urgency."

I know we don't know for sure whether we're talking here about the draft report or the final report, but if it's the final report, is that inconsistent with your view that what the report had to say about Ms Masters' competency and attributes were improved, such that I think - these are my words, not yours - that she was presented as someone having suitable capabilities and characteristics?

MR GALVIN: Ms Masters -

MS O'GORMAN: Sorry to interrupt, but this witness has now identified on a number of occasions that this is a letter that he's not familiar with and has not seen before today. He's now being asked questions about what might have been intended by the author of the letter and whether he concurs with those opinions.

5 To the extent that that's even useful, it's now become less useful, because this witness is being asked to assume that referencing this letter is reference to particular documents which hasn't been established, all of which is apt to lead you, Commissioner, to be either confused or misled as to the purpose of this letter, the documents that are being referred to it, and is placing this witness in the unfair
10 position of being asked to comment on it in the absence of that certainty. So I object to the further questioning.

COMMISSIONER: I understand. What do you say, Mr Gisonda?

15 **MR GISONDA:** Commissioner, what this witness has said is that there were two versions of the Deloitte report: there was a draft and then there was a final. And he took his concerns to APRA to say - he said he took both versions, and he said, "Look at the draft, look at the final," and he was concerned about the independence or propriety of the changes that had been made in that process. It is
20 true that we don't know which of those two versions, whether it's the draft or the final, is dated 25 August 2021, which is the document that APRA called for in its notice.

The question I'm now asking Mr Galvin is if APRA is talking about the final
25 version of the report, is that inconsistent with what he said earlier, which is that the report was negative, if you like, about Ms Masters in its draft, but then positive about Ms Masters in its final. And so I'm asking Mr Galvin whether, from his recollection of the final report, was that final report still critical nonetheless of the chair's competency and leadership? That's the sole extent of the question.
30

COMMISSIONER: Why don't you just ask that question, then?

MR GALVIN: I can answer that question: yes.

35 **MR GISONDA:** It was still critical of her?

MR GALVIN: Just less critical.

40 **MR GISONDA:** And in page 10 of this bundle, again, you've left the board now, but, Commissioner, for your purposes, this letter now dated 5 November from APRA says - so you'll remember that previous letter, Commissioner, said that APRA requires BUSSQ to consult with APRA before further directors are appointed to the board. And this letter then says this:

45 "I refer to APRA's letters to you dated 21 October, your response dated 25 October, your email message of 3 November, which notified APRA of two newly appointed BUSSQ directors, Mr Michael Ravbar and Ms Madeline

Dermatossian. The purpose of this letter is to [first bullet point] express APRA's dissatisfaction and concerns in relation to the failure by the BUSSQ board to consult with APRA in advance of the appointment of Mr Ravbar and Ms Dermatossian as required in APRA's letter of 21 October."

5

And then over the page it says:

10 "In recognition of the concerns set out in our letter of 21 October 2021, APRA require that BUSSQ consult with APRA in advance of making any decisions to add or accept nominations that give effect to the addition of new directors, and by arrangement with the BUSSQ company secretary, a meeting was arranged between the BUSSQ board and APRA for 5 November 2021 to discuss that matter. On 3 November 2021, the chair advised APRA by email of two new director appointments. Despite APRA's concerns and consequent
15 requirement to consult, the BUSSQ board proceeded to make its decisions without the required consultation with APRA. This conduct is of significant concern to APRA."

20

And then what APRA says over the page is that:

"APRA has now reviewed its risk assessment for BUSSQ and has revised its stage from stage 2 to stage 3."

25

And I can tell you, Commissioner, that according to APRA, its supervision risk and intensity model, stage 2 means that APRA is engaged in heightened supervision of a fund or the trustee of a fund, and stage 3 is now described as:

30

"Escalated action. Risks and issues are regarded as, significant, with supervision strategies requiring formal oversight."

Now, it's in that context, Mr Galvin, that you say that there was a rally on the MBQ headquarters again in 2022, early 2022. Is that right? February 2022?

35

MR GALVIN: Yes, it will have been.

MR GISONDA: 8 February 2022, you say at paragraph 46 that you received a telephone call from the Queensland Police -

40

COMMISSIONER: Just before you come to the rally, can I just go back to paragraph 42. This is the point at which you received phone calls from the tier 1 members of MBQ requesting you to stop rocking the boat with what I might call BUSSQ. At that stage in your evidence, there are three issues going on. One is the change in the - from the draft to the final report of Deloitte. The second is the issue, your concern with Mr Ravbar being a fit and proper person as appointment
45 as a director of the trustee of the fund.

MR GALVIN: Yes.

COMMISSIONER: Sorry, director of the trustee company of the fund.

MR GALVIN: Yes.

5

COMMISSIONER: And thirdly, the issue raised by APRA of the question of the merger of this small fund with a larger fund: perhaps Cbus, perhaps some other fund. What did those tier 1 members ask you to do in terms of stop rocking the boat, that is, stop supporting a merger with a larger fund, stop raising any issue
10 with Mr Ravbar being a fit and proper person, or stop raising the issue of the change from the draft to the final?

MR GALVIN: The latter - sorry, the first two. Nobody really knew the details about the change to the Deloitte report. It's - you know, for a tier 1, that's relatively
15 insignificant.

COMMISSIONER: Thank you. Sorry, Mr Gisonda. I just wanted to clear that up.

20 **MR GISONDA:** You were told by Queensland Police that the CFMEU were planning to march on your office and that they had arranged for the riot police to be at your office. What did you think when you were told that the riot police would have to be in attendance at your offices?

25 **MR GALVIN:** Well, it was actually the same officer who rang me the first time. So he said, "We now have a heightened threat status and we will be deploying the riot police." I asked him, and the reason I can remember this is that SERT, and I thought there was SERT, which is one part of, you know, the police. I didn't realise there was a riot section as well. And once you hear the word "riot
30 police" - and by this stage, I had seen glass walls being busted down by the CFMEU at different buildings. I'm starting to think that the threat level, not only for me, but the staff, was significantly heightened.

MR GISONDA: And what direction did you give to your staff about this
35 impending rally?

MR GALVIN: Apart from some key staff that, you know, had either (a) decided to stay around or were senior staff that I thought I needed, I directed everyone to go home, particularly the females in the office, because I didn't want them being
40 involved in the degrading exercise that some of them had been through in 2017.

MR GISONDA: And was there in fact a rally?

MR GALVIN: There was a rally, yes.
45

MR GISONDA: And what happened -

MR GALVIN: Quite a considerable rally.

MR GISONDA: And what happened at that considerable rally?

5 **MR GALVIN:** It's pretty much a very similar start. It started at Emma Miller
Place. I would have estimated - and I'm not very good at estimating - there were
well more than 2,000 people this time, marching up the hill. By this stage, there
were those little orange scooters floating around, and the green ones, so lots of
10 people were on scooters this time. So that was helping, I think, get more of them
up the hill. They all came, and, again, the large buses/trucks with the megaphones
arrived. The police had shut off the street much earlier this time.

The police had also done two things this time. They were inside the building with
the riot shields and batons and whatever else they have. They were outside the
15 building because last time there were lots of meandering people walking through
our car park. There was no fencing to the car park, to Master Builders, so people
were previously milling around. So this time they'd put a force of people so that
people couldn't, you know, just wander round the back of the building, and the
rally came up, and it was - it was far more aggressive, this particular rally, and the
20 rally commenced.

MR GISONDA: And it was aggressive towards you, wasn't it?

25 **MR GALVIN:** Me. It was very specifically about me.

MR GISONDA: You were the target of this rally?

MR GALVIN: I was the target of this rally. There is no doubt about that.

30 **MR GISONDA:** And can I play for you now video 3A, please.

(Video played).

35 **MR GISONDA:** Video 3B.

(Video played).

MR GISONDA: 3C, and go to video 4A, please.

40 (Video played).

MR GISONDA: And the final video is 4B.

45 (Video played).

MR GISONDA: The next video, 4C.

(Video played).

MR GISONDA: How long do you think that rally went on for, Mr Galvin?

5 **MR GALVIN:** Probably 30 to 40 minutes. It was a very long rally.

MR GISONDA: And you were aware that they were consistently chanting your name, calling you a grub?

10 **MR GALVIN:** Yes.

MR GISONDA: You saw a Grim Reaper in the crowd, did you?

MR GALVIN: Yes, and I think we just saw it on the TV then.
15

MR GISONDA: Yes. And did you see the coffin as well?

MR GALVIN: Yes. It was hoisted, and that person who was sitting in the tree with the coffin is directly outside my office window, which is where I was sitting
20 with the police.

MR GISONDA: And did you recognise him as Mr Eben Cox?

MR GALVIN: I don't know who was actually holding the coffin.
25

MR GISONDA: Did you recognise Mr Vonhoff with the megaphone?

MR GALVIN: No.

30 **MR GISONDA:** Did you pay attention when they said in that last video:

35 "They sit up here on the top of the hill thinking that we won't come and find them, thinking we don't know where they work, thinking we don't know who they are. Well, we've got a message for you, Master Builders. You've picked the wrong fucking fight here."

MR GALVIN: Yes.

MR GISONDA: And what was your state of mind at the time that this rally was
40 taking place?

MR GALVIN: It's a death threat.

MR GISONDA: And how did you feel after that rally had concluded?
45

MR GALVIN: Ill.

MR GISONDA: What impact - I know this is difficult - what impact did this incident have on you?

5 **MR GALVIN:** I might just go back and say, this is a progressive - and I kind of think of it like boiling a frog. When you put the frog in the cold water, over time, you know, you turn the gas up and the frog starts, you know - and you don't actually realise the impact until it happens. I'm lucky I'm here today.

10 **MR GISONDA:** It had a very profound impact on your wellbeing; is that fair to say?

MR GALVIN: Yes.

15 **MR GISONDA:** Mr Ravbar wants to suggest to you that after the stickering incident, he found out about the stickers and said, "I'm sorry, that should not have happened. Do you want me to do anything about it?" After this incident, this rally, did he approach you and say that he was sorry about what had happened?

20 **MR GALVIN:** No, and to be honest, I don't - you know, in knowing Michael in 10 years and all the interactions, I don't think he said sorry to anybody. So I can't imagine him saying sorry to me about stickers, let alone this.

25 **MR GISONDA:** Did anyone from the union approach you after this event and apologise for what had happened?

MR GALVIN: No.

MR GISONDA: No further questions, Commissioner.

30 **COMMISSIONER:** Do you want to tender those videos?

MR GISONDA: Yes, I do.

35 **COMMISSIONER:** Are they all police body -

MR GISONDA: All police body-worn camera footage.

40 **COMMISSIONER:** Is there any objection? I might just - do you want me to mark them as separate exhibits or one exhibit? There's five videos. Do you want to do them separately or as one?

MR GISONDA: No, I think do it - we'll do them separately.

45 **COMMISSIONER:** All right.

MR GISONDA: No. I'm sorry, Commissioner, we'll do them as one.

COMMISSIONER: All right. Police body footage of CFMEU protest MBQ offices, 8 February 2022, comprising five videos, video 3A, 3B, 4A, 4B and 4C, will be exhibit GG-4.

5 **<EXHIBIT GG-4 POLICE BODY FOOTAGE OF CFMEU PROTEST MBQ OFFICES, 8/2/2022, COMPRISING FIVE VIDEOS, VIDEO 3A, 3B, 4A, 4B AND 4C**

COMMISSIONER: What about the tender bundle, Mr Gisonda?

10

MR GISONDA: That too, Commissioner.

COMMISSIONER: Beg your pardon?

15

MR GISONDA: Yes, that bundle as well.

COMMISSIONER: Is there any objection to the tender of the 20-page tender bundle? 20-page tender bundle comprising various correspondence on various dates from APRA will be exhibit GG-5.

20

<EXHIBIT GG-5 20-PAGE TENDER BUNDLE COMPRISING VARIOUS CORRESPONDENCE ON VARIOUS DATES FROM APRA

25 **COMMISSIONER:** I don't want to pry, Mr Galvin, but when you say you're lucky I'm here today, what do you mean by that?

MR GALVIN: I had a mental breakdown and attempted to commit suicide.

30 **MR GISONDA:** Commissioner, I believe that Ms O'Gorman has an application to make to cross-examine, but she would be assisted by a brief adjournment, and perhaps we can have the morning-tea break so that we can resolve any matters that might be in contest between us.

35 **COMMISSIONER:** Very well. How much time do you need?

MR GISONDA: It's just the morning-tea break. 10 minutes, Commissioner.

COMMISSIONER: Very well. We'll adjourn till 12 o'clock.

40 **<THE HEARING ADJOURNED AT 11.45 AM**

<THE HEARING RESUMED AT 12.00 PM

45 **COMMISSIONER:** So there are applications to cross-examine Mr Galvin, Mr Gisonda?

MR GISONDA: There is. Just before we do that, Mr Galvin, if I can just direct you to paragraph 44 of your statement -

MR GALVIN: Yes.

5

MR GISONDA: - which says that in January 2021, three MBQ nominated directors all resigned from the BUSSQ board. Should that be January 2022?

MR GALVIN: That is correct. I saw that as we were going.

10

MR GISONDA: Commissioner, there is an application to cross-examine Mr Galvin by Ms O'Gorman, and we have agreed on the topics that she will cross-examine Mr Galvin on. So with that agreement, there's no objection to the cross-examination.

15

COMMISSIONER: So I've got a written application -

MR GISONDA: Yes.

20 **COMMISSIONER:** - from Ms O'Gorman on behalf of - sorry, Ms O'Gorman and Mr Massy on behalf of Mr Ravbar and Mr Lowth. It says that Mr Ravbar's provided a statement containing his version - the version of evidence that he will give when he's called to give evidence. I don't appear to have that in front of me. Do I need that?

25

MR GISONDA: I don't think you need it. It should be there in your materials, but -

COMMISSIONER: It's here somewhere, is it?

30

MR GISONDA: It should be.

COMMISSIONER: It is here. Thank you. Thank you.

35 **MR GISONDA:** And do you have, Commissioner, the submissions that were prepared yesterday dated 13 July -

COMMISSIONER: That's your submissions of - and Mr Jenkins?

40

MR GISONDA: Mr Jenkins.

COMMISSIONER: Yes.

MR GISONDA: Do you see at page 4, paragraph 28(a)?

45

COMMISSIONER: Yes.

MR GISONDA: Those are the topics, save that there's one or two extra topics that I've spoken to Ms O'Gorman about, which I don't have a difficulty with, but that will essentially cover the topics.

5 **COMMISSIONER:** All right. So you've reached an agreement in relation to the written application. Should we mark the statutory declaration of Mr Ravbar?

MR GISONDA: Yes, Commissioner.

10 **COMMISSIONER:** What exhibit number shall we give it?

MR GISONDA: I'm not sure whether we're giving them - has the practice so far been to give them exhibit numbers or to mark them for identification?

15 **COMMISSIONER:** I think to give them exhibit numbers. I think there's only been one so far.

MR GISONDA: Okay. I'm told we're up to MR-2.

20 **COMMISSIONER:** Thank you. The statutory declaration of Michael John Ravbar of 9 July 2026, 12 pages, 54 paragraphs, will be MR-2.

<EXHIBIT MR-2 STATUTORY DECLARATION OF MICHAEL JOHN RAVBAR OF 9/7/2026, 12 PAGES, 54 PARAGRAPHS

25 **COMMISSIONER:** And does that mean I don't need to rule upon the written application to cross-examine Mr Galvin because you and Ms O'Gorman have reached an agreement?

30 **MR GISONDA:** Yes.

COMMISSIONER: All right. Very well. Ms O'Gorman. I'm sorry, I'm going out of order, am I?

35 **MR O'GRADY:** No, you're not, Commissioner. There was also an application on behalf of my client to cross-examine Mr Galvin.

COMMISSIONER: I see.

40 **MR O'GRADY:** But in the light of the, we would say, concessions or the approach taken in the submissions that you were referred to a moment ago by counsel assisting and on the basis that the material is only admitted for the purposes as set out in those submissions, I don't press my application.

45 **COMMISSIONER:** Very well. Well, I don't think I've - I haven't received his submissions. I haven't marked his submissions.

MR O'GRADY: Well, we'd seek to have them marked, then.

COMMISSIONER: I see. All right. So this is - these are the submissions of Mr Gisonda and Mr Jenkins of 13 July 2026.

5

MR O'GRADY: Yes.

COMMISSIONER: They'll be - and you want them treated the same way that treated, for example, the submissions of Mr McLean?

10

MR O'GRADY: Precisely.

COMMISSIONER: Is there any problem with that, Mr Gisonda?

15

MR GISONDA: No.

COMMISSIONER: The submissions of Mr Gisonda and Mr Jenkins, 13 July 2026, (indistinct) paragraphs, five pages, exhibit GG-6.

20

<EXHIBIT GG-6 SUBMISSIONS OF MR GISONDA AND MR JENKINS, 13/7/2026, (INDISTINCT) PARAGRAPHS, FIVE PAGES

MR O'GRADY: As the Commission pleases.

25

COMMISSIONER: So you're not cross-examining?

MR O'GRADY: I'm not cross-examining under the circumstances.

COMMISSIONER: All right. Very well. Ms O'Gorman.

30

MS O'GORMAN: Commissioner, I invited to Mr O'Grady to put that on the record because it means that I am the only person to cross-examine Mr Galvin, and I wanted to be able to indicate to the Commission and to Mr Galvin in the circumstances that I'm sure I will be done before the luncheon adjournment.

35

COMMISSIONER: Thank you.

MS O'GORMAN: Thank you.

40

<CROSS-EXAMINATION BY MS O'GORMAN

MS O'GORMAN: Mr Galvin, I have some questions for you on behalf of my clients, Mr Ravbar and Mr Lowth. I want to start by asking you about the lead-up to and then the conduct of the 2017 rally.

45

MR GALVIN: Yes.

MS O'GORMAN: Firstly, can I ask you some questions about your knowledge of things surrounding the 2017 rally and the reasons for it.

MR GALVIN: Yes.

5

MS O'GORMAN: I ask these questions accepting that you weren't an organiser and won't necessarily be able to speak to all of the reasons; simply to find out what of the surrounding circumstances you were aware of at the time. Does that make sense?

10

MR GALVIN: Totally.

MS O'GORMAN: All right. Thank you. So if we can go back to 2017, do you remember that in October of that year, the Federal Government introduced the Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill 2017, as it was called?

15

MR GALVIN: Yes.

MS O'GORMAN: All right. And did you understand that many organisations and entities considered that that bill was going to significantly undermine the role and primacy of industry funds such as BERT?

20

MR GALVIN: I'm aware that there were organisations that thought that.

25

MS O'GORMAN: Yes.

MR GALVIN: But in reading the actual legislation, that was not going to be the case, so I had personally no concerns about doing that.

30

MS O'GORMAN: Thank you. All right. Let's just see if I can unpack that a little bit. I understand from your evidence that you had reviewed the bill or had some understanding of its contents and formed the view that you weren't concerned about the impact that there might be on industry funds such as BERT; correct?

35

MR GALVIN: Correct.

MS O'GORMAN: All right. Nonetheless, you were aware that there were other entities and organisations which formed a different view and in particular which were concerned that the bill would undermine the role and primacy of such funds.

40

MR GALVIN: Yes.

MS O'GORMAN: All right. Now, I just want to see if we can establish the scope of your knowledge of the level of concern about the introduction of that bill. You understood, firstly, that the CFMEU in Queensland opposed the introduction of the bill?

45

MR GALVIN: Yes.

5 **MS O'GORMAN:** And also that all of the construction unions in Queensland opposed that bill?

MR GALVIN: I wouldn't say all. I knew about the CFMEU, the ETU and the Plumbers Union.

10 **MS O'GORMAN:** All right. Thank you. What about the AMWU? Were you aware that they opposed it as well?

MR GALVIN: No.

15 **MS O'GORMAN:** Okay. When you say no, do you mean they didn't or you weren't sure one way or the another?

MR GALVIN: I'm not sure one way or the other.

20 **MS O'GORMAN:** I see. So your knowledge was to the extent of an opposition by the CFMEU, the ETU and the Plumbers Union in Queensland?

MR GALVIN: Yes.

25 **MS O'GORMAN:** All right. Did you know that there were unions more broadly throughout the country that were also concerned about the impacts that the introduction of the bill would have and therefore opposed it?

MR GALVIN: No.

30 **MS O'GORMAN:** And when you say no, can I just clarify, what you're saying is you don't know one way or the other whether other unions across the country were opposed to the bill?

35 **MR GALVIN:** Correct.

MS O'GORMAN: All right. You're not saying that to your knowledge, those unions did not oppose it?

40 **MR GALVIN:** Correct.

MS O'GORMAN: Thank you. Did you know - and I'm still talking about October 2017 - that many of the industry funds also opposed the bill, including by way of public statements at that time?

45 **MR GALVIN:** When you say industry funds, are you talking about other industry organisations, or what types of funds are you talking about?

MS O'GORMAN: I'm talking about other funds, such as BERT or the like.

MR GALVIN: Yes.

5

MS O'GORMAN: Okay. And you knew that they were opposed to the introduction of the bill?

MR GALVIN: Yes.

10

MS O'GORMAN: All right. Thank you. Did you know also that there were a number of employer bodies that were publicly opposed to the introduction of the bill?

15

MR GALVIN: No.

MS O'GORMAN: Okay. Did you know, for example, that in Victoria, the Master Builders Association publicly opposed the introduction of the bill?

20

MR GALVIN: No, but that doesn't surprise me.

MS O'GORMAN: All right. So that is the Victorian counterpart of MBQ?

MR GALVIN: Yes.

25

MS O'GORMAN: Okay. Now, were you aware in and around October of 2017 that there was a public campaign which was run to raise awareness about the bill and to publicly oppose it?

30

MR GALVIN: No.

MS O'GORMAN: You didn't know about that. Were you aware that as part of that campaign, the Building Trades Group had sought to have Master Builders Queensland confirm its opposition to the bill?

35

MR GALVIN: I'd actually never heard of the Building Trades Group until the issue of this Royal Commission coming up.

MS O'GORMAN: I see.

40

MR GALVIN: I know the Plumbers Union, I know the ETU, and I know the CFMEU. I didn't know them as that entity that you refer to.

MS O'GORMAN: All right. So if it were the case that the Building Trades Group had publicly called on Master Builders Queensland to itself publicly oppose the bill, that's not something that you knew about one way or the other?

45

MR GALVIN: No.

MS O'GORMAN: All right. Do you recall that in and around October of 2017, Mr Ravbar had telephone calls with you in which he expressed his concerns about the introduction of the bill and called on you to also oppose it?

MR GALVIN: No.

MS O'GORMAN: When you say no, are you saying that you don't recall those telephone calls, or are you saying you have a positive memory that they did not occur?

MR GALVIN: I have a positive memory. Mr Ravbar rarely called me, so generally, when he did, due to the issues I raised earlier in terms of the anger and the angst and the - I would generally remember the phone calls.

MS O'GORMAN: I see. Can you say whether there were occasions on which Mr Ravbar attempted to call you on your telephone and wasn't able to get through to you?

MR GALVIN: Could - could have.

MS O'GORMAN: Okay. Do you now recall times when, in and around October of 2017, Mr Ravbar would see you at meetings that you attended together where he may have raised with you his concerns about the introduction of the bill?

MR GALVIN: In 2017, I can't think of too many meetings we would have gone to together. There were industry round tables where everybody came, including the Plumbers Union and the ETU, and Mr Ravbar just doesn't attend them. He didn't need to. So I can't think of any meetings where I regularly, apart from maybe the sticker incident, where I met with him on a regular occasion.

MS O'GORMAN: Can I deal with my question this way: what if I was to suggest to you that in and around October of 2017, Mr Ravbar did in fact express to you that he was opposed to the introduction of the bill and expected or wanted you to be as well. Do you accept that those sorts of statements could have been made by Mr Ravbar to you?

MR GALVIN: They could have, yes.

MS O'GORMAN: All right. Thank you. Now, do you recall that in late October 2017, there was to be a Senate committee hearing here in Brisbane about the introduction of the bill that we've been talking about?

MR GALVIN: No.

MS O'GORMAN: Okay. Do you deny that there was to be such a hearing?

MR GALVIN: No, I don't deny it. I just - I don't remember a hearing -

MS O'GORMAN: Okay.

5

MR GALVIN: - or the thought that there was even going to be one.

MS O'GORMAN: I'm sorry, I just didn't catch the last part of what you said.

10

MR GALVIN: The thought there was even going to be one, it was not on my radar.

15

MS O'GORMAN: I see. If there was to have been one, to your knowledge, would it have surprised you to know that the CFMEU wanted the unions and other industry funds such as BERT and employer organisations to present submissions to that hearing opposing the introduction of the bill?

MR GALVIN: It wouldn't surprise me that they wanted to, no.

20

MS O'GORMAN: And do you have any recollection now of anyone having reached out to you - and by "anyone", I include here Mr Ravbar - asking for you to join in making submissions to that hearing, on behalf of MBQ, to oppose the bill?

MR GALVIN: No.

25

MS O'GORMAN: Were you aware that the rally that you've given evidence about today in 2017 at MBQ's premises was organised to protest MBQ's unwillingness to commit to opposition of the bill?

30

MR GALVIN: No.

35

MS O'GORMAN: I want to turn now to the day of the rally itself. You've given evidence, both in your statement and today, that you heard lewd and sexual comments being made by rally-goers at your building premises. That's correct, isn't it.

MR GALVIN: Yes.

40

MS O'GORMAN: All right. Are you able to estimate how many people of the - I think you said maybe 2,000 who attended the rally - you heard to make lewd or sexual comments?

MR GALVIN: No, I couldn't tell you exactly how many.

45

MS O'GORMAN: All right.

COMMISSIONER: I missed that answer.

MR GALVIN: I couldn't tell you how many. Sorry, I'll just move a bit closer.

5 **MS O'GORMAN:** I presume in giving evidence about what you saw or heard, you're really talking about those people who attended the rally who were at or very close to the windows or the doors of the ground floor of your building premises?

MR GALVIN: That's correct.

10 **MS O'GORMAN:** All right. And you don't know the identities of those people?

MR GALVIN: No.

15 **MS O'GORMAN:** You don't know their names or who they are?

MR GALVIN: No.

20 **MS O'GORMAN:** And sitting here today, can't recall now how many people were engaged in that sort of very unpleasant behaviour?

MR GALVIN: No.

25 **MS O'GORMAN:** All right. When you were asked to explain the sorts of gestures that were being made, you, if I can say for the record, gave the middle finger?

MR GALVIN: Yes.

30 **MS O'GORMAN:** Including on both hands?

MR GALVIN: Yes.

35 **MS O'GORMAN:** And also gave that gesture using the - one arm being held across the middle of the other arm, coming upwards at the same time?

MR GALVIN: Yes. That was well described.

40 **MS O'GORMAN:** All right. Thank you. Both of which are routinely used not necessarily in a sexual way, but as gestures of aggression?

MR GALVIN: Yes.

45 **MS O'GORMAN:** All right. And that's the extent of the gestures you saw being made by those people you've described at the windows or the walls looking in to your workers?

MR GALVIN: No, that's incorrect. So the lewd comments were from the ground floor, particularly to the ladies that were on the ground floor.

MS O'GORMAN: Thank you.

5

MR GALVIN: We then moved the females and males into the middle of the building, and then I was still standing at the top of the stairs, which allowed me to look out over all the people, and the gestures that you described very aptly were then used to me.

10

MS O'GORMAN: I see. All right.

MR GALVIN: Not to the ladies on the bottom floor. So the comments and the sexual comments were to the ladies and the people on the bottom floor.

15

MS O'GORMAN: Yes.

MR GALVIN: The gestures were to me for my good luck on that day.

20 **MS O'GORMAN:** I'm sorry for that. I'll ask you about the gestures, then, first, given that you've explained there's these two different categories. We might have been at cross-purposes when I was first asking you about the gestures. I was intending to ask you whether or not the two gestures that I described cover the field of all of the rude gestures that you saw.

25

MR GALVIN: Yes.

MS O'GORMAN: Thank you. And those gestures were gestures that you were able to see made by persons on the outside of the building towards yourself.

30

MR GALVIN: Yes.

MS O'GORMAN: Thank you. I understand that now. Are you able to estimate how many people you saw making those gestures towards you?

35

MR GALVIN: 50.

MS O'GORMAN: 50 people.

40 **MR GALVIN:** 40. 60. A lot.

MS O'GORMAN: I see.

45 **MR GALVIN:** Once one person does it, it's like a throng of people. It's like everybody likes to do it.

MS O'GORMAN: I see. And if you can assist me to understand where you were standing relative to that group of people at the time those gestures were being made.

5 **MR GALVIN:** Directly above. So Mr Ingham and Mr Ravbar had a microphone down below. There's a window, so there's a front door. I'll explain it this way: there's a front door. It's a glass door. There were a set of stairs that go up. There's another level where the glass panel allows you to look out over the entire throng of people. I'm not sure how else to describe them.

10 **MS O'GORMAN:** Sure.

MR GALVIN: And so I was standing at the top of those stairs, so I had a full view of the speakers and the people that were in my, you know, field of view,
15 which might have been several hundred, a thousand, I don't know.

MS O'GORMAN: I see. And if one was standing not where you were, at the top of the stairs on the inside of the building, but in the position of that group of people who were outside the building making the gestures that you observed, are
20 those windows clear and transparent, or tinted?

MR GALVIN: Clear and transparent.

MS O'GORMAN: All right. So I know that you can't give positive evidence
25 about what anyone outside might have seen of you, but is the glass such that you would expect people could see through?

MR GALVIN: Well, the police then asked me to remove myself to try and reduce the angst. So not only have we removed the females and the males, they've then
30 asked me to remove myself to try and reduce the angst of the crowd.

MS O'GORMAN: All right. And before I move on from the issue of the gestures, can I ask you to confirm that you did not observe either Mr Ravbar or Mr Lowth to make any gestures of this kind to you?
35

MR GALVIN: I don't know Mr Lowth.

MS O'GORMAN: All right.

40 **MR GALVIN:** But no, Mr Ravbar did not.

MS O'GORMAN: Thank you. Can I move then briefly to the other category that you describe, being the lewd comments that were made?

45 **MR GALVIN:** Yes.

MS O'GORMAN: And as I understand it, your recollection is that you remember that those comments were made by some of the people on the outside of the building to workers who were on the ground floor of the building on the outside of it, but internally.

5

MR GALVIN: Yes, internally.

MS O'GORMAN: Before you moved them more centrally.

10 **MR GALVIN:** Correct, yes.

MS O'GORMAN: All right. Are they comments that you heard and can now remember yourself, or that were reported to you by others?

15 **MR GALVIN:** Both.

MS O'GORMAN: I see. Of the comments that you positively heard with your own ears, can I ask you to confirm that none of those were made by Mr Ravbar.

20 **MR GALVIN:** Correct.

MS O'GORMAN: Thank you. And of the reports that you received from other people, presumably other people within your organisation who said they heard comments, it was never reported to you by any of those people that they had heard
25 Michael Ravbar making those comments?

MR GALVIN: Correct.

MS O'GORMAN: Thank you. I want to ask you now about that conversation that
30 occurred when Mr Ravbar, Mr Ingham and another person - I think you said you thought he was from the ETU - came into the building to speak with you. This was while the rally was underway; that's right, isn't it?

MR GALVIN: Yes. There were still war cries going on outside, so yes.
35

MS O'GORMAN: Okay. Do you remember that those people came and spoke with you and asked you whether you would now publicly support BERT and oppose the introduction of the bill we've been talking about?

MR GALVIN: No, I publicly supported BERT and the objects of BERT and the fact that BERT should continue in the exercises that it had been doing. I have no issue with BERT. I actually had no issues with the legislation, because if you are doing nothing wrong, then you have nothing to fear by another body overseeing you. So I had no issue with additional legislation.
40
45

MS O'GORMAN: Can I suggest to you that those three people, including Mr Ravbar, during the conversation asked you to publicly oppose the introduction of the bill?

5 **MR GALVIN:** No.

MS O'GORMAN: Are you saying no, that definitely didn't happen; or no, you don't have a recollection of it now, but it might have been part of the conversation.

10 **MR GALVIN:** I don't have a recollection of that occurring.

MS O'GORMAN: And so based on your answer there, do I take it that you concede that it's possible that as part of that conversation, Mr Ravbar asked you to publicly oppose the introduction of the bill?

15 **MR GALVIN:** It is possible.

MS O'GORMAN: All right. Thank you. Then, as a further step, can I suggest to you that when that conversation ended and those three people went outside, Mr
20 Ravbar said, amongst other things, that you had changed your position and now publicly opposed the introduction of that bill. Is it possible that he made that statement?

MR GALVIN: It is possible he made that statement.

25 **MS O'GORMAN:** Thank you.

MR GALVIN: I wasn't kind of hanging out listening, though, to be honest.

30 **MS O'GORMAN:** I understand. The point I'm seeking to explore with you, and I think you've now confirmed, is that it's possible that what happened was Mr Ravbar went outside and said your mind had been changed and you now opposed the introduction of the bill.

35 **MR GALVIN:** Yes, it is possible that that occurred.

MS O'GORMAN: Thank you. Then I want to turn now away from the topic of that rally, and I want to ask you about a conversation that Mr Ravbar says that he had with you sometime in 2021. Just for context and so I know if you know what
40 I'm talking about yet, have you been provided with Mr Ravbar's statutory declaration? No.

MR GALVIN: No.

45 **MS O'GORMAN:** Then I'm going to put some propositions to you and see whether you either remember these events or concede that they could have occurred, and you can tell me your evidence about that.

MR GALVIN: Sure.

5 **MS O'GORMAN:** Do you recall a time in 2021 when Mr Ravbar attended a meeting with you at the BUSSQ offices in Milton?

MR GALVIN: No.

10 **MS O'GORMAN:** Well, before I go on, do you recall that Mr Ravbar did, in fact, attend the BUSSQ offices in Milton to meet with you from time to time?

15 **MR GALVIN:** It could have happened in 2021. I think that was as he was preparing to try and join the board. So there is a chance that we met at the BUSSQ offices.

20 **MS O'GORMAN:** All right. And do you recall a time when Mr Ravbar, having attended on you in those offices there, at the end of the meeting, you and him getting into lifts from the offices and going down to the basement, where, as I understand it, you had a car park because you were a director at the time?

MR GALVIN: Yes, I do remember going down to the car park with Mr Ravbar.

25 **MS O'GORMAN:** I see. And do you recall that on that occasion - or perhaps I'll put it to you. I suggest to you that on that occasion, the two of you ended up, after getting out of the lift and being in the car park, standing next to your car.

MR GALVIN: Yes.

30 **MS O'GORMAN:** All right. And I suggest to you that at that time, and as you were finishing your conversation, you said words to the following effect to Mr Ravbar, perhaps in jest: "You're not going to put stickers on my car, are you?"

MR GALVIN: Yes, in jest.

35 **MS O'GORMAN:** You said that? All right. And do you remember that, in response, Mr Ravbar asked you, "What are you talking about?" or words to that effect?

40 **MR GALVIN:** No. He laughed.

MS O'GORMAN: Okay. My suggestion to you is, whether or not he laughed, that he did say to you, "What are you talking about?" Is that possible?

45 **MR GALVIN:** That's incorrect.

MS O'GORMAN: Okay. I suggest to you further that you said to Mr Ravbar that a few years ago, you'd attended the union office and that during that meeting your

car had been covered in stickers. Do you accept that you explained that to Mr Ravbar at that time?

5 **MR GALVIN:** No, that is incorrect. Mr Ravbar laughed about it.

MS O'GORMAN: I see. And so do you say your recollection is that Mr Ravbar laughed when you said, "You're not going to put stickers on my car, are you?" and your recollection is that's the extent of the conversation that happened about the stickering incident?
10

MR GALVIN: That's correct.

MS O'GORMAN: All right. Notwithstanding what you've just explained to me, I'm going to suggest another couple of propositions to you for completeness, and I'll have you comment on them.
15

MR GALVIN: I thought you might.

MS O'GORMAN: I'm going to suggest to you, then, that after you explained that your car had been covered in stickers, Mr Ravbar said words to the effect, "I'm sorry. That shouldn't have happened. Do you want me to do anything about it?"
20

MR GALVIN: I shouldn't laugh. That is - that is impossible.

25 **MS O'GORMAN:** And finally -

MR GALVIN: Can I just tell you why it's impossible?

MS O'GORMAN: Certainly.
30

MR GALVIN: I have never heard Mr Ravbar apologise in 10 years. He wouldn't apologise about stickers.

MS O'GORMAN: Okay. I do have to put one more proposition to you.
35

MR GALVIN: Yes, sorry.

MS O'GORMAN: Noting that you have made plain your recollection of this conversation. My final proposition is that in fact, after Mr Ravbar did say sorry about that, he said words - or you said words to the effect, "Don't worry about it. It was years ago."
40

MR GALVIN: Yes, that's correct.

45 **MS O'GORMAN:** You said something along those lines?

MR GALVIN: There's nothing I could do about it then.

MS O'GORMAN: And so when you say yes, you did say, "Don't worry about it, it was years ago," were you referring to some kind of apology or expression of regret on Mr Ravbar's part?

5

MR GALVIN: No.

MS O'GORMAN: So what was the context for you telling Mr Ravbar, "Don't worry, it was years ago"?

10

MR GALVIN: I actually raised - remember I raised the issue about, you know, "You're not going to put stickers on my car? Don't worry about it. It was years ago. I've moved on."

15 **MS O'GORMAN:** Do you say this was anything more to the conversation than what you've just relayed to the Commission?

MR GALVIN: No.

20 **MS O'GORMAN:** Okay. So nowhere in that conversation, according to your recollection, did Mr Ravbar ever say to you that he had in fact been involved in stickering your car?

MR GALVIN: No, he never said he has been involved.

25

MS O'GORMAN: I see. Also, in that conversation, is it the case that Mr Ravbar didn't indicate that he had even seen your car being stickered at the CFMEU offices?

30 **MR GALVIN:** No. He was standing there.

MS O'GORMAN: No, no, sorry, we'll come to that. For the moment, what I'm asking you to confirm is that during this conversation in the basement car park, Mr Ravbar didn't say to you that he had seen your car stickered in those years earlier?

35

MR GALVIN: It's getting kinda complicated here.

MS O'GORMAN: I understand.

40 **MR GALVIN:** It was some time ago. But I don't believe so.

MS O'GORMAN: Thank you. Now, if we can then go back to the incident itself. I'm no longer asking you about the conversation about it in 2021; I'm asking you about the time that you recall the car being stickered, which I think you say is

45

MR GALVIN: On or about.

MS O'GORMAN: I see. You recall there being a meeting that you had attended at the CFMEU offices.

5 **MR GALVIN:** Correct.

MS O'GORMAN: During which your car was stickered by somebody, but you don't know whom.

10 **MR GALVIN:** That's correct.

MS O'GORMAN: All right. And as I understand your evidence, you recall going out to the car, observing your car to be covered in stickers and looking back into the CFMEU offices to see a number of people watching you?

15 **MR GALVIN:** Correct. I'd also observed Jade Ingham leave the meeting about 10 minutes before the meeting ended.

MS O'GORMAN: I see. Do you say anything more than you had seen Mr Ingham leave earlier than the meeting ended?

MR GALVIN: No, I didn't say that.

25 **MS O'GORMAN:** I see. You're not saying, for example, and to be clear, that you saw Jade Ingham put the stickers on the car?

MR GALVIN: Correct. I am not saying that.

MS O'GORMAN: All right. Or that he went and directed anyone else to do that?

30 **MR GALVIN:** Correct. I could not be saying that.

MS O'GORMAN: All right. And certainly Mr Ravbar was in your presence for the entirety of the time that you were in the CFMEU.

35 **MR GALVIN:** Yes.

MS O'GORMAN: It's not possible that he personally was the one who put stickers on your car?

40 **MR GALVIN:** Yes.

MS O'GORMAN: All right. When you were down on the street, how far do you say your car was parked from the CFMEU building, by way of estimate, with respect to metres?

45 **MR GALVIN:** Two.

MS O'GORMAN: Two metres from the building?

5 **MR GALVIN:** There's three or four car parks out the front of the CFMEU under the sign that says:

"Do you believe it in The Courier-Mail?"

10 There's a big sign which everybody knows. From recollection, there might be three, four car parks that are directly there, and I was in one of them.

15 **MS O'GORMAN:** I see. And standing at the car in the position that you've just described and looking back up into the CFMEU offices, how do you describe those windows?

MR GALVIN: I can't describe - it's a window.

20 **MS O'GORMAN:** All right. I guess what I'm getting at is do you recall that the windows were clear and transparent or do you recall that they were tinted at the time?

MR GALVIN: I cannot recall whether they were tinted or transparent.

25 **MS O'GORMAN:** All right. My suggestion to you is that Mr Ravbar wasn't standing at the windows and didn't observe you as you were getting into your car. Is that a proposition that you can accept?

MR GALVIN: No.

30 **MS O'GORMAN:** Is it possible that when you looked up into the building and saw people behind the window, that they were people other than Mr Ravbar?

MR GALVIN: No.

35 **MS O'GORMAN:** All right.

MR GALVIN: There were multiple people. I don't know most of them, to be honest. I know Mr Ingham, I know Mr Ravbar, and by default, I know Royce.

40 **MS O'GORMAN:** I see. And who do you say you have a recollection of seeing when you looked back up at those windows?

MR GALVIN: Mr Ingham and Mr Ravbar and a range of other people.

45 **MS O'GORMAN:** I see. Did you, after this day, in perhaps 2017, make contact with Mr Ravbar about what had happened to your car?

MR GALVIN: No.

MS O'GORMAN: You didn't raise it with him?

5 **MR GALVIN:** No.

MS O'GORMAN: And it wasn't raised between the two of you then until the meeting in the BUSSQ offices in 2021.

10 **MR GALVIN:** Yes. I made a considered decision to not try and remove the stickers in front of them, because that would add to the - you know, the fun of what was going on, so I drove around the corner, had a big breath, drove back and then started removing the stickers at Master Builders.

15 **MS O'GORMAN:** I see. Thank you. So when you say drove around the corner and drove back, you're describing -

MR GALVIN: Sorry, just around the corner just to take a breath, because this is not the normal activity I've been used to.

20 **MS O'GORMAN:** Of course.

MR GALVIN: Just kind of took a - took a breath and then drove back to Master Builders Queensland.

25 **MS O'GORMAN:** Thank you. That's all I was seeking to clarify: you didn't mean you drove back to the CFMEU offices?

MR GALVIN: No, no, no. Had enough for one day.

30 **MS O'GORMAN:** Thank you. I want to ask you now about some questions related to BUSSQ and its operations in 2021 and 2022, picking up on some of the questions that you were asked by Mr Gisonda a little earlier. Firstly, in relation to BUSSQ, that entity is a building industry superannuation fund run in Queensland, isn't it?

MR GALVIN: Correct.

40 **MS O'GORMAN:** And the trustee company for BUSSQ was, in 2021 and '22, jointly owned by both MBQ and the CFMEU?

MR GALVIN: Correct.

MS O'GORMAN: So there were two shareholders for the trustee company?

45 **MR GALVIN:** Yes.

MS O'GORMAN: It's the case, isn't it, that in those years, 2021 and 2022, each of MBQ and CFMEU appointed three directors to the BUSSQ board?

5 **MR GALVIN:** They always had three directors, since the time I joined in 2014.

MS O'GORMAN: All right. Just to be clear, the board always had six directors?

MR GALVIN: Correct.

10 **MS O'GORMAN:** Three of whom were appointed by MBQ and three of whom were appointed by the CFMEU?

MR GALVIN: That is correct.

15 **MS O'GORMAN:** And it's also the case, isn't it, that BUSSQ had a quorum of four, that is, there had to be at least four directors voting on anything at any one time?

MR GALVIN: Correct.

20 **MS O'GORMAN:** Thank you. And it wasn't possible for BUSSQ to operate with less than four directors?

MR GALVIN: Correct.

25 **MS O'GORMAN:** Okay. You were asked some questions about Mr Treloar -

MR GALVIN: Trohear.

30 **MS O'GORMAN:** Trohear, pardon me - being replaced on the BUSSQ board and described the people or the person who replaced him and then the appointment of a number of other persons, including Ms Masters and Ms Collie. Do you recall that?

35 **MR GALVIN:** Yes.

MS O'GORMAN: As I understood it, you gave some evidence that in perhaps 2021, you recall Ms Masters and Ms Collie saying things to you in BUSSQ board meetings to the effect, "We'd better check with Michael."

40 **MR GALVIN:** Yes.

MS O'GORMAN: All right. Now, by "Michael", you understood that to mean Mr Ravbar?

45 **MR GALVIN:** Mr Ravbar.

MS O'GORMAN: As I understood it, you also said in your evidence that they had to revert to him.

MR GALVIN: Yes.

5

MS O'GORMAN: Was that your understanding?

MR GALVIN: Yes.

10 **MS O'GORMAN:** I just want to be really clear about exactly what it is that you do and can say about these things. Firstly, you can't say, I take it, that Mr Ravbar ever gave a directive to those persons or anyone else that they had to revert to him before they could make any decisions on the board?

15 **MR GALVIN:** Correct.

MS O'GORMAN: And you also can't say whether or not, in fact, any director on the board, including Ms Masters or Ms Collie, did in fact run any decisions past Mr Ravbar?

20

MR GALVIN: Correct.

MS O'GORMAN: All right. You answered some questions and gave some evidence a little earlier about the Deloitte's report. Do you recall that?

25

MR GALVIN: Yes, I do.

MS O'GORMAN: It's apparent, isn't it, including from the documents that you were taken to, the letters to and from APRA, that many of the difficulties between APRA and the board existed before Mr Ravbar was appointed to the board?

30

MR GALVIN: Yes.

MS O'GORMAN: I see.

35

MR GALVIN: For clarity, I had gone to APRA before the issues around Mr Ravbar had surfaced.

MS O'GORMAN: Yes. Do I understand you to be saying you had gone to APRA about your concerns about the operation of the BUSSQ board before and separately to any concerns you might have had about Mr Ravbar being appointed?

40

MR GALVIN: Yes. I went to APRA for two reasons. One is the Deloitte's report and the modification of that without the board's approval, and secondly, my concerns about the potential of shadow directors.

45

MS O'GORMAN: One of the things I understood you to say when you were asked some questions a little earlier about Mr Ravbar's appointment was that you had gone to APRA to query whether it considered that Mr Ravbar was a fit and proper person for appointment.

5

MR GALVIN: No, I'd never been to APRA to do that.

MS O'GORMAN: I had thought that your evidence was to the effect that you had and that it was because your concerns about that got back to Mr Ravbar that you thought there was a difficulty with being a whistleblower?

10

MR GALVIN: No. I went and asked APRA to be a whistleblower, to which they denied and said no. But because I thought they were a regulatory authority, I could still tell them what I knew. I had two copies of the Deloitte's report, and I had concerns about Mr Ravbar being a shadow director, and this is from a governance perspective, and that's the extent of the discussions that I had. And the third part of that really is was Ms Masters skilled and appropriate to be a chair of the super fund at that particular point in time? And then, several days later, can't tell you exactly when, Mr Ravbar contacted me, very agitated that I would go to APRA on anything.

15

20

MS O'GORMAN: I see. I'm having a look at paragraph 41 of your statement. Do you have it there in front of you?

25 **MR GALVIN:** I do.

MS O'GORMAN: Can you see that that paragraph, which is after the events that you've just described, says:

30 "After this I received another phone call from Mr Ravbar who was aggrieved that I would question his status as fit and proper."

35 **MR GALVIN:** Yes.

MS O'GORMAN: Do you accept that that was your recollection, at least at the time of -

40 **MR GALVIN:** That was my recollection at the time. There were issues about Mr Ravbar as a shadow director, so whether it was around his fit and proper or being a shadow director, I could not actually recall right now and tell you that - one or the other.

45 **MS O'GORMAN:** Okay. I want to ask you some questions now about the issue of APRA's suggestion that small funds merge with larger funds, if that would be considered to be in the best interests of the members.

MR GALVIN: Yes.

MS O'GORMAN: You understand the topic I'm turning to?

5 **MR GALVIN:** Yes.

MS O'GORMAN: Did you understand from conversations with Mr Ravbar that he considered that BUSSQ was a preferable fund for members to be engaged with than Cbus, the larger national firm - fund?

10

MR GALVIN: At that particular point in time, he did. Prior to 2016, he did not.

MS O'GORMAN: All right. I see. So, just so that I understand, you recall that from 2016, you understood that Mr Ravbar considered that it was more beneficial for members to be with BUSSQ than with Cbus?

15

MR GALVIN: I can only presume that, because he wrote BUSSQ back into the CFMEU EBA in 2016 and '17. Prior to that, he'd written BUSSQ out of the CFMEU EBA, so I can only presume at some point in time he decided that BUSSQ was now a good fund, and it went back into the CFMEU EBA.

20

MS O'GORMAN: All right. Leaving that to one side, because I'm not going to ask you to presume anything about his thinking, or others for that matter, back in 2016. I am interested to understand the scope of your knowledge and your assessment of the benefits of BUSSQ, compared with Cbus, in 2021.

25

MR GALVIN: Okay.

MS O'GORMAN: Do you or did you have the view in 2021 that BUSSQ provided better services for members and better service levels for members than Cbus did at that time, for members in Queensland?

30

MR GALVIN: Me personally?

35 **MS O'GORMAN:** Yes.

MR GALVIN: No.

MS O'GORMAN: Did you understand that others did, including Mr Ravbar?

40

MR GALVIN: I'm not sure how Mr Ravbar would have known these discussions were even going on, given that at most of this time he wasn't even on the board.

MS O'GORMAN: If you can just put out of your mind any questions about how he might have known about these things for the moment, I'm interested to know whether or not he had any conversations with you expressing a view that BUSSQ was more beneficial than Cbus.

45

MR GALVIN: I'm sure he thought that or said that at some point in time.

MS O'GORMAN: I see. Including to you?

5

MR GALVIN: Yes.

MS O'GORMAN: All right. And his views about that, I would suggest to you, included not only that BUSSQ provided better service levels for members than Cbus but that the fees charged by BUSSQ were significantly lower than those charged by Cbus?

10

MR GALVIN: I don't remember him having that discussion.

15 **MS O'GORMAN:** Okay. It's possible that he did?

MR GALVIN: Everything's possible.

MS O'GORMAN: I see. Do you recall a meeting with Mr Ravbar in or around August of 2021 where the two of you met at Harvey's Cafe at New Farm in Brisbane?

20

MR GALVIN: No.

25 **MS O'GORMAN:** Is it possible that you did have a meeting with Mr Ravbar at Harvey's Cafe in New Farm?

MR GALVIN: Highly unlikely.

30 **MS O'GORMAN:** I'll just see where your view that it's unlikely comes from. Leaving aside the name of the cafe, in case that's causing any difficulty, do you recall having a meeting with Mr Ravbar at a cafe?

30

MR GALVIN: I tried not to meet with Mr Ravbar.

35

MS O'GORMAN: All right. That doesn't answer my question, though. Is it possible that you met with him at a cafe in New Farm in 2021?

MR GALVIN: It is possible, but highly unlikely.

40

MS O'GORMAN: Do you recall whether it was at that cafe or elsewhere that there was a meeting in about August of 2021 where Mr Ravbar and you discussed the merger proposal, that is, the proposal to merge BUSSQ and Cbus?

45 **MR GALVIN:** No.

MS O'GORMAN: Do you recall a conversation in which you told Mr Ravbar that if Mr Ravbar supported the merger process, you could guarantee him a board seat on the merged entity and that you would also have a board seat on the merged entity?

5

MR GALVIN: I think that is impossible, for several reasons. The first being, I didn't think merging with Cbus personally was a good idea. So I can't imagine why I would say, "I can get you a board seat." Number 2 is it's laughable to even think that I had any influence over Dave Noonan and the federal CFMEU or the federal MBQ sponsors who appointed. So it's impossible for me to even think that that would be possible. Thirdly, neither of us had the skills to join a board, so there is no way on this planet I would be suggesting either he or I join another board.

10
MS O'GORMAN: All right. And so, to be clear, I understand your evidence on this point to be you don't recall a meeting between yourself and Mr Ravbar in or around August of 2021, whether it was at a cafe in New Farm or elsewhere, where you discussed the merger proposal?

15
MR GALVIN: Correct.

20
MS O'GORMAN: All right. Commissioner, I'm mindful of the time. I anticipate I will be less than 10 minutes.

25
COMMISSIONER: Okay.

MS O'GORMAN: Thank you. I want to turn now to the rally that you described, the second rally, in your evidence, that is, the rally that occurred on 8 February 2022. Firstly, in relation to the context for that rally, I understood that you gave evidence, at the end of the time that Mr Gisonda was asking you questions, about your recollection that in January of 2022, the three MBA-nominated directors had all resigned from the BUSSQ board?

30
MR GALVIN: Yes. I had already resigned previously.

35
MS O'GORMAN: You had.

MR GALVIN: Three directors resigned in relatively short succession.

40
MS O'GORMAN: All right. In fact, if I can suggest to you that what happened was, on 17 January 2022, between the hours of 8 am and 11 am in the morning, each of Mr Paul Bidwell, Ms Sonya Beyers and Ms Madeline Dermatossian all resigned from the board. Do you accept that that's so?

MR GALVIN: I can't remember the times, but yes.

45
MS O'GORMAN: Would you accept that they all resigned on the one day?

MR GALVIN: One or close to - within 24, 48 hours. I couldn't tell you.

MS O'GORMAN: Okay.

5 **MR GALVIN:** But I will accept that you have more information than me on this particular occasion.

MS O'GORMAN: All right. You say it might have been within 48 hours; you don't exclude the possibility that they in fact all resigned within three hours?
10

MR GALVIN: Correct.

MS O'GORMAN: And you don't say that it was not on 17 January 2022 that that occurred?
15

MR GALVIN: Yeah, it could well be, and you are probably correct.

MS O'GORMAN: All right. Now, each of those three people that I've just named were MBQ-nominated directors, weren't they?
20

MR GALVIN: Yes.

MS O'GORMAN: Okay. It meant, didn't it, that as of and from the date of their resignation, the BUSSQ board was left without a quorum?
25

MR GALVIN: Yes.

MS O'GORMAN: It could no longer operate; correct?

30 **MR GALVIN:** Yes.

MS O'GORMAN: Okay. That obviously poses a really significant problem for a board like BUSSQ?

35 **MR GALVIN:** Yes, BUSSQ, yes.

MS O'GORMAN: BUSSQ, which as you've said at that time was managing a huge amount of members' money?

40 **MR GALVIN:** Yes.

MS O'GORMAN: So for it to be left inquorate in those circumstances, would you agree, was difficult? Yes?

45 **MR GALVIN:** Yes.

MS O'GORMAN: And untenable? The situation could not continue?

MR GALVIN: Well, it could not continue for a period of time.

5 **MS O'GORMAN:** You mean it's possible that the BUSSQ board could have operated for a short time, perhaps hours, perhaps days, but not for a period of time of any significant length, where decisions might need to be made and certainly money on behalf of all the members needed to be sensibly managed.

10 **MR GALVIN:** Yes.

MS O'GORMAN: All right. Do you recall that as and from 17 January 2022, then, there was significant disquiet in Queensland amongst workers and employers about the fact that the BUSSQ board was inquorate and could not operate?

15 **MR GALVIN:** There was certainly disquiet from the CFMEU, yes.

MS O'GORMAN: Okay. And do you accept that that was reasonable, for there to be disquiet about the fact that the BUSSQ board, managing some \$7 billion of members' money, was not operable?

20 **MR GALVIN:** Yes.

MS O'GORMAN: All right. Did you understand at that time that it was the fact that MBQ had not nominated three replacement directors to the board that was the trigger for the 8 February 2022 rally?

25 **MR GALVIN:** I couldn't tell you the trigger, because I was not there when they decided to do that. I can tell you, though, that the board of MBQ had sought legal advice, because as you would expect, if three directors resigned on the same day or close to, there must be some issue to cause such a relatively large chasm at a fund like BUSSQ. So I do know that the MBQ board had sought legal advice about what to do next.

30 **MR GALVIN:** I couldn't tell you the trigger, because I was not there when they decided to do that. I can tell you, though, that the board of MBQ had sought legal advice, because as you would expect, if three directors resigned on the same day or close to, there must be some issue to cause such a relatively large chasm at a fund like BUSSQ. So I do know that the MBQ board had sought legal advice about what to do next.

35 **MS O'GORMAN:** All right. I want to turn to the day of the rally itself, 8 February 2022. Firstly, can I have you confirm, please, that you didn't observe Mr Ravbar to lead that rally?

MR GALVIN: He was walking at the front.

40 **MS O'GORMAN:** All right. When I use the word "lead", I'm using it in quite a specific sense to refer to the persons who are appointed to lead the rally by way of providing leadership to it, perhaps using the megaphone to start the chants or otherwise direct the large group of people.

45 **MR GALVIN:** I would put to you that Jade Ingham normally led the chants, because he really liked that part of the job.

MS O'GORMAN: Sure, and I'm not asking about Mr Ingham for present purposes. I'm just asking to you confirm that you didn't see Mr Ravbar to be leading the rally. Perhaps I can ask you in this limited way to start with: you didn't observe him to be using a megaphone at any time during the rally?

5

MR GALVIN: I do not believe so.

MS O'GORMAN: All right. And you didn't observe him to give any speeches during the rally?

10

MR GALVIN: I believe he gave a speech.

MS O'GORMAN: All right. If I was to suggest to you for present purposes that Mr Ravbar did not give a speech and specifically did not do so because he was then a director of BUSSQ, do you accept that, in fact, Mr Ravbar did not give a speech on this day?

15

MR GALVIN: I don't - I don't accept that, no.

MS O'GORMAN: Is that because you say you have a positive memory of Mr Ravbar giving a speech using a microphone on this day?

20

MR GALVIN: Yes.

MS O'GORMAN: We saw some videos when you were answering some questions about this rally to Mr Gisonda a little earlier. Do you accept that at no point in any of those videos that were shown to the Commission can Mr Ravbar be seen on them?

25

MR GALVIN: You could see them - in terms of the beginning of the march, you saw Jade Ingham and Michael Ravbar, yes.

30

MS O'GORMAN: I think you might be referring to the videos that you were shown for the 2017 rally, earlier in your evidence.

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MR GALVIN: Right.

MS O'GORMAN: Certainly in those videos, you could observe Mr Ravbar and Mr Ingham.

40

MR GALVIN: Yes, I did not observe them in those last videos, correct.

MS O'GORMAN: All right. Thank you. You've probably confirmed things for me, but for whatever reason I couldn't hear the last part of your answer.

45

MR GALVIN: Sorry.

MS O'GORMAN: That's fine. I'll start again. In respect of the rally on 8 February 2022, do you agree that in where in the videos that were shown of that rally could Mr Ravbar be seen?

5 **MR GALVIN:** Correct.

MS O'GORMAN: All right. He couldn't be seen to be giving a speech during those rallies?

10 **MR GALVIN:** Correct.

MS O'GORMAN: Or standing near to or in the vicinity of the man who was dressed as the Grim Reaper?

15 **MR GALVIN:** Not in those videos, no.

MS O'GORMAN: All right. Or holding the coffin?

20 **MR GALVIN:** No. He was not the man up the tree either.

MS O'GORMAN: Thank you. Do you accept that one interpretation of the person dressed as the Grim Reaper and holding the coffin is that that was a protest against MBQ's lack of nomination of directors to the BUSSQ board, such that, effectively, the board was being killed off?

25 **MR GALVIN:** No. I do not accept that, because the chants were about Galvin, and the only person with the name Galvin would be me.

MS O'GORMAN: And you were, at that time, the CEO of MBQ?

30 **MR GALVIN:** Correct.

MS O'GORMAN: Which to your knowledge was being protested against because of its failure to appoint three nominees to the BUSSQ board.

35 **MR GALVIN:** Yes.

MS O'GORMAN: Thank you. Do you recall that on that same day as the rally, that is, 8 February 2022, the CFMEU commenced proceedings against MBQ requiring that MBQ perform the constitution of BUSSQ and appoint the necessary three directors so that BUSSQ had a quorum?

40 **MR GALVIN:** No.

45 **MS O'GORMAN:** You don't recall that occurring?

MR GALVIN: I didn't work for the CFMEU.

MS O'GORMAN: Yes, I'm not suggesting that you did. I'm asking you to recall whether or not the CFMEU commenced proceedings against MBQ.

5 **MR GALVIN:** How would I know?

MS O'GORMAN: Were you not the director at the time?

10 **MR GALVIN:** I was the CEO, but -

MS O'GORMAN: I'm sorry. I'm being told that I might not have been clear about the proceedings that I'm talking about. I'm talking about proceedings in the Federal Court, legal proceedings in the Federal Court, being filed on 8 February 2022 against MBQ.

15 **MR GALVIN:** No.

MS O'GORMAN: You don't know about that?

20 **MR GALVIN:** Nope.

MS O'GORMAN: Okay. I take it, then, it would follow that you don't know that on 18 February 2022, before the matter could be heard by way of an urgent hearing which had been scheduled for early March, that MBQ relented and did
25 appoint the three directors?

MR GALVIN: I do know that they appointed the three directors, yes.

30 **MS O'GORMAN:** Okay. And you know that that occurred on 18 February 2022?

MR GALVIN: I wouldn't know the date, but it was not very long after.

MS O'GORMAN: I see. Then do you know that the urgent hearing, which was to take place on 4 March 2022 in respect of the legal proceedings that I asked you
35 about earlier, was then vacated once those appointees were made?

MR GALVIN: No, and it might help you to know, probably the reason I don't know this is I had vacated any discussion around BUSSQ, given my previous role
40 as a director.

MS O'GORMAN: I see.

MR GALVIN: The board was dealing with it. We also had three other directors that had resigned, and so none of us got involved in the discussions around who
45 the next directors would be or what proceedings were in place. That's probably why I didn't know about that. But I did hear that the three new directors had been appointed.

5 **MS O'GORMAN:** I see. And so, to be clear, when I was asking you questions about the commencement of the legal proceedings in the Federal Court against MBQ and you said you had no knowledge, it might be because you were kept apart from any conversations about those proceedings?

MR GALVIN: That is correct.

10 **MS O'GORMAN:** You're not suggesting that as a matter of fact those proceedings were not commenced.

MR GALVIN: That is absolutely correct. I just thought I would correct that for you.

15 **MS O'GORMAN:** I appreciate it. Thank you, Mr Galvin. Commissioner, if I may have just a moment. Finally, Mr Galvin, I just have a couple of questions for you about conversations that you've had with Mr Geoffrey Watson SC. You know who I'm talking about?

20 **MR GALVIN:** Yes, I do.

MS O'GORMAN: All right. I will just have you confirm, if you would, that you've spoken with Mr Watson for the purposes of assisting him with the investigation that he did into the CFMEU?

25 **MR GALVIN:** Yes.

MS O'GORMAN: Thank you. And have you confirm, if you would, that you gave an account to him of the 2022 rally that you've spoken about today?

30 **MR GALVIN:** I gave him an account of both of the rallies, I believe. It was all by telephone, just for the purpose of the record.

MS O'GORMAN: Yes. Out of interest, did Mr Watson ever send you a record of the conversation you had, that is, a transcript or any notes of it?

MR GALVIN: No.

40 **MS O'GORMAN:** So you weren't able to verify, after you provided him with information, whether or not the information that he took down was accurate and reflected what you had told him?

MR GALVIN: No.

45 **MS O'GORMAN:** All right. But you say today that in fact when you spoke with Mr Watson, you spoke with him about both the 2017 and the 2022 rallies?

MR GALVIN: Yes. Not in great detail, but in terms of "this is basically what happened".

5 **MS O'GORMAN:** I see. What I want to know is whether you were quite clear when you spoke with Mr Watson that you were describing two separate rallies.

MR GALVIN: Yes.

10 **MS O'GORMAN:** That is, one that happened in 2017 and one that happened five years later.

MR GALVIN: Yes. At that time, though, I hadn't done very much research into the exact dates or times, and it was a phone call. "Grant, can you tell me about these things?" "Sure."

15 **MS O'GORMAN:** I understand. And I'm not asking you to suggest - and I hear you to say that you didn't give him a great amount of detail. What I am wanting to seek to understand is that you made it quite plain to him that you were describing two separate rallies five years apart?

20 **MR GALVIN:** Yes.

MS O'GORMAN: Thank you. And is it the case that the accounts that you gave to him about both of those rallies, although they may have had less detail than
25 what you've given today, was the same account, that is, your version of what happened on those days hasn't changed over time?

MR GALVIN: No.

30 **MS O'GORMAN:** Thank you. Finally, I just want to ask you about what you told Mr Watson about the lead-up to the rally in 2022. Did you explain to him about the issues with the BUSSQ board being inquorate at the time of that rally?

MR GALVIN: I am unsure.
35

MS O'GORMAN: You're not sure. It could be that you did; perhaps you didn't.

MR GALVIN: Yes.

40 **MS O'GORMAN:** I understand. Thank you, Mr Galvin. Commissioner, those are my questions.

COMMISSIONER: Thank you, Ms O'Gorman. Are there any questions you wish to ask in re-examination, Mr Gisonda?
45

MR GISONDA: No, Commissioner.

5 **COMMISSIONER:** One of the things you were asked very early in your cross-examination, Mr Galvin, was about an entity that you described or you agreed with Ms O'Gorman's characterisation of this entity as the Victorian counterpart of MBQ, and that was - I didn't get the entity's name. It was either MBAV or MBV.

MR GALVIN: MBAV, yes.

10 **COMMISSIONER:** MBAV, the Victorian counterpart of MBQ?

MR GALVIN: Yes.

15 **COMMISSIONER:** And you were asked questions about the attitude of MBAV to the Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill 2017, and you said that you weren't aware that the MBAV opposed that bill, but then you went on to say, "But it doesn't surprise me."

MR GALVIN: That is correct.

20 **COMMISSIONER:** Why didn't it surprise you?

25 **MR GALVIN:** And you may have come across this, but Incolink, which was the version of BUSSQ - sorry, of BERT in Victoria, gave an extraordinary amount of money to Master Builders Victoria and an extraordinary amount of money to the CFMEU, probably 10 to 20 times what would have been distributed from BERT to the CFMEU and MBQ in Queensland. In fact, to the point I know, and I've seen the books that without that money, MBAV would be insolvent at that particular time. So I'm not surprised that they did put some form of formal complaint, because it would have put them at a significant disadvantage had they not had that money.

COMMISSIONER: I understand. Does anything arise from that?

35 **MR GISONDA:** No.

COMMISSIONER: Thank you very much for your evidence, Mr Galvin. You're free to go.

40 **<THE WITNESS WAS RELEASED**

MS O'GORMAN: That concludes my interest in today's proceedings. I wonder if myself and Mr Massy might be excused from the afternoon's proceedings?

45 **COMMISSIONER:** You may be.

MS O'GORMAN: Thank you.

COMMISSIONER: Is there anything before we adjourn for lunch, Mr Gisonda?

5 **MR GISONDA:** No, Commissioner. I was hoping we could come back at 2.15, and I might indicate whether it's possible that we could sit until a bit before 4 o'clock today, just to try and make up some time.

COMMISSIONER: Very well. We'll adjourn till 2.15.

10 **<THE HEARING ADJOURNED AT 1.04 PM**

<THE HEARING RESUMED AT 2.15 PM

COMMISSIONER: Mr Gisonda.

15 **MR GISONDA:** Thank you, Commissioner. Over the course of the next three weeks, we will be looking at major transport projects that were procured in the State of Queensland from about the time that the BPIC policy was introduced by the Queensland Government. Do you have, Commissioner, a bundle of documents called BPIC and Transport Projects Bundle 1?

20 **COMMISSIONER:** I do.

MR GISONDA: I'd like to take you through some of these documents, to put into context what was happening in Queensland at about this time, and perhaps I might
25 start by tendering this bundle. I should say that there's probably about 35 documents in here. With the exception of about documents that consist of letters from the CFMEU, they are all documents that have been produced by the State of Queensland, and there have been - as you would appreciate, when we get documents from the State of Queensland, there will invariably be claims for
30 privilege and the like, but all those, I think, have largely been resolved. So on that basis, I tender this bundle.

COMMISSIONER: Do you have any outstanding claims in relation to the - I know there's a lot of documents in this bundle, Mr de Jersey?

35 **MR DE JERSEY:** (Indistinct) to get to this point, but happily, we have nothing outstanding, Commissioner.

COMMISSIONER: Very well. Are there any other objections to the tender of the bundle? No. How do you want me to describe them? 316 -

MR GISONDA: BPIC and Transport Projects, Bundle 1.

45 **COMMISSIONER:** Bundle of 316 pages of documents from the CFMEU and Queensland Government relating to BPIC and Transport Projects will be - what's the exhibit number we're going to give this?

MR GISONDA: This will be exhibit BPIC-1.

COMMISSIONER: Exhibit BPIC-1.

5 **<EXHIBIT BPIC-1 BUNDLE OF 316 PAGES OF DOCUMENTS FROM
CFMEU AND QUEENSLAND GOVERNMENT RELATING TO BPIC
AND TRANSPORT PROJECTS**

10 **MR GISONDA:** And if you go to page 2, Commissioner, here's a little bit of a
timeline of where we've been so far. And in May 2018, we had the introduction of
the best practice principles, and you will recall that when we heard evidence in
relation to the procurement and industrial enterprise agreements on the Cross
River Rail project, what was being discussed at that point was the application of
15 the best practice principles, and those principles, at least insofar as they
incorporated best practice industrial relations, were generalised in their
articulation and ambiguous in their application. And you'll recall the evidence
from the Cross River Rail case study about what the attitude of the CFMEU was
during that process. In their view, best practice principles could be satisfied by the
head contractor on that project adopting effectively the terms and conditions as
20 were found in the Queens Wharf enterprise agreement.

Then, in November 2018 - and you haven't heard much evidence about this yet,
but a deed of variation was signed between the Department of Housing and Public
Works and Watpac to retrospectively apply best practice principles on the North
25 Queensland Stadium in Townsville through a sample agreement. And then picking
up where you have heard evidence, in October 2019 -

COMMISSIONER: That's the Townsville Stadium, is it?

30 **MR GISONDA:** Yes. Well, I'm told there is a Townsville Stadium, another
stadium called the Townsville Stadium. This is the North Queensland Stadium in
Townsville, sometimes colloquially called the Townsville Stadium.

COMMISSIONER: Right.

35 **MR GISONDA:** I'm sure that was very clear to you. In October 2019, you heard
evidence from Mr Vince Sanfilippo about the application of the minimum
conditions to the Cairns Convention Centre, which you will recall was awarded to
Lendlease in the end after CPB made plain that they had - they tendered on the
40 basis that the minimum conditions would contravene the Fair Work Act and the
federal code. And then you also heard evidence that in February 2020, the
minimum conditions had then been - had then turned into the best practice
industry conditions, otherwise known as BPIC, that was applied to the Southern
Queensland Correctional Precinct, or otherwise known as the Gatton prison.

45 **COMMISSIONER:** Mr Sanfilippo gave some evidence about that also.

MR GISONDA: He did. And they tendered on the same basis there as well, and it was awarded to John Holland.

5 **COMMISSIONER:** Did Mr Sanfilippo say that the Cairns Convention Centre minimum conditions that were required by the government were based on the Queens Wharf agreement?

10 **MR GISONDA:** Yes, and we've got three documents that I'll give you tomorrow morning, which I promised you at the last hearing where I was assisting you, Commissioner, that tracks the similarities between the Queens Wharf agreement and the minimum conditions, and then the minimum conditions and the Southern Queensland Correctional Precinct agreement. Sorry, and from the Queens Wharf agreement to the minimum conditions, and then separately you'll remember - do
15 you remember that document, Commissioner, that had all the different colourings which represented which union had made comments or had made proposals in relation to certain clauses in the BPIC? Do you remember that document?

COMMISSIONER: I don't, sorry.

20 **MR GISONDA:** That's all right. I'll take you to it tomorrow morning as well. So to be clear about the decisions, respective decisions that were made - in April of 2018 - sorry, May 2018, you had the best practice industrial relations requirements. In October of 2018, so for November 2018, you have the decision in relation to the North Queensland Stadium. In October 2019, you have the
25 application of minimum conditions to the Cairns Convention Centre. In February 2020, you have the application of the BPIC, along with a mandated process, to the Southern Queensland Correctional Centre.

30 And then in October 2020, which was just before the 2020 state election, a decision was made to approve BPIC to be applied to building construction and maintenance contracts in Queensland, and also to approve a Transport BPIC. And at that stage, the proposal was that the Transport BPIC would apply on civil transport projects in Queensland with a project value between 100 and 300 million dollars. And that's where we pick up the story, Commissioner, for the next three
35 weeks.

COMMISSIONER: I think we had some evidence about that from one of the deputy director-generals of OIR who was called to give evidence about - I think there were 10 of them in that role during a decade, and he was giving some
40 evidence - I've forgotten the gentleman's name - about Ms Burgess and WHSQ, but at the end of his statement he referred to some meeting of senior public servants, I think in 2021, where there was an attempt by the public service - it looked like it, anyway, and the witness suggested this was what was the situation - to, in effect, try to prevent the spread of BPIC throughout government.
45

MR GISONDA: Yes. I think that was Peter McKay.

COMMISSIONER: That's right. That was Mr McKay, yes.

5 **MR GISONDA:** And what you're going to see, at least from the two DTMR witnesses that we're calling today and tomorrow, is - you're going to get more detail about that. Can I take you to page 3 of this bundle, and I think it's helpful to have these conveniently listed as we navigate the various bits of evidence. The Cooroy to Curra Section D Project, you'll remember from when Mr Vince Sanfilippo gave evidence. That was awarded to CPB Contractors in March of 2021, and BPIC was applied retrospectively to that contract. The previous contract
10 on Cooroy to Curra, which had been awarded in August 2020, did not have BPIC applied, because that pre-dated the policy. But you've heard Mr Vince Sanfilippo's evidence about the Cooroy to Curra procurement.

15 There is then the Bruce Highway upgrade. Again, it was divided into two sections. The first section, which was awarded to Acciona, again, that was pre-2020 election, so it did not have BPIC applied to it, and Mr Balmer will give a little bit of evidence about that project, and it will just assist you with an understanding of what is commonly described in this industry as BAU: business as usual. So that was - that's an example of a business as usual civil infrastructure project in
20 Queensland. The Bruce Highway upgrade, the second section ending at Steve Irwin Highway, was awarded a bit after, that is, March 2021. So it had BPIC retrospectively applied to it as well.

25 And by "retrospective", what that means is the procurement process was already underway. You'll see, even though the award date is in March 2021, procurement starts many months beforehand. So procurement can start without BPIC being the policy, but by the time you get to the award date, BPIC is the policy, so they have to shoehorn it or, to put it differently, retrospectively apply it to the procurement. The Exit 41 upgrade, because of its project value, did not have BPIC apply to it,
30 but it is a project of interest to this Commission, and we'll come back to that.

COMMISSIONER: Why is that?

35 **MR GISONDA:** Because of some of the industrial unrest on that project.

COMMISSIONER: When you say business as usual on a civil project, does that mean typically there would be an agreement with the AWU, not the CFMEU, or am I reading too much into it?

40 **MR GISONDA:** Typically, an agreement with the AWU, but perhaps - that's the outcome, but as far as the process goes, it is left to the contractor to manage its industrial relations arrangements, and the state doesn't seek to become involved in any proactive sense. Mr Vince Sanfilippo also gave you a little bit of evidence along those lines as well. Then over the page, page 4, there's the Gold Coast Light
45 Rail, which is awarded to John Holland, and you'll hear from some John Holland witnesses later in the week. I'll skip over -

COMMISSIONER: Is that why Ms Freeman is here?

MR GISONDA: Yes. And I'll skip over the Walkerston Bypass. You'll see then the Coomera Connector Stage 1 North. That was awarded to Acciona and
5 Georgiou, joint venture, and you'll hear some evidence from Mr Balmer about that project this week. And then the central part of that project, Coomera Connector Stage 1 Central, that was awarded to a joint venture involving Fulton Hogan, JF Hull and McIlwain, and you'll likely hear some evidence about that in the next
10 hearing week. Then there's the Exit 49 Interchange Upgrade, which again you're going to hear a little bit of evidence about, but not this hearing week. And then Centenary Bridge, which hopefully we will get to in the next hearing week.

COMMISSIONER: When you say "the next hearing week", the week after next?

15 **MR GISONDA:** The calendar week that is the week after next, yes. Then over the page at page 5, I just identify the Rockhampton Ring Road project, which again, you'll hear just a little bit of evidence from Mr Balmer about, because Phase 1 North was awarded to a joint venture that included Acciona.

20 **COMMISSIONER:** Just going back to Centenary Bridge, just remind me, in the terms of reference, were we directed to inquire specifically into Centenary Bridge?

MR GISONDA: We were directed to inquire into, if you're at page 3, Bruce
25 Highway.

COMMISSIONER: Yes.

MR GISONDA: Then at page 4, Gold Coast Light Rail. Centenary Bridge, and of course, Cross River Rail. Can we then go to page 14 of the bundle. And this is an
30 email from Tam van Alphen. And Tam van Alphen was the chief of staff to the Minister for Transport and Main Roads at the time, Minister Bailey.

COMMISSIONER: Does it start on 13?

35 **MR GISONDA:** Start on 14.

COMMISSIONER: Start on 14.

MR GISONDA: Well, just at the very bottom of 13, she writes to Amanda
40 Yeates, who at that point is deputy director-general of the Department of Transport and Main Roads. And she says:

45 "Further to discussions with the Premier's and Minister de Brenni's office, I wanted to email some further guidance to ensure we are all on the same page about the next steps on the Gold Coast Light Rail and the application of transport BPICs."

COMMISSIONER: I can't remember seeing Tam van Alphen's name before.
Who is this person?

5 **MR GISONDA:** Sorry, she's the chief of staff to Minister Bailey, the Minister for Transport and Main Roads. Her signature block is on page 9. And what she says in the first paragraph on page 14, in the first complete paragraph on 14, is that:

10 "The government has never committed to implementing the CFMEU pattern agreement on light rail or any other civil project."

So that seems to be the essence of the problem that we see in the months that followed from here, because when you go to page 11 of this bundle, Ms Yeates writes back to Ms van Alphen with a report on some meetings that happened with stakeholders, and those stakeholders include, at the top of page 11, unions. She
15 says in her first bullet point:

"Meetings were held separately with the CFMEU and ETU reps to discuss the TMR, BPIC+, and its possible implementation on the Gold Coast Light Rail."

20 She says:

"Our thinking was about that we could work with unions to maximise outcome for workers on the Gold Coast Light Rail and get a position where we could award as soon as possible on this basis. We had anticipated that if
25 we could get agreement that unions could live with that approach, we could also get agreement from them around minimising industrial disruption on the job. Scott..."

30 That's Mr Scott Gartrell:

"...had suggested that the best way to achieve this agreement would be to get an MOU with the unions that they would not unnecessarily disrupt the project."

35 And then you see this bullet point:

"In both meetings, union reps outright rejected any discussion of BPIC+. In both meetings, the unions advised they believe they have a commitment from
40 government that their own union contracting framework will be applied to Gold Coast Light Rail."

COMMISSIONER: Which unions are we talking about there? CFMEU and ETU?

45 **MR GISONDA:** It's the CFMEU and ETU, because you see two bullet points down:

"I asked Scott to follow up with ETU and CFMEU to see if they would tell us where in government they believe those commitments have come from."

5 **COMMISSIONER:** And this is a record from the director-general -

MR GISONDA: Deputy director-general.

COMMISSIONER: Deputy director-general - within DTR?

10

MR GISONDA: Yes.

COMMISSIONER: Ms Yeates?

15 **MR GISONDA:** Yes. And then the second last bullet point:

"At both meetings, unions reps advised they would not enter into any further negotiations with TMR officers on anything other than the application of the contracting framework."

20

And then Ms van Alphen on page 9 says in that middle paragraph:

"I think next steps our end will be for Ministers Bailey and de Brenni to meet with union reps and confirm that there has never been a government commitment to implement their contracting frameworks on Gold Coast Light Rail or the balance of the 300-plus million QTRIP pipeline and that we jointly need to determine a sustainable way forward."

25

COMMISSIONER: What's the QTRIP pipeline?

30

MR GISONDA: So that's the pipeline of projects in the transport - main roads and transport department portfolio. They have a pipeline. It's a publicly advertised or published pipeline. And you'll recall that I said in my introductory remarks that the decision was that BPIC would apply to transport projects between one and three hundred million, and now we're talking about projects over 300 million, all projects over 300 million in the QTRIP pipeline.

35

COMMISSIONER: What am I missing here? I thought you said in October 2020, just before the state election, there was a commitment to apply BPIC to transport projects over \$100 million.

40

MR GISONDA: No, between one and three hundred million.

COMMISSIONER: Between one and three hundred. But does that mean not over 300?

45

MR GISONDA: No, I don't think it means not over 300; it just means there's no apology for projects over 300.

5 **COMMISSIONER:** So what is the issue here in February 2021, trying to get a commitment to applying BPIC to projects over 300 million?

MR GISONDA: Well, most relevantly for this particular purpose, they're having a discussion about Gold Coast Light Rail.

10 **COMMISSIONER:** Which is over 300 million.

MR GISONDA: Yes, well over. And what the union's position is, well, we have a commitment from the government that our contracting framework, which can be read to mean mandatory application of our pattern agreement, is to be applied to
15 this project. And at least the minister's office is saying, "No, that's not the government's position here."

COMMISSIONER: But I thought that was the government's position, at least for projects between one hundred and three hundred million in transport.
20

MR GISONDA: Yes, but this is over.

COMMISSIONER: This is over 300.

25 **MR GISONDA:** Yes.

COMMISSIONER: Okay.

MR GISONDA: But also, what you'll also see soon is it's really the mandatory nature of BPIC that becomes the point of contention between the unions and the government.
30

COMMISSIONER: The mandatory nature?

35 **MR GISONDA:** Yes. What you'll come to see is that the CFMEU in particular had an expectation or a desire that any such BPIC process be mandatorily part of the procurement of transport projects.

COMMISSIONER: But I thought that's - leave aside the amounts, whether it's one hundred or three hundred million, I thought you said that was the policy that was adopted in October 2020?
40

MR GISONDA: Well, that's the policy, but in the transport space, they said this is a guide for contractors. Contractors are not required as part of the procurement
45 process to have any particular terms and conditions in their project agreements - sorry, their industrial agreements, but this is the guide. You must demonstrate that you're meeting the intent of these principles. And what happens

is, contractors come along and say, "Well, we can meet that intent by doing an agreement with the AWU."

COMMISSIONER: And presumably the CFMEU get upset about that?

5

MR GISONDA: They do. At page 15, you see an email at the bottom of the page from John Holland in relation to the Gold Coast Light Rail project. So if you read this properly, what's happening is that an officer from the department is just passing on what he's been told by John Holland. And over at page 17, in the paragraph just above the heading Supply Chain Education, they say:

10

"Depending on how the state implements the BPIC in respect of the Building Code considerations detailed above, John Holland will, so far as permitted under the Building Code, undertake a reprice of the project to these conditions and finalise a new offer. This repricing exercise will take between two and four months. It is John Holland's expectation that costs associated with such repricing will be reimbursed."

15

So, remember, we're retrospectively applying BPIC, or potentially retrospectively applying BPIC, to Gold Coast Light Rail, and John Holland is saying, "Well, if that's the case, we need to reprice the job."

20

COMMISSIONER: There's somewhere in the evidence - I don't know whether it's because of BPIC or something else, but the price went up from around 750 million to around a billion. Have I got those figures right?

25

MR GISONDA: Yes. We'll see that in the evidence of John Holland later in the week. There is an increase in the price, that's correct, and I'll take you to some documents firstly that set out firstly what the modelling suggested the increase would be and then that modelling was later revised to show the impact of the policy across the portfolio more generally.

30

COMMISSIONER: And does that modelling suggest that the \$250-million increase, 30 per cent increase - 33 per cent - was due to BPIC? Or BPIC and other things?

35

MR GISONDA: Well, it's always difficult in this environment to assess with precision which of the numerous factors can be attributed to any specific input. We saw that with Mr Vince Sanfilippo's attempt to quantify the cost increase on Cross River Rail. So there was a reset, if you like, of the Gold Coast Light Rail project in due course because of claims that John Holland had, but one of those claims was BPIC, but it had other claims as well.

40

And then what John Holland says under Supply Chain education is that the state, if it's going to introduce this BPIC policy, it needs to communicate and educate the subcontracting market about its expectations and requirements in relation to BPIC, because they anticipate a number of subcontractors will withdraw from the

45

procurement process, thus requiring John Holland to engage with new subcontractors not previously contemplated. That's because there are some subcontractors who don't want to commit to applying the principles in BPIC or the intent of BPIC, because, invariably, that will result in them having to pay their workforce more than they otherwise would under their existing industrial arrangements.

And once they get onto a major project and they have that agreement and they're paying their workers those rates, then they're effectively stuck with those rates going forward. You can see some of the consequences of that shortly.

COMMISSIONER: I think when Ms Stone opened the Cairns case study, there was evidence given that a lot of subcontractors there refused to be part of the Cairns Convention Centre project for that reason, that that would jack up the rates that they'd pay and make them unviable in terms of other projects.

MR GISONDA: And what Mr Balmer will say is that, on one view, this is fine for the top tier. They can work with this. But it can be quite devastating for the smaller subcontractors. Then at page 24, at the bottom of that page, there's an email from David Selph, who's the manager of M1 delivery, and in the South Coast region from the Department of Transport and Main Roads, and what he says is that:

"Now that the impact of BPIC on the prices on two contracts at North Coast are known to industry, a seven per cent and a 14 per cent increase over the tender prices (as they described) along with the current Light Rail Stage 3 BPIC contract negotiations, there is a deep concern by the existing contractors of the large long-term M1 contracts on their ability to deliver within the contracted cost and time. This topic has been raised at every meeting with my contractors recently. The contractors are concerned and are already experiencing loss of subbies, now indications of loss of salaried staff, to the BPIC contractors which are now seeking staff to manage their contracts as well as trades. This is due to the BPIC contracts offering much higher pay rates. So combined with the increasing costs and lack of supply items due to over-demand, the contractors are concerned."

And then it looks like he says that additional costs to pay equivalent in order to retain staff and subbies could be lodged.

COMMISSIONER: What does a large long-term M1 contract mean?

MR GISONDA: If you go back to page 3 of the bundle, they're the two Bruce Highway contracts.

COMMISSIONER: I see. Okay. M1 is the road?

MR GISONDA: Yes.

COMMISSIONER: I thought it was some euphemism for something within the department.

5 **MR GISONDA:** So those are in place, and they're losing their staff. Some of their contractors at least are going to BPIC jobs, and we'll see that again from another gentleman in the department shortly when we go down to the Gold Coast, the project on the Gold Coast.

10 Then at page 26, Commissioner, this is a note of a meeting or two meetings that were held between, first, EPW - that's the Department of Energy and Public Works - and industry. That would be some of the contractors in the industry. And you'll see there the second bullet point:

15 "There's no way forward if the principal contractor and subcontractors already have EAs in place. Which subcontractors will qualify? What will you do in regional areas? Will send the industry broke on basis they will not be able to tender."

20 And then the third bullet point:

"Favours big players and not those who wish to encourage to build capacity and become industry leaders."

25 So that's really the Mr Balmer point. Smaller contractors and regional contractors are exposed by this policy. And then there's some notes of a meeting with the Office of Industrial Relations over at page 27, and the note there is the second bullet point:

30 "Genuinely felt uncomfortable with the spot we are in. Not for public servants."

In other words, it's not for public servants, at least on one view, to get involved in
disputation or negotiation between the unions on the one hand and the employers,
35 contractor employers, on the other. At page 28, there's an email from Ms Hawkswood to Mr Jade Ingham and Mr Paul Dunbar from the CFMEU and Mr Beau Malone from the ETU. What this email says is:

40 "Thank you for your time yesterday and the questions raised at our meeting. We have put responses in the attached document..."

To some questions the unions had, and you will see those questions at page 29, Commissioner. Question 1 is:

45 "What contract mechanisms will be used to ensure BPIC applies and is enforced, including termination provisions for poor performance?"

Dot point 3:

"How will TMR prevent union exclusion? Will all unions be invited to participate in workplace arrangements?"

5

What that really means from the CFMEU, Commissioner, is what is the department going to do to prevent contractors entering into agreements with the AWU only, and excluding us? Bullet point 4: they want visibility on any legal advice the department has. And then they want to know at 5 what happens when contractors are not applying BPIC on the job, what enforcement actions will apply.

10

Then can I take you to page 36, Commissioner. This is an email from Dean Misso, who's an executive director of the Department of Transport and Main Roads, and he's writing to the deputy Crown Solicitor for Queensland, Melinda Pugh, and he says:

15

"Thank you for your advice. It helped inform today's sessions with the trade unions. A continued comment that is made by trade unions is the apparent inconsistency in application of BPIC by the department of Energy and Public Works, and TMR during its procurement process. The Gatton prison has used as the example. A way forward may be to undertake that discussion with EPW with yourself. Also, trade unions advise that the state's legal position on BPICs had been shared in a joint meeting with EPW, Crown Law and trade unions in relation to the Gatton prison. Could you please advise if this is your understanding."

20

25

And Ms Pugh at page 35 says, in the second half of her email:

30

"I have attended a meeting with Minister de Brenni and the CFMEU and its lawyer where there were general discussions about legal issues. It was not about Gatton Prison or any particular project, just BPPs generally as a policy of EPW. The attorney specifically instructed me not to reveal the state's legal advice in that meeting."

35

But what the CFMEU is saying here is that, well, there was essentially a compulsory process on the Gatton prison. That's the Southern Queensland Correctional Precinct. It resulted in an EBA with John Holland that was effectively in the same terms as the CFMEU pattern agreement, and the CFMEU's position here is, "Well, their process is inconsistent with Transport and Main Roads' process, so show us the legal advice that justifies that inconsistency."

40

And then at page 39, Mr Gartrell - so, remember, Mr Gartrell was brought on to assist with - by the Cross River Rail Delivery Authority to assist with the negotiations that were taking place between CPB and the unions. He's now taken a role at KPMG, and he's been engaged by the Department of Transport and Main Roads to assist it with the implementation of BPIC.

45

- 5 **COMMISSIONER:** The implication of Mr Newton's evidence where Mr Gartrell turned up was he sort of replaced Mr McPherson, who was the internal IR adviser to Mr Newton, and the Cross River Rail Delivery Authority, and the evidence is a little bit unclear, but it seemed to be was imposed upon Mr Newton by the minister's office - I can't remember which minister - and he was there to really crunch a deal, to force CPB to do a deal with the CFMEU that was consistent with the BPIC principles.
- 10 **MR GISONDA:** That's essentially - that was the tenor of the evidence, yes, and Ms Hawkswood will say that he came into DTMR because of a recommendation from the minister's office, the staff in the minister's - a staffer in the minister's office.
- 15 **COMMISSIONER:** So he moved over from - that was - just remind me the date.
- MR GISONDA:** 2018.
- 20 **COMMISSIONER:** That was 2018. Yes, so this is three years later.
- MR GISONDA:** He goes from Cross River Rail Delivery Authority to Energy and Public Works and then from Public Works to DTMR.
- 25 **COMMISSIONER:** While being housed at KPMG.
- MR GISONDA:** At some point he ends up at KPMG and takes a role as a consultant.
- 30 **COMMISSIONER:** But doing the same work he's been doing?
- MR GISONDA:** Doing the same work, yes. What he says at the top of the page is:
- 35 "I had a call with Jade this morning. He confirmed that he's met with Minister Bailey and had indicated that the CFMEU would not reengage on the BPIC+ until they had a satisfactory answer to how to prevent the Cooroy to Curra project agreement outcome occurring again. He's expecting Tam [that's the chief of staff] to come back to him today."
- 40 And you'll remember that Cooroy to Curra was the project that CPB won, and they did a deal with the AWU only. And so that's the outcome that Mr Ingham is saying to the minister that he wants a satisfactory answer as to how that - that outcome will not occur again.
- 45 **COMMISSIONER:** Sorry, what's "that outcome"?

MR GISONDA: That outcome being a transport project where an EBA is agreed between the contractor and the AWU to the exclusion of the CFMEU. That's the essence of the point.

5 **COMMISSIONER:** Seems a very strange thing to do to - well, leave aside the creation of the policy in traditional building works in 2018, but then the imposition of the policy in October 2020 in the shadow of an election without working through all these things that seem to be now being worked through over the next few months: exactly what it means, why are you doing it, what does it
10 involve, who does it cover? It seems all - there's nothing - in a sense, nothing wrong with it. It seems just a sort of political promise on the eve of an election - you're allowed to make political promises - that hadn't been thought through, and now it's all being thought through for the next few months.

15 **MR GISONDA:** And you'll get a far better sense of that once you hear the evidence from Ms Hawkswood about that consultation process and its shortcomings. You'll see there at page 40, this is an email where they're talking about a third commitment deed poll that's been drafted for the purposes of the Gold Coast Light Rail project, and what Mr Misso, Dean Misso, says at the second
20 bullet point is that:

"In relation to that deed, we need to be clear on trade unions, not just stakeholders. This is a specific requirement of the minister's office."

25 And you'll see at page 45, that last Roman numeral, (vi):

COMMISSIONER: Which page, sorry?

MR GISONDA: Page 45. And you see (vi):
30

"As part of this deed poll, how John Holland intends to take reasonable steps to engage with all relevant stakeholders with an interest in the project should a greenfield agreement be negotiated with a view to ensuring industrial harmony is achieved and maintained for the project."

35 And what Mr Misso is saying is, "No, what the minister's office wants to see is how John Holland's going to take reasonable steps to engage with the trade unions." That's the real point that they're interested in. And remember a moment ago the observation from someone in Office of Industrial Relations about the
40 difficult position that public servants might find themselves in. At page 50 - this is an email from Mr Scott Gartrell to Ms Hawkswood - in that first paragraph he says:

45 "We have reviewed the cost estimates, and below is an initial assessment of the various BPIC+ uplift costing scenarios and how these scenarios compare to the unions' claims. In our view, we think a bargaining strategy that starts with scenario 2 and 3 as a starting point for negotiations makes sense. Given

the unions' claims, scenario 4 may represent a final position for the major project uplift and BPIC+."

5 That is, Mr Gartrell is effectively an officer - he's a contractor, but effectively an officer of the state here, someone engaged by the Department of Transport and Main Roads, and he's effectively - I think quite accurately - describing what's going on here, which is bargaining between the unions and the state. And as Ms Hawkswood and Ms Mitchell will candidly say in their evidence, they didn't have the industrial relations expertise to do this. They had Mr Gartrell, and they were
10 thankful for Mr Gartrell's assistance and input, but they didn't have it.

They come up with a proposal that maybe the Office of Industrial Relations can be beefed up to provide some IR expertise there, but these are - they're entering into - what Mr Gartrell describes is a bargaining situation with trade unions who
15 never lost their expertise, even once the State of Queensland handed the majority of its powers to the Federal Government in this area.

COMMISSIONER: This is the point of getting - instead of having the Department of Main Roads or whatever it's called doing the work, you contract it
20 out to a tier 1 contractor who's got that expertise in-house.

MR GISONDA: Exactly. And that's why it was business as usual. Put in a bid. We'll assess it in accordance with proper processes and protocols, and then once you've won the bid, as part of your contractual arrangements, you manage
25 industrial relations.

COMMISSIONER: But is this also saying that - I think we said before that the 33 per cent uplift from 750 million to a billion was due to BPIC and other factors, but is Mr Gartrell saying here BPIC is at least sixteen and a half per cent? Can you
30 read that into what he's saying in terms of scenario 4?

MR GISONDA: As far as scenario 4 is concerned, yes. And then at page 52, you'll see Ms Yeates sends an email to Mr Scales, Neil Scales, who's the director-general, who you've seen come up in a range of the trade unions'
35 campaigns now. She says to him that she wanted to provide him with the legal advice that the "chief of staff of the minister had asked us to get from Crown Law". The chief of staff's key questions were what are the opportunities for the department's procurement processes to require tenderers to engage with all unions during the procurement process; and what are the options contractually if they do
40 not do what they say they were going to do. So that's trying to assuage the CFMEU's question that was put directly to government: how are you going to ensure that we're not excluded from agreements again going forward? It happened on Cooroy to Curra. We're not happy. What can be done to stop that again? And this is them trying to work out what can be done.
45

COMMISSIONER: What I also don't understand is where's the - sort of the dog that didn't bark? Because where is someone within government saying, "What the

heck are we doing agreeing to a sixteen and a half per cent increase for nothing, for no reason?"

MR GISONDA: I think there's some people who have that view.

5

COMMISSIONER: Okay. You're going to come to that.

MR GISONDA: Yes.

10 **COMMISSIONER:** I mean, one of the things - one of the things that all state governments have done since the '74/5 and also the '81/'82 wages-induced recession was to implement within offices of industrial relations someone who checks on public service wages and conditions so that they try to - and there are a whole range of ways unions and others work around this, but they try to put some discipline in place so that those wage increases average inflation plus a little bit. 15 Now, there's a whole line of tricks you can use to get around it, but that system's in place so that someone says, "Well, hang on, what's happening over here in this department? There's a five per cent wage increase. Our policy is three per cent." And the Department of Industrial Relations would have people who do that, and 20 then there's consultation between both departments, saying no, no, it's justified because of whatever reason, and it's resolved some way. But here, you don't - there is a process whereby this is happening.

MR GISONDA: I might have a discussion with Mr de Jersey overnight to see if I 25 can tell you something that is coming out of Treasury, but I'll just leave it there for the moment. But what you will see is that, in one respect, Mr Balmer's trying to do that work, in a sense. He's on - with the QMCA, looking at wages for teachers, for nurses, for policemen, comparing that with what's happening here and saying well, how do you justify one or the other? So that's quite an illuminating example of 30 perhaps at least from industry's perspective, they didn't see that work being done. They felt like they needed to fill the void.

This next document is a very interesting document, Commissioner, at page 55. It's a briefing note to the Minister for Transport and Main Roads. It's occurring in 35 early July 2021, and that first bullet point tells you that the minister will be meeting with representatives from relevant trade unions, Crown Law and departmental staff about the implementation of BPIC for transport civil construction projects. That does not include the AWU. For intents and purposes, it's the CFMEU. And what I want to show you is at page 56. See the heading 40 Issues and Suggested Approach?

COMMISSIONER: Yes.

MR GISONDA: After issues with the non-attendance of the AWU 45 representatives at BPIC discussions - so the AWU stepped out of this, because they could see what was happening here. This was - on one view it can be described as a coverage play by the CFMEU. That's what they were concerned

about. So they stepped out of the process. And the perception of exclusionary practices on BPIC, such as Cooroy to Curra, awarded to CPB, trade union representatives have requested a meeting. So exclusionary practices: we've been shut out of Cooroy to Curra. We want a meeting with the minister, and with Crown Law as well. Next bullet point:

"This meeting is for trade unions to outline their concerns and to suggest appropriate processes and lawful actions that TMR could take to avoid any exclusionary practices."

And then you see midway through the page the issues raised by trade unions are outlined below, and in (c) the sub-bullet point for the CFMEU, ETU and PPTEU. Do you see that, Commissioner?

COMMISSIONER: Mmm.

MR GISONDA: Then look at that second bullet point:

"These unions have expressed their intention that if the implementation of the BPIC policy at the front end of the process does not work to their expectations, they will focus their efforts on ensuring compliance with industrial and safety related matters of major transport civil construction projects."

What that's saying is, that's a warning. "If you don't put us into the enterprise agreements at the start of the project like we want, if you don't ensure that we're no longer excluded, we'll ramp up our efforts on the back end." And what you've seen so far from some of the witnesses - Mr Newton, Mr Sanfilippo, and you'll get another sense of it from Mr Balmer - this phrase "weaponising of safety". Couldn't be clearer. It could not be clearer what's going on here. And you're going to see another example of it again very shortly.

COMMISSIONER: Well, that seemed to be what you demonstrated in the - so far in the Cross River Rail case study.

MR GISONDA: Yes.

COMMISSIONER: That seemed to be exactly what happened, that at least on the evidence to date, that a lot of false flags in terms of safety were raised. I shouldn't say that; I shouldn't say they're false flags. That - what the witnesses said were false flags; they might not be. And that they died down once an agreement had been reached with the CFMEU.

MR GISONDA: And it's coming again. I'll show you. What the next few documents then consist of - and I'll just skip over them quickly, but from about page 59 to about page 65 is a commitment was made in that meeting between the minister and the unions to provide the unions with a draft copy of the general

contract terms and conditions that will be given to the contractor for Centenary Bridge. We'll show you those terms and conditions. Those terms and conditions will contain the BPIC clauses, and then you can come back to us and tell us what you think. So that's the commitment, and then someone -

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COMMISSIONER: Sorry, where's this? Which page?

MR GISONDA: Sorry?

10 **COMMISSIONER:** Which page.

MR GISONDA: Well, it's really from pages 59 to 65, but look at in particular page 62. A commitment was made to the CFMEU and ETU to provide marked-up clauses of the contract that incorporates the best practice industry conditions. And then if you look at page 59, Mr Allan Uhlmann says in his last bullet point:

15

"If I understood correctly and this is planned to go out to the unions this week, then it absolutely needs to go to Centenary tenderers and industry stakeholders at the same time."

20

Which it then does at page 65. So someone at least thought, well, hang on, you can't just - if this is going to go to the unions, it's got to go to everyone. If we could jump ahead to page 77, these are some figures that were provided by the tenderers on the Coomera Connector Stage 1 North project. That's the part of the project that was ultimately awarded to the Acciona and Georgiou joint venture, which Mr Balmer will give some evidence about. And what they have done is identified the impact of BPIC on their bids. And Fulton Hogan, the Fulton Hogan/McIlwain joint venture, had calculated that the BPIC impact on their project, their bid, was twenty-two and a half million dollars, and then there's a separate best practice principles impact of \$5.7 million. And Acciona and Georgiou say, over the page at 78, that the impact of BPIC on their bid is almost \$17 million.

25

30

COMMISSIONER: And this is a bid for which project again?

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MR GISONDA: Coomera Connector Stage 1 North.

COMMISSIONER: So that's something like a 10 per cent increase. A \$425-million project, a \$40-million increase.

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MR GISONDA: Yes. I think it's approximately - it's estimated as being approximately 8.1 per cent. Then at page 89, the second-last paragraph on that page is an internal DTMR document. It says:

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"The impact of BPIC on civil contractors and subcontractors is starting to materialise with the TMR experiencing cost increases for materials above normal tolerances. Coupled with the implementation of BPIC and rising

resource demand, the ability for these cost pressures to continue to be absorbed within existing project budgets is becoming a real risk for the Queensland Government, which will result in project budget increases or the need to reduce scope within existing project budgets."

5

COMMISSIONER: So what does that mean? A smaller road? A smaller stadium?

MR GISONDA: Or less projects.

10

COMMISSIONER: Or less projects, yes.

MR GISONDA: In November of 2021 at page 97, those participants who were bidding for the Centenary Bridge project were given this post tender correspondence that if you then go over to page 98, ranked the bids that had been received. You'll see how they're ranked from 1 to 6. So above that table, it says under Information Provided:

15

"In lieu of the limitation with the electronic tender system, please find attached information in relation to the company names and relative ranking based on the tendered amount as shown on the tendered form. Lowest tendered amount at the top and highest tendered amount at the bottom."

20

So if we just put to one side the alternative bids for a moment, Georgiou/BMD is first, Bielby Hull Brady is second, and Fulton Hogan and BESIX Watpac are fourth. Then at page 99, do you see the top email there, Ms Hawkswood tells Mr Darren Laarhoven, who's the probity adviser for Centenary Bridge:

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"The RTI was in the possession of one of the relevant unions, so not a proponent but certainly an interested party. I'm into the aware of how they got the info."

30

Basically, there's been a leak, Commissioner, and at page 102, at the bottom of that page, there's concern from John Holland about this breach of confidentiality, because there's industry chatter now about the pricing of the submissions. And then if you look at page 1304, Ms Hawkswood is now talking to Ms Sharon Bailey from the Department of Energy and Public Works, and you'll see there, after that first sentence:

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"I also had a call earlier from Jade [that's Mr Ingham] which sounds like it was similar to the call between Paul and Michael last night. They have somehow obtained a copy of a document issued only to the four tenderers for Centenary Bridge."

40

And then at page 105, Ms Hawkswood is now sending an email to the DLO for the department - that's the person you communicate with when you want a message to

45

go to the minister's office, the departmental liaison officer. So she wants to bring something to the minister's office's attention. She says:

5 "I just had a call from Jade Ingham at CFMEU raising concerns about BPIC on the current Centenary Bridge procurement. He indicated he will bring his concerns to the minister's office. Jade has obtained a copy of the notice provided to the four tenderers which ranks them by tender box price and advises if they are conforming or alternative. He is concerned the highest ranked on that list are not aligned on BPIC, based on his interaction with
10 them, and those ranked lowest are aligned on BPIC. I advised him it is not an indication of the outcome, as the evaluation is still active and the list is only based on their tender box price. He would not disclose how he got the notice."

15 What that is saying is Georgiou and BMD, if we just focus on them for the moment, not aligned on BPIC. That's what he's saying. John Holland and BESIX Watpac, who are at the bottom of the list, are aligned on BPIC. And at about this time, the CFMEU does a - entered into an enterprise agreement with BESIX
20 Watpac for the construction of the Kangaroo Point Green Bridge, which is big news in the civil infrastructure space, which we'll come to shortly and we'll see in Mr Balmer's evidence, and -

COMMISSIONER: Sorry, why is that? Because it's a deal with the CFMEU?

25 **MR GISONDA:** Because it's a bridge.

COMMISSIONER: Because it's a bridge. Yes, okay.

MR GISONDA: Yes, and they do a deal with the CFMEU. And then as far as
30 John Holland is concerned, John Holland did the enterprise agreement on the Southern Correctional Precinct Project, Gatton Prison, but they're also about to do a deal with the CFMEU on Gold Coast Light Rail, and we'll come to that as well. So maybe you can put the prison to one side for the moment, but BESIX Watpac, bridge; John Holland, railway project.

35 Now, no one can work out where this breach has come from. The probity adviser at page 110 suggests yes, it could be a breach from one of the proponents, so BESIX Watpac or John Holland could have given it to the union. No one knows. I'm not saying they did. That's just what he's saying there - one of the proponents.
40 You wouldn't think that BMD or Georgiou, for example, would have, but anything's possible, I suppose. And then he also suggests:

"However, it could also be an internal breach."

45 That is, someone from the department could have done it as well. At page 111, when Ms Hawkswood spoke to Mr Ingham, she says in that second paragraph:

"I asked how he came to have a copy of it and he would not disclose. Fell off the back of a truck apparently."

5 And then at page 113, the bottom of that page, Ms Hawkswood, again communicating with the minister's office, there's a meeting tomorrow with the minister's office and the Building Trades Group. She gives two matters that are of relevance by way of update. First, the BESIX Watpac and CFMEU Minor Civil Construction Union Collective Agreement has now been approved by the Fair Work Commission on 1 February. So that's the Kangaroo Point Green Bridge.
10 And then the second bullet point over at page 114, Gold Coast Light Rail:

15 "John Holland lodged their greenfield agreement with the ABCC late last year. At this stage, TMR is not aware if that has been approved as yet. Should it be approved, the greenfield agreement will be lodged with the Fair Work Commission for consideration and approval."

20 Now, the language is a bit wrong there. What I think she's trying to say is that the greenfield agreement was given - there was a process where you could give your agreement to the ABCC and they would give you advice as to whether that agreement contravened the federal code or not. So that had happened late last year, and if that all goes well, then the Gold Coast Light Rail agreement will then go to the Fair Work Commission for approval. And that's an agreement with, as I said, the CFMEU, not the AWU.

25 **COMMISSIONER:** So it goes to the Fair Work Commission for approval, and then it has legal force once the Commission approves it, if it has passed the various tests for approval - has it been genuinely agreed; does it pass the "better off overall" test - but she's confusing this with the process whereby you hand a copy to Mr Hadgkiss or Mr Jenkinson, both of whom have given evidence, and
30 say, "What do you think? If we apply to the Fair Work Commission to have this approved, does it in your view comply with the federal code?"

MR GISONDA: Yes. And then what you see at page 117 is an estimate of the impact of BPIC on transport projects. You see at the bottom of that table, the total
35 project value of \$14 billion in the pipeline, with the uplift being a bit over - well, \$81 million, over \$1 billion. And what you then see from Queensland Treasury at the bottom of page 119 -

40 **COMMISSIONER:** So who's doing this one? This is, what, an eight per cent increase or something, a billion on 14 billion?

MR GISONDA: Something like that yes. But that's just a calculation of the wage uplift from what's described as the standard QTMR project. I'll find that for you presently. They have a project that they treat as the standard, and calculation by
45 reference to that. And so if you compare those wages to the BPIC - transport BPIC wages, the uplift on those projects would be over \$1 billion. But what Treasury notes at the bottom of 119 is that figure does not include an estimate of the

additional cost that is associated with the extra quantity of labour needed to implement the BPIC conditions, for example, extra RDOs or stoppages for hot weather. And if this understanding is correct, I would assume the \$1-billion figure is underestimating the impact of BPIC. So you don't just look at wages; you've got to look at the productivity concerns as well - issues as well. The wages is the easy calculation; it's the productivity impacts that's the difficult one.

COMMISSIONER: But you said that someone does raise the alarm. I mean, here you've got senior public officials who are communicating with each other and saying, "We're not getting a third lane on this road. It's the same road, and it's costing us at least - the same roads, and it's costing us \$1 billion more. What's going on?"

MR GISONDA: And that's a point that Neil Scales makes, which is - he wanted to see - if you're going put all this extra investment in, what are you getting in return? And on one view, you're just getting the same as what you would have got anyway from these workers.

COMMISSIONER: You might be coming to it, but does this go to someone who says, "Stop. What are we doing?"

MR GISONDA: No, it doesn't stop. Remember I said that there would be - there was concern about non-BPIC projects losing resources? At the bottom of page 126, this is from the project director of the Burleigh to Palm Beach project. So, really, in competition with Gold Coast Light Rail in terms of workers. He says:

"Some of the effects that we have on that project to date, CFMEU are advising workforce to move to Gold Coast Light Rail as they will be paying 30 to 50 per cent more than they are currently getting. The subcontractor requested a million-dollar increase in price and reneged on the agreement. He was able to send crew to a BPIC agreement project that was paying higher rates. Truck drivers leaving haulage companies to work on BPIC projects for \$20 an hour higher rate. And then staff [over the page] are being offered higher rates on BPIC projects due to higher rates, i.e., leading hand rates are now higher than supervisors. So rate increases and engineers, etcetera."

Mr Balmer can make this point as well. You don't just increase the rates of the blue-collar workforce. If the blue-collar workforce goes up, everyone goes up. So you get increases in wage rates for the white-collar workers as well.

Then what Mr Balmer will give evidence about is that on Coomera Connector Stage 1 - this is at page 131 - Acciona and the Georgiou joint venture end up doing a project-specific greenfields agreement with the AWU only. I won't go into too much detail about that, because he'll give more evidence about it. But Ms Hawkswood says at page 131, in the middle of the page, the very last bullet point of her email:

"Advice was received earlier today that the CFMEU are aware of the signed agreement and will take action."

5 And then at page 130, at the top of the page, Ms Hawkswood confirms to the minister's office:

"They advised they will take action such as a rally. I've heard it will be 4 August."

10 And so then at page 135, we have the rally, and on their Facebook page, the CFMEU says:

15 "It's pretty damn simple. When the State Government is building public infrastructure, Queensland taxpayers' money should be spent in Queensland. Right now bureaucrats are just accepting the lowest sometimes non-conforming tender bids and ignoring very clear government policy. This must end now, and bureaucrats like Neil Scales must go. Thank you to all who turned out loud and proud today to give the muppets in William Street a wake-up call."

20 And then we see over at page at 136, there's an effigy of Mr Scales: "Tip the Scales, Scales Fails. TMR stands for Taxpayer Money Rort." Those sorts of things.

25 **COMMISSIONER:** So this is six months after they walked up the hill to the MBQ offices about BUSSQ.

MR GISONDA: Yes.

30 **COMMISSIONER:** Now six months later they're walking along George Street to William Street.

MR GISONDA: Yes, that's right. The resolution that's passed at that rally is at page 141:

35 "We condemn the Queensland Government for repeatedly ignoring its own procurement policy. On major taxpayer-funded public works, contracts are consistently awarded to non-conforming tenders that don't apply with key BPIC principles."

40 Then middle of the page:

45 "We demand Neil Scales should immediately resign as director-general due to his systemic non-compliance with government's BPIC policy and the extraordinary mismanagement and misuse. We further call on the CCC to immediately carry out an investigation into all the senior executives of

Transport and Main Roads into their mismanagement of government contracts."

5 **COMMISSIONER:** I know Mr Galvin said it was like a frog being boiled. So it wasn't just what happened on 8 February 2022 at that rally; it's what happened in the years leading up. How long after did he resign as head of the MBQ after that rally in February '22?

10 **MR GISONDA:** About two months, I think.

COMMISSIONER: Two months. So here the same strategy is being used six months later.

15 **MR GISONDA:** Yes.

COMMISSIONER: Trying to get Mr Scales to resign.

20 **MR GISONDA:** Yes. You'll see at page 137 some advice from Mr Gartrell - I assume it's Mr Gartrell, because it's described as from Scott, and the only Scott that I've seen in papers is Mr Gartrell. And it's advice he's giving about general union factions. And what he says is that:

25 "Essentially, there are four factions in the Queensland ALP: Left, Right, AWU and Old Guard. The Left has been on the rise for a number of years now. The State Conference of the ALP is the top body that sets policy annually. The factions, through ALP branches, get to determine 212 delegates, while the unions collectively get the same. So 50 per cent ALP branch members, 50 per cent unions: they comprise the delegates at the state conference. So if the left improves its share of branch delegates, they add these to the left union delegates and then get to influence decisions at the conference. So despite the Premier and Treasurer being in the AWU faction, they are in the smallest faction within the party and the major decisions get decided by leaders like your minister."

35 That is, I think he's talking here to Ms Hawkswood, so "your minister", Minister Bailey, is in the left faction, which is where the power is at that point in time. So you'll see there, Premier, that's Premier Palaszczuk, AWU right-aligned faction. Left is dominant and controls the branch.

40 **COMMISSIONER:** Branch there means Queensland branch of the ALP, does it?

MR GISONDA: Yes, the state conference. Then:

45 "Delegates to the state conference, 50/50 split, branch number of delegates based on their size."

And remember I took you, Commissioner, to I think it was two or three branches at least that had been almost exclusively populated by CFMEU members. So that's to increase the number of branch-based delegates that the CFMEU would control.

5 **COMMISSIONER:** One was called the CFMEU branch and the other one was called the Bowen Hills branch, I think.

MR GISONDA: Yes, that's right. More are coming from branches with decline in union membership. So with union membership declining, if you want to put more
10 numbers or increase your numbers, you do it through the branches.

COMMISSIONER: But that's not true for the CFMEU, because the CFMEU were expanding into an apartment building that had been done by traditional non-union, expanding into regional towns like Cairns and expanding into civil
15 work that had traditionally done by the CFMEU. I mean, you gave some figures last time, I think, when you were dealing with either the Rosenlund case study or maybe the Cross River Rail case study, that the CFMEU over this period was going up by about a thousand members a year.

20 **MR GISONDA:** And he's right on to the point, you will see Mr Gartrell here, in that second-last paragraph, before the heading CFMEU Rub Points:

25 "CFMEU left the left, own faction. Get delegates in their own right. Stack the branches to form a mini faction but rich in assets not members. Why the push for the building side? The building side has less opportunity. Not too many Queens Wharf projects, subcontractors, CFMEU."

So you saw all those projects that are in the pipeline in the transport/Main Roads space - mega projects, some of them. What Mr Gartrell, as a seasoned observer of
30 these matters, is identifying is they are making a push into the civil side, because that's going to give them the opportunities to increase their union membership, and we saw it with the branches. The CFMEU, having started its own faction essentially, is attacking it from both ends. They're setting up the branches in the party and they've also got this strategy to increase their presence in civil
35 infrastructure projects, to increase their presence or influence on the union side of the state council - state conference, sorry.

COMMISSIONER: But he's too limited in terms of the strategy, because the strategy is broader than just "expand membership in civil", isn't it?
40

MR GISONDA: Sure, but at least as far as this particular topic is concerned, it aligns with - their expansion to civil aligns with the strategy that they've got.

COMMISSIONER: I see. Because he's trying to -
45

MR GISONDA: He's looking at it from a numbers perspective.

COMMISSIONER: Yes. But explaining it someone who's trying understand "Why they are pushing into civil?"

MR GISONDA: Yep.

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COMMISSIONER: So, for them, it doesn't really matter that they're pushing into regional areas and pushing into non-union, in effect, apartment building.

MR GISONDA: Yes. What he's trying to help Ms Hawkswood understand - because presumably at some point she's saying, "I don't understand why they're demanding that they not be excluded from these projects. The tier 1 contractors in this space are saying they've always done deals with the AWU. What's going on?" And he's saying, "Well, one thing that you should bear in mind is the political play."

15

And then this is another interesting document, page 139, at the bottom of the page of 139. Gay Duffy, who's an officer within the office of Mark Bailey, says that:

20 "The minister has a meeting this afternoon at 3pm with the Premier's deputy chief of staff, Tam van Alphen..."

So Ms van Alphen has now moved to the Premier's office. She's now the deputy chief of staff.

25 "...and the CFMEU on BPICs. And the minister would like a pre-brief at 1 pm ahead of that meeting on BPICs ,and include an update on Centenary Highway."

30 So there is a meeting planned in advance between the minister and the Premier's office with the CFMEU to talk about BPIC and the Centenary Bridge project. And that's the same day, Commissioner, that the CFMEU storm the - yes, the same day that they storm the QTRIP forum. And I'm going to take you to that incident tomorrow morning and show you some videos about what happened there.

35 **COMMISSIONER:** Do I know about that? That doesn't strike a chord.

MR GISONDA: That's when they - the way it's described is the CFMEU - there was an industry briefing that is given annually by the department, and what they do is they map out the pipeline of works of the department to all industry stakeholders for the year ahead. On this particular occasion, a number of CFMEU persons stormed the building, locked themselves in the building, and effectively took over the meeting space. So it's referred to in Watson's report, but I don't think you've seen anything about it to date. But that's - I'll tell you a bit more about that tomorrow.

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COMMISSIONER: Just going back to Mr Gartrell's note, where he says rich in assets, not members. The KordaMentha report says something like 230, 240

million in assets nationally, about 36 million in profit. I think for the last year, they reported 24. About 18 million is in Victoria, and the other 18 million in the other states. I think Queensland was about three or four in profit. What's the "not members", because Mr Irving said, depending on how you count them, the membership went up from 15,000 to close to 30,000. I think he said 20 or 30; he was very imprecise. I think your figures went to close to 20,000. Is he saying not rich in members because the public service unions have many more members? Is that the point that's being made there?

10 **MR GISONDA:** It's hard to know, but I read it as just a comparative exercise. So the CFMEU - the way I read what he's saying is the CFMEU is wealthier when it comes to assets than some of the other unions, but numerically, not so much.

15 **COMMISSIONER:** But I would've thought at least in the private sector unions, it would be the union with the most number of members.

MR GISONDA: I'll think about that overnight, see if I can assist you more on that issue.

20 **COMMISSIONER:** I mean, nationally, the MUA, because of a whole range of changes that have happened in industry, is down to, I think, a couple of thousand members nationally. It could be a bit more; it might be three thousand. But it's been shrinking over time, and most private sector unions have been shrinking over time. But 20,000 for a state union seems to be a lot to me. Anyway, you can look
25 at it and tell me I'm wrong tomorrow.

MR GISONDA: At page 142, Mr Ravbar writes to the CCC asking it to investigate whether there's corruption in relation to the tender of or the procurement of the Centenary Bridge project and the Coomera Connector project, on the basis that there hasn't been compliance with the BPIC policy. And at page
30 187, the CCC writes back and says that it doesn't have jurisdiction to consider that complaint. Page 197, Sharon Bailey, who's the deputy director-general at the Department of Energy and Public Works, is writing to Mr Gartrell and asking him to touch base with Mr Ravbar to get his feedback on a renewables BPIC. And I'll
35 show you some more detail about the renewables BPIC, particularly when Mr Balmer gives evidence, but you had the building BPIC, you have the transport BPIC, and what comes next is renewables.

40 **COMMISSIONER:** So what are we talking about? Are we talking about wind farms and solar farms? Is that what -

MR GISONDA: Effectively, yes.

45 **COMMISSIONER:** So BPIC started to be applied, went out of building into transport, and now it's into wind farms and solar?

MR GISONDA: Yes, I don't think in the time that it was developed and then - between the time it was developed and its suspension, I don't think a major renewables project was actually procured, but the policy was worked up. And you're getting Mr Ravbar's feedback on that renewables document at page 198. At
5 page 212, Mr Ravbar goes back to the CCC insisting that they do look into what he's alleging is potential corruption in relation to the procurement policies of DTMR. He brings his complaint to the CCC, the to the attention of the federal infrastructure minister at page 214.

10 **COMMISSIONER:** It seems to be a very strange statement in the middle of the - "the union's concern about conduct which appears to be at best a gross misuse of public money". What's he talking about there? I thought it was the application of BPIC that was the gross misuse of public money, not the non-application. You can answer that question tomorrow if you want. I just don't
15 understand it.

MR GISONDA: At page 228, Ms Hawkswood sends an email to Mr Scales explaining that the chief of staff to the minister's office and she briefed the Building Trades Group on the updated transport BPIC. So by this point they'd
20 altered some of the rates in the transport BPIC document. And the BTG were represented by Mr Ingham and Mr Ong, and that third bullet point - the second bullet point, sorry - says:

25 "They were disappointed with the rates and referenced past TMR projects with BPIC which they view as failures, for example, Coomera Connector and Centenary. Their feedback is the BPIC is out of date on wage rates and falls short of the ETU Contracting Framework. Implementation is not good enough."

30 And then that next bullet point:

"Frustrated that the work they have put into this isn't getting the outcomes as expected and TMR are not doing a good enough job. EPW are doing it better but said they are not perfect either."

35 Actually, I might -

COMMISSIONER: They're saying they want to use the INPEX LNG project agreement. Is that one of the three LNG projects that were built around Gladstone,
40 or is that the one in Darwin, the INPEX one that's on page 228 that you just took me to? So:

"They suggested looking at the INPEX LNG project agreement."

45 I just can't remember whether that's the Darwin one or one of - I think it's the Darwin one, isn't it? Not one of the three around Gladstone?

MR GISONDA: I've already had three people tell me it's the Darwin one.

COMMISSIONER: It's the Darwin one. Thank you.

5 **MR GISONDA:** The document at page 258 I might instead ask Ms Mitchell about, so that's page 258 of the bundle. And then I want to -

COMMISSIONER: It just seems crazy to be suggesting that for an export-focused LNG major, which has got a lot of major engineering associated
10 with it, that that's a model for building roads.

MR GISONDA: I'll finish on this document, Commissioner, because it's a suitable book-end to that earlier document I took you to, where the advice given was that the CFMEU had said if they don't start - if the department doesn't start
15 to - sorry, start again. If the department doesn't fix the problem of the CFMEU being excluded from some of these transport projects -

COMMISSIONER: Sorry, what page are we on?

20 **MR GISONDA:** That document that - I'm reminding you of the previous document that I took you to, where the advice was that if the CFMEU - if DTMR doesn't fix the problem of the CFMEU being excluded from DTMR projects, then they would start focusing on safety on the project.

25 **COMMISSIONER:** Yes.

MR GISONDA: Sorry, that's at page 56:

30 "The unions have expressed their intention that if the implementation of the BPIC policy at the front end of the process does not work to their expectations, they will focus their efforts on ensuring compliance with industrial and safety-related matters of major transport civil construction projects."

35 Can I book-end that with page 277, where Ms Hawkswood sends an email to a colleague of hers, Nick Shaw, and she says:

"Quick update on BPIC and rail. Rocky Ring Road."

40 So that's the Rockhampton Ring Road project. That was split into two parts. One of those parts was - the successful tenderer was a joint venture involving Acciona, which Mr Balmer can give some evidence about. But this is what she says:

"Rocky Ring Road. Sally..."

45

That's now at this point the director-general of DTMR:

"Sally spoke to MR..."

That's Michael Ravbar of the CFMEU:

5 "...on Friday and is speaking with him again today. His key points are below.
Rocky Ring Road. Should be a five-union deal (multiunion agreement)."

So that's the point he was making on Cross River Rail and the point they're
making on other transport projects as well. Yes, it's a five-union deal, but what
10 he's really saying is the CFMEU needs to be on the enterprise agreement for this
project:

15 "Why have a BPIC at all if all unions are not going to be involved? We as the
buyer [that's DTMR] need to insist it's done and don't sign a contract if they
don't do a multiunion deal. Purported to represent all unions, including
AWU."

And then this bullet point is of equal significance to the other point that I just took
you to at page 58:

20 "Government hasn't learned from..."

COMMISSIONER: 56?

25 **MR GISONDA:** Sorry?

COMMISSIONER: 56.

30 **MR GISONDA:** 56:

"Government hasn't learned from Cross River Rail, and they will be all over
Centenary and Rocky Ring Road, making Cross River Rail look tame in
comparison."

35 Now, as it turns out, they didn't follow through on their threat in Rockhampton,
and we can ask this question of the industry witnesses this week, but the CFMEU
would find it difficult to marshal numbers in Rockhampton. Where they can
marshal numbers is in metropolitan Brisbane and there's the threat made, which
they follow through on: "If you don't insist as the buyer that we have a deal - that
40 we are dealt in to the enterprise agreement on Rocky Ring Road, we will make
Centenary Bridge look - we'll make Cross River Rail look tame compared to what
we have in store on the Centenary Bridge."

45 **COMMISSIONER:** And I take it you'll say that threat was made good?

MR GISONDA: It was. Is it - that's the bundle. I apologise to Ms Hawkswood for not getting to her early. She will be first up in the morning. Is that a convenient time, Commissioner?

5 **COMMISSIONER:** Well, apart from being 40 minutes over, yes, it's very convenient. Who have you got tomorrow?

MR GISONDA: Ms Hawkswood, Ms Mitchell and Mr Balmer.

10 **COMMISSIONER:** Ms Hawkswood we've talked about as a very senior public servant within DTR. Who's the second one?

MR GISONDA: Julie Mitchell. Julie Mitchell is more senior. She's a deputy director, about to retire from the public service after many decades of service. Ms
15 Hawkswood's in procurement. Ms Mitchell's a deputy director. Mr Balmer is general manager at Acciona, as well as the president of the QMCA.

COMMISSIONER: Queensland Major Constructors - Constructors?

20 **MR GISONDA:** Major Contractors.

COMMISSIONER: Contractors Association.

MR GISONDA: The other side of - you've heard from Damian Long. QMCA is
25 the other main industry group.

COMMISSIONER: Very well. Is there anything else before we adjourn this afternoon?

30 **MR GISONDA:** No, Commissioner.

COMMISSIONER: Anything from anyone else? All right. Adjourn till 10 am tomorrow morning.

35 **<THE HEARING ADJOURNED AT 4.09 PM**