



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURTS**

**WEDNESDAY, 19 AUGUST 2026
AT 10.00 AM**

DAY 43

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms G Feely – Counsel Assisting
Mr C Murdoch KC – BMD Group, BMD Witnesses
Mr D de Jersey KC – Counsel for the State of Queensland
Ms S Amos – Counsel for the State of Queensland
Mr C O'Grady KC – Counsel for the CFMEU Administration
Ms A Hughes – Counsel for the CFMEU Administration
Mr B Kidston – Counsel for SMEC Australia
Ms K Hillard – Counsel for The Honourable Grace Grace MP
Mr D Payard – Counsel for Mr Davie and Mr Murray
Ms L Cullen – Legal Team Assisting
Mr Robert Pickard – Witness
Mr Steve Thomas – Witness**

<THE HEARING RESUMED AT 10.00 AM

COMMISSIONER: Deal with appearances. Mr Gisonda and Ms Feely, you continue to appear as counsel assisting?

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MR GISONDA: Yes.

COMMISSIONER: Mr Murdoch, you appear for the BMD Group and the BMD witnesses, which I take it includes Mr Pickard and - is it Mr Thomas who's coming to give evidence?

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MR MURDOCH: That's so, Commissioner.

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

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MR DE JERSEY: Yes, Commissioner, I do.

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

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MR O'GRADY: Yes, Commissioner.

COMMISSIONER: Mr Kidston, you continue to appear as counsel for SMEC Australia?

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MR KIDSTON: That's so.

COMMISSIONER: And Mr Payard, you are appearing as counsel for Mr Quinn Murray and Mr Gareth Davie; is that right?

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MR PAYARD: Yes, Commissioner.

COMMISSIONER: And they're employees of Georgiou?

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MR PAYARD: Yes, Commissioner.

COMMISSIONER: Thank you. Mr Gisonda.

MR GISONDA: Thank you, Commissioner. I have just a preliminary matter to tell you about, Commissioner, but it might be convenient to return Mr Pickard to the box now.

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COMMISSIONER: Is Mr Pickard in the hearing room? Mr Pickard, would you come back into the witness box, please?

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<ROBERT COLIN PICKARD, ON FORMER AFFIRMATION

<EXAMINATION BY MR GISONDA

COMMISSIONER: Yes, Mr Gisonda.

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MR GISONDA: Thank you, Commissioner. I can report that in early May of 2024, this being in about 2 or 3 May, intelligence agencies received reports of significant telecommunications traffic between Mr Saracevic and Mr Gary Samuel, and at that same time, intelligence agencies received reports that, first, the
10 Comancheros motorcycle gang had installed union delegates on construction sites in the State of Victoria; two, the Comancheros had taken measures over the preceding 12 months to establish their own companies that could operate in the construction industry in Victoria, including most specifically labour-hire companies; and third, Victorian members of the Comancheros had travelled to
15 Queensland in the months prior to May 2024 with the aim of achieving those two stated objectives in the State of Queensland as well, that is, the installation of delegates, union delegates, on construction sites in Queensland and the establishment of their own linked companies operating in the construction industry in Queensland.

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COMMISSIONER: That's about a month before the events of yesterday?

MR GISONDA: Yes. And if I can take you, please, to document 52 in the bundle of documents.

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COMMISSIONER: Is this the additional documents bundle?

MR GISONDA: Yes. This is a company search for a company named Form Solutions Australia Pty Ltd, and if you go to the third page of that document,
30 Commissioner, you'll see that the original director of that company was Mrs Saracevic, the spouse of Mr Saracevic.

COMMISSIONER: It was set up in April twenty twenty - sorry, in September '23.

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MR GISONDA: Yes. And then if you look at document 53, this is an EBA between that company and the CFMEU in December of 2023, and if we can turn to page 88 of that document -

40 **COMMISSIONER:** Do I take it from the heading, because it says - brackets - Victorian Construction and General Division, somehow this EBA, though it was approved under the national scheme, was somehow restricted to work in Victoria?

45 **MR GISONDA:** Yes. So at page - I'll try page 8 first. I'm talking about page 8 as it appears, so it will be the next page. See Scope of Agreement, clause 4?

COMMISSIONER: Yes, I see. It applies in the State of Victoria. Yes.

MR GISONDA: And then page 88, you'll see that the agreement is signed by Ms Saracevic and the president of the CFMEU. That's in December of 2023.

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COMMISSIONER: So less than three months after the company was incorporated, 10 weeks later they obtained an EBA from the Victorian branch of the Construction and General Division of the federally registered union?

10 **MR GISONDA:** Yes. And then a new agreement at document 54, and this was last month.

COMMISSIONER: The same scope, State of Victoria?

15 **MR GISONDA:** Yes. And at page 95, signed by the new - now newly installed director of that company, Milton Wanis.

COMMISSIONER: So he was the chap we saw in the company extract, I think born in Egypt and replacing Ms Saracevic, I think. Yes.

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MR GISONDA: Yes.

COMMISSIONER: Replaced her from April 2025.

25 **MR GISONDA:** Yes.

COMMISSIONER: As the sole director and secretary; is that right?

30 **MR GISONDA:** Yes. So that's Mr - and then signed on behalf of the union, now being in administration, the assistant administrator.

COMMISSIONER: Mr McGowan.

35 **MR GISONDA:** Yes. Then if you can look at document 20 - well, maybe I'll tender those documents first. So the first was the company search of -

COMMISSIONER: Is there any objection? Are there any objections? ASIC current historical company extract Form Solutions Australia Pty Ltd, dated 16 August 2026, will be CBU-54.

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**<EXHIBIT CBU-54 ASIC CURRENT HISTORICAL COMPANY
EXTRACT FORM SOLUTIONS AUSTRALIA PTY LTD, DATED
16/8/2026**

45 **COMMISSIONER:** Enterprise bargaining agreement between Form Solutions Australia Pty Ltd and the CFMEU Victorian Construction and General Division 2020-2023, together with decision approving the agreement, will be CBU-55.

**<EXHIBIT CBU-55 ENTERPRISE BARGAINING AGREEMENT
BETWEEN FORM SOLUTIONS AUSTRALIA PTY LTD AND CFMEU
VICTORIAN CONSTRUCTION AND GENERAL DIVISION 2020-2023,
TOGETHER WITH DECISION APPROVING AGREEMENT**

COMMISSIONER: Enterprise bargaining agreement between Form Solutions Australia Pty Ltd and the CFMEU Victorian Construction and General Division 2024 to 2027, together with decision approving the agreement, will be CBU-56.

**<EXHIBIT CBU-56 ENTERPRISE BARGAINING AGREEMENT
BETWEEN FORM SOLUTIONS AUSTRALIA PTY LTD AND CFMEU
VICTORIAN CONSTRUCTION AND GENERAL DIVISION 2024 TO
2027, TOGETHER WITH DECISION APPROVING AGREEMENT**

MR GISONDA: And then document 20, Commissioner, this is the approval of an enterprise agreement between FSA Kerbs and Placement Pty Ltd and the AWU.

COMMISSIONER: I can't remember this entity coming up in the evidence before, but I'm - I can't remember all the evidence. Is this -

MR GISONDA: No, this company hasn't come up yet. If we go to page 60, you'll see there - this is in April 2025, signed for and on behalf of the company by its director, Mr Bjelogrljic.

COMMISSIONER: And he was one of the chaps you identified yesterday as being on site?

MR GISONDA: Yes.

COMMISSIONER: On - what date was it? Was it 5 June?

MR GISONDA: 5 June 2024.

COMMISSIONER: And Mrs Saracevic.

MR GISONDA: Is the witness.

COMMISSIONER: Witness, sorry, yes.

MR GISONDA: And that is signed by Ronnie Hayden, the branch secretary in Victoria for the Australian Workers' Union.

COMMISSIONER: And that was the role Mr Shorten first had when he started out - or he was an organiser first, then Victorian branch secretary of the AWU, many moons back.

MR GISONDA: And you heard evidence yesterday that it was Mr Hayden who had recommended Host could perform security work on site for BMD.

5 **COMMISSIONER:** I was going to ask you this question - you don't need to answer it - but when you introduced this material 10 minutes ago, one of the things you said about the intelligence, it had been received around 2 or 3 May 2024, which was additional to the fact that the Comancheros were imposing, appointing - I can't remember the verb you used - delegates on construction sites
10 in the State of Victoria and establishing their own companies in the construction industry in Victoria. The first thing you said was there was significant telecommunications traffic - that's my note of what you said - between those persons and Mr Gary Samuel. Has that got anything to do with -

15 **MR GISONDA:** Mr Saracevic and Mr Samuel.

COMMISSIONER: Mr Saracevic and Mr Samuel. Thank you. Has that got anything to do with this?

20 **MR GISONDA:** So one feature of the intelligence reports was the telecommunications traffic, and then the separate feature of the telecommunications - sorry, of the intelligence reports was what was happening in Victoria -

25 **COMMISSIONER:** I see.

MR GISONDA: - and the observation that in the preceding few months, there had been visits up to Queensland with the same objective. And that intelligence was not union specific, it wasn't site specific, it wasn't contractor specific. It
30 appears that it was a general commercial push by persons either in the Comancheros or associated with the Comancheros, or at least having alleged links with the Comancheros, to infiltrate the construction industry in Victoria and making attempts to do the same in the State of Queensland. I tender that EBA as well, Commissioner.

35 **COMMISSIONER:** Are there any objections? Enterprise bargaining agreement between FSA Kerbs and Placement Pty Ltd and the Australian Workers' Union 2025 and decision approving the same agreement 5 May 2025, CBU-57.

40 **<EXHIBIT CBU-57 ENTERPRISE BARGAINING AGREEMENT
BETWEEN FSA KERBS AND PLACEMENT PTY LTD AND
AUSTRALIAN WORKERS' UNION 2025 AND DECISION APPROVING
SAME AGREEMENT 5/5/2025**

45 **MR GISONDA:** If I could then turn to document 15.

COMMISSIONER: So at this point in 2025, entities - assuming Mr Saracevic and Mr Bjelogrljic are associated with the Comancheros, the Comancheros to that extent had EBAs with both the AWU and the CFMEU in Victoria. Is that what I take from this?

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MR GISONDA: Companies with links to both those men who have alleged links to the Comancheros -

COMMISSIONER: I see.

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MR GISONDA: - have EBAs with, yes, the two - the CFMEU and the AWU.

COMMISSIONER: And again, this one is limited to the State of Victoria.

15

MR GISONDA: Yes.

COMMISSIONER: I'm sorry, where do you want to take me to now?

20

MR GISONDA: Document 15. This is the - you recall yesterday that I said that Georgiou - Mr Raymond was Georgiou's employee. Its employee had made a complaint that he had suffered effectively a psychiatric injury as a result of something that had happened in the workforce, and as a consequence of him making that complaint, Georgiou undertook a workplace investigation to determine what happened. One of the people that it spoke to was Mr Raymond himself, and you saw yesterday an earlier version of his statement. I'll take you shortly to his final version. Another person that Georgiou spoke to was Mr Samuel, and this is a record of his interview with the investigator, Mr Thom Baker from Georgiou. And you might also recall yesterday that there was a reference in Mr Raymond's statement to an earlier incident on 30 May.

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COMMISSIONER: Yes.

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MR GISONDA: And he believed that what happened on 30 May might have had some relevance to the incident on 5 June. And so on page 3 of this document, at paragraph 10 onwards, he talks about his version of events on that day. He says at paragraph 11 that as early as his second day on site at the project, some of his people made comments to him about a crane operator video-recording and making calls, talking about details of where security guards were positioned and plans of where they would be positioned and how many. At paragraph 14 he says that he raised this informally with a few people from the project, can't recall who, but he didn't know Cody at that stage and he didn't know who he was. And at paragraph 15, when he would walk by him, he often observed him putting his phone away quickly:

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"And from what my team had told me, I assumed he was doing something related to what my team had said and then hiding the phone. I didn't have any proof, but that's my opinion."

So it seems that early on, he formed the opinion at least that Mr Raymond was video-recording some of the security personnel on site and speaking to people on the phone and telling those people on the phone where security were located and the like. Then at paragraph 17 he said that behaviour by Mr Raymond concerned him because of the impact it would have on productivity but also the risk that it would place his team in, that is, his security team. And he says midway through that paragraph:

10 "For example, there was an important pour the Tuesday prior to my altercation with Mr Raymond."

So that's the Tuesday prior to 30 May. He says:

15 "The crane crew was doing work and Mr Raymond was doing rigging work on one of our smaller cranes. Mr Raymond was on his phone breaching a number of safety protocols, speaking loudly, and I heard him stating, 'There's 25 guys here now. They look like a joke.'"

20 Then at paragraph 18, over the page, he says on 30 May he received a call that he had an Indigenous man who was one of his workers, so that would be a security guard who was an Indigenous worker, and he said that he was feeling uncomfortable with some of the questions that Mr Raymond was asking him that day. At paragraph 19, he says he then went and approached Mr Raymond - sorry, 25 he went and approached the Indigenous worker, who told him what Mr Raymond was saying and that Mr Raymond had asked him personal questions, such as how much he was paid, and asking him why they had a campaign against the CFMEU.

COMMISSIONER: It's all quite credible, though, isn't it? I mean, you had a 30 situation, I think evidence that you've introduced was that from February through to June, there were a number of attempted rights of entry by CFMEU officials. There were one or two times steel deliveries had been turned away, and one or two times - I can't remember - concrete pours had been disrupted. And the way that was done was simply by having numbers at the ball, just having more people than 35 the security could handle.

MR GISONDA: Yes.

COMMISSIONER: So that tactic of having someone on the inside, identifying 40 how many security people there were, to enable Mr Ingham, on the evidence that you called last time, to get a sufficient number of associates, delegates and others down to the site, would seem to be very sensible from the CFMEU's perspective.

MR GISONDA: Yes.

45 **COMMISSIONER:** I'm not saying it's appropriate or lawful, but -

MR GISONDA: Yes. And then he goes on to talk more about the interaction, and it seems that there was abuse, at least according to Mr Samuel, abuse from Cody Raymond towards him. At paragraph 24, he says that Mr Raymond told Mr Samuel to fuck off and made additional derogatory comments repeatedly,
5 including racial remarks about his skin colour and the way that he looked. He said that Mr Raymond is often seen hugging and patting CFMEU organisers when they come to site:

"Hence my associating his approach with their approach."

10 Then he says at paragraph 28 that Mr Raymond came up close to his face and said words to the effect of "Let's go to the car park". He also stated he knew where he lived, "which I took to be an act of intimidation", and then he goes on to say that the conversation became heated and aggressive.

15 So just pausing there. As I say, that's Mr Samuel's version. Mr Raymond's version is more benign. I think it's fair to say that Mr Raymond on his version of events would say that he was calm and polite and the like, or if not polite, certainly didn't do anything to warrant any retaliation. But whatever happened on
20 the 30th or at any other time, there must have been a reason why, on 5 June, Mr Samuel escorted these three men to where Mr Raymond was working for a confrontation to then take place.

COMMISSIONER: This looks like a pretty good reason, doesn't it, on Mr Samuel's -
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MR GISONDA: Well, there's two things going on, it seems, in Mr Samuel's explanation. One is the insinuation that Mr Raymond was engaging in inappropriate activities on behalf of presumably the CFMEU, and the second is a
30 personal confrontation on the 30th itself.

COMMISSIONER: Well, he's making Mr Samuel's job impossible. If the police - and I know Mr de Jersey wants to put forward evidence about the role of the police, but at least on the basis of that material that you took the Commission
35 to yesterday, attempts to get the police to help were futile, given that, on the material yesterday, there was no additional assistance that was going to be proffered even though BMD offered to have the concrete pour - the next concrete pour occur at a time when police resources could be provided. That's what I took from the email yesterday.

40 **MR GISONDA:** Yes.

COMMISSIONER: And now you've got a situation where Mr Samuel's attempt to deal with it, given that he couldn't get help from the police, by his own security
45 team is being undermined by someone inside who, on his evidence, is telling the CFMEU, "How many people do you need to bring to site to overwhelm them?"

MR GISONDA: Yes. And BMD, as we saw in the last hearing week, was in a very difficult position for a range of reasons, including the fact that there was little external support to which they could turn to help them.

5 **COMMISSIONER:** That's not just the police, the ABCC had been disbanded.

MR GISONDA: Yes. And BMD's not the only contractor that makes this point, but the ABCC, police and Workplace Health and Safety. And also added to that is the idea that if you were go to go down the legal path, often it takes a very long
10 time and it's very expensive to get a resolution. BMD was the subject of a targeted campaign from the CFMEU. You've got - at least according to Mr Samuel, rightly or wrongly, but the allegation from Mr Samuel that people working on site were passing on information to the CFMEU, at least about the security operations.

15 But there's another thing as well, and I'll show you this probably tomorrow. There were people working for BMD or people working for the joint venture who were passing on information to the CFMEU, not blue-collar workers on site, but people in management. So BMD was in a very difficult position. It was behind time. There was delays. And the cost of this disruption was mounting up, and it appears
20 that they had very little options available to them:

COMMISSIONER: Well, on the evidence yesterday, leave aside the cost by the BPIC policy, which I think - I can't remember whether it was 27 million or 54 million, but there was evidence yesterday that the cost of this disruption was \$12
25 million and if it had have continued to disrupt the concrete pour would have been over \$20 million.

MR GISONDA: Yes. And another big cost for the project was - and you'll get this evidence more specifically from the contract administrator, Mr Kidston's
30 client - was the cost of engaging private security to protect the - if nothing else, the psychosocial wellbeing of the workers on the site. And you've already heard evidence about that, specifically from Mr Weston, also from Mr Grant and from Mr Pickard yesterday. Then, beginning at paragraph 43, he turns to the 5 June incident itself. So paragraph 43. He says at paragraph 43 that the context for his
35 attendance was as follows, and at paragraph 44:

"Recently when the circa 100 people turned up to site organised by the CFMEU to block site access..."

40 Now, presumably he's talking about 14 May there:

"...there were a number of people I recognised as being people of interest to the police, untoward people (I know of these people through my work in the security industry per my opening context in this interview."
45

So on 5 June he says he was on alert for the safety of his own people. Then at 45, he says he had a tip-off through his network on the day, about 20 minutes prior,

that a particular person was coming to site. He calls them MOP, member of the public:

5 "I recognise the MOP from the media but prefer not to confirm who this person is. The tip-off was about me not supporting my workers, so they (MOPs) were coming to do so. The assertion was that they had assumed a young security guy working under another company on site was my team member."

10 Then at 46:

15 "I understand the young security guard in question (not a Host employee) had been getting threats from a third party offsite. I knew of this information because I was approached by the young security guard prior to 5 June. I subsequently raised this with the boss of the security company that employed the young guard. I sought proof from the young security guard (I always do in such situations) and saw for myself the threats the young guy was getting on his phone and can confirm these were serious threats on him, although I prefer not to disclose details at this time."

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And then at 48, he says:

25 "I believe that this young guard thinks he has been getting these threats as a result of working on the Centenary site (I don't necessarily feel this is true but I can't prove otherwise). My assumption is that because Cody Raymond is known to be CFMEU-affiliated and the threats to the young guard are allegedly coming from an offsite third party affiliated with the CFMEU, the young security guard is somehow considered to be affiliated with the members of the public and that he has called this person to come to site as a warning to Cody Raymond."

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Then he gives a bit more context in 49 about threats he receives from time to time and then says at paragraph 50 that:

35 "On the day (5 June 2024) I saw what was going on (with the three members of public attending site) so I positioned myself nearby. On arrival to the site fence, one of the members of the public asked a worker on site for Cody Raymond by name. All members of the public remained on the public side of the fence throughout the interaction."

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And then at 52 he says:

45 "It's important to note that on this day there were two security companies working. There had recently been a complaint made about the unprofessionalism of a security guard (identity now known by me to be the young security guard) due to alleged interactions with a member of the CFMEU. I understood a Georgiou employee raised this (ST..."

That's Mr Thomas:

5 "...was in the meeting this was raised at). I wanted to know if it was one of my guys or not so I could manage this if needed, but I was advised it was someone from another security company. The only thing I heard about the interaction..."

This is at paragraph 53:

10 "...after Cody Raymond came in was 'Stop threatening people' being said by one of the members of the public. Cody Raymond came out in his normal aggressive fashion and walked through the fence offsite and into public space towards the members of the public in question. Cody Raymond was
15 aggressive in his approach and demeanour. At this stage I was trying to consider what could potentially happen, so I was thinking about this given my role in security on site."

20 **COMMISSIONER:** And do I take it - you don't need to answer this question, but do I take it that you're eventually going to submit, having regard to the volumes of evidence that you put before the Commission yesterday, that this version of Mr Samuel about what happened on 5 June 2024 from paragraphs 43 to 53 are unlikely to be true?

25 **MR GISONDA:** It's likely that Mr Samuel's version of events in relation to the build-up, that is, 30 May and his other opinions about Mr Raymond are more likely to be true, but his version events in relation to 5 June are unlikely to be true.

30 **COMMISSIONER:** In fact, the version of events of 30 May explain the behaviour that seems to be shown by the evidence you introduced yesterday.

MR GISONDA: It goes - it does a much better job of explaining the situation and Mr Raymond's version of events. And then at paragraph 58 he says:

35 "I only know of the members of the public who was talking to Mr Raymond through media but prefer not to comment any further on his identity. I have no relationship or association with any of the members of the public."

40 **COMMISSIONER:** Again, what we saw yesterday, that seems likely to be true, doesn't it?

MR GISONDA: Well, certainly there's a relationship, at least a social one, if nothing else. I might at this point - we'll come to Georgiou's report shortly of the investigation, but -
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COMMISSIONER: This is the finding of the investigator?

5 **MR GISONDA:** Yes. And Mr Samuel did not agree for this statement to be included as part of the report, on the basis that he says he thought that Host's role on the project was at an end. So he didn't think it was necessary for him to have to defend Host's position any more. But perhaps I might ask Mr Pickard at this point two questions. One is - and I think I might have asked you this yesterday, Mr Pickard, but Host remained on site for at least until 2025; is that right?

MR PICKARD: Correct.

10 **MR GISONDA:** Yes. But what about Mr Samuel? Was Mr Samuel - did he continue to have a presence on site after 5 June? What was his position?

COMMISSIONER: 5 June 2024?

15 **MR GISONDA:** Yes.

MR PICKARD: Gary was told to leave the site and not to return until such times as the incident investigation had been completed.

20 **MR GISONDA:** And was that by yourself or - well, who told him that?

MR PICKARD: Myself and Steve Thomas.

25 **MR GISONDA:** And why did you tell him that?

MR PICKARD: That's quite standard in an investigation, not necessarily of that manner but certainly in a standard investigation on site, say for argument's sake a serious safety matter, you would stand the individuals down just until such times as the investigation was completed.

30 **MR GISONDA:** And Mr Raymond was clear in his complaint from the beginning that Mr Samuel was involved in the incident?

35 **MR PICKARD:** Yes.

MR GISONDA: Can I tender document 15, then, Commissioner.

40 **COMMISSIONER:** Are there any objections? Record of interview by Thom Baker of Gary Samuel, 13 June 2024, will be CBU-58.

<EXHIBIT CBU-58 RECORD OF INTERVIEW BY THOM BAKER OF GARY SAMUEL, 13/6/2024

45 **MR GISONDA:** And if we can go to document 34. So the investigation is concluded, and we'll come to that report shortly, but that's concluded some time in June.

COMMISSIONER: So do I take it that once the investigation was concluded in June, Mr Pickard, that Mr Gary Samuel was then free to come back to the site until Host's involvement providing security on site finished some time in 2025?

5 **MR PICKARD:** I don't believe - I can't quite recall the dates, but I don't believe Gary was invited back to the project in June. I feel that it took a little bit longer than that. We were never privy to the - the exact reports from the Georgiou camp, but it took a fair while, in my recollection, for Gary to return to the project until we were satisfied that, okay, it was at a point where that could occur without
10 further volatility.

MR GISONDA: At paragraph 30 - sorry, at document 34, which is on the screen - so you saw yesterday, Commissioner, there was an article that was published by the ABC.
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COMMISSIONER: Yes. It went into evidence, didn't it?

MR GISONDA: Yes. And it appears that what's happening on 14 August is that the news reporter from the ABC is asking questions in advance of him writing his story, and either directly or indirectly, Mr Samuel has received those questions. We don't know what the questions specifically were, but what he does here on 14 August is he writes an email to Mr Pickard and Mr Thomas and says that - giving them advance notice of the response that he's going to provide to the journalist. He says:
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"Gents, this is my position given what I believe is a smear campaign against my company. I do not want to in any way compromise BMD or its management with this issue and questions that have come to me from an ABC news reporter. Please let me know if this impacts BMD in any way
30 before I send it. I can only assume the CFMEU is behind this and are now trying to create a false narrative and disinformation to distract the public and officials and put doubt in BMD about my company and the services we provide."

35 And then his response is that:

"Mr Saracevic and Mr Bjelogrljic have no role whatsoever with Host. There has been no payment to Wisepath and we don't know who they are."

40 And just pausing there - whatever the question the journalist had about Wisepath, it appears that that didn't go anywhere, because nothing about Wisepath ends up in any reporting on this issue:

45 "Any suggestion otherwise is utterly untrue and is consistent with ongoing smear campaigns by those who have recently been exposed for their own ethical, compliance and legal failings. We are aware of recent revelations of the CFMEU having been infiltrated by alleged criminal syndicates. By

comparison, we have had a constructive working relationship with the Australian Workers' Union on our building sites for many years. We are aware of an ongoing turf war between the CFMEU and the AWU for members and influence over the building industry in various Australian states, which explains why some people are now trying to smear legitimate building interests in Queensland."

COMMISSIONER: But everything from "we're aware" may be true, but the first sentence after "my response", based on the evidence introduced yesterday, doesn't seem to be correct, does it? There's a pretty strong inference from the material yesterday that Mr Samuel had a - Mr Samuel is intimately involved with Host, isn't he?

MR GISONDA: Yes, he's the owner.

COMMISSIONER: He's the owner.

MR GISONDA: The legal owner.

COMMISSIONER: So he seems, on the evidence of yesterday, to have had a very substantial role in the visit of Mr Saracevic, Mr Bjelogrljic and - I've forgotten the third chap's name.

MR GISONDA: Ahern.

COMMISSIONER: Mr Ahern to the site.

MR GISONDA: Yes. Mr Ahern never appears in any of the media reporting on this issue, but that was in the evidence yesterday that he was the third person. The media reporting has always been that only two people came up and that it was Mr Saracevic and Mr Bjelogrljic.

COMMISSIONER: And you don't need to answer this now, but the evidence yesterday seemed to be that someone was paying for their lunch - sorry, someone was paying for their transport by plane. And was there a payment of \$750 to each of the three?

MR GISONDA: I'm not sure that - I think they all - the proper way to read the evidence is that they all paid their way.

COMMISSIONER: Oh, right.

MR GISONDA: So Mr Bjelogrljic paid for the whole booking, and then Mr Ahern and Mr Saracevic transferred their share to him.

COMMISSIONER: And there's no evidence so far from what you put in yesterday about any payments to Mr Saracevic and Mr Bjelogrljic.

MR GISONDA: Correct.

COMMISSIONER: Right. I see.

5

MR GISONDA: And do you recall, Mr Pickard, whether you replied to Mr Samuel when he asked whether this response would jeopardise BMD's interests in any way?

10

MR PICKARD: I don't recall.

MR GISONDA: I tender that email, Commissioner.

15

COMMISSIONER: Any objections? No? Email from Gary Samuel to Rob Pickard and Steve Thomas, 14 August 2024, 11.36 am, will be CBU-59.

<EXHIBIT CBU-59 EMAIL FROM GARY SAMUEL TO ROB PICKARD AND STEVE THOMAS, 14/8/2024, 11.36 AM

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MR GISONDA: Then if we can go to document 9. This is the Georgiou report. And we can ask the Georgiou witnesses for more details about the investigation itself and the outcome, but can I use this opportunity now to direct you, Commissioner, to two of the other interviews that were conducted, and the first is an interview that was conducted with a traffic controller, Mr Greg Schmidt. So that's on page 13. And over the page, he's asked on 5 June 2024 - this is the bottom half of the page:

25

30

"It is alleged that three members of the public and Mr Samuel were involved in an altercation with Mr Raymond. You have been identified as a potential witness. Please describe your version of events."

And, Mr Pickard, do you know Mr Schmidt?

35

MR PICKARD: Not to my knowledge.

MR GISONDA: In the footage that we saw yesterday where you talked to a traffic controller, do you know whether that was Mr Schmidt or was it someone else?

40

MR PICKARD: I'm unsure.

MR GISONDA: So at paragraph 1 in response he says:

45

"Just prior to the incident, two other security guys arrived prior to the members of the public coming up and spoke to the security guard on the gate where the altercation took place. I'm not sure what was said."

And just pausing there, you would have seen yesterday, Commissioner, in the footage that there's the traffic controller who's moved on and then puts the stop sign up, and there was also a security guard next to him, and the security guard doesn't appear to do anything in response to this altercation. He then says at paragraph 2:

"I observed an altercation take place..."

Paragraph 3 says he only heard one of the members of the public raise his voice:

"He was swearing a lot."

And that appears to be consistent with the footage that we saw; it appears that only one of them was involved verbally in the altercation with Mr Raymond. Then at paragraph 10, he says:

"One of the security guys afterwards said, 'I hope we don't lose our job for what he's just done.' I took this to be him referring to the members of the public. I don't know who this security guard was."

So that's his contribution to the report. And then if we can skip over the next statement and go to the following statement of Mr Minehan. Yes. Thank you. And over the page, at page 2, on the next page, I should say, again he's asked the same question.

COMMISSIONER: Who's Mr Minehan?

MR GISONDA: He's a boilermaker on the site. And he's asked the same question, including what he observed on 5 June, and at paragraph 1 he says:

"I was on the beam next to the public footpath where the incident took place welding. I was about two metres away. I had earplugs in, but I could hear Cody Raymond being yelled at by a member of the public."

And then he says at paragraph 2:

"I had seen the members of the public walking through the site with security on a date previous to the incident. The same three guys did the same little walk with that Indian looking fella."

And that's a reference to Mr Samuel:

"I saw Mr Samuel get into a van with them as well on this day. Would have been just about 15 May, day or two after. I just checked my call logs (in the interview) to see when one of our delegates called me about the CFMEU being there blocking site with their crowd. This call was on 15 May. Not

sure who [Mr Samuel] is, but I assume him to be the boss of a security company as he's always here around security."

5 **COMMISSIONER:** Who's he talking about, "our delegates"? If he's a boilermaker, he's presumably a member of the metalworkers union, not the CFMEU, or the - well, he could potentially be a member of the CFMEU or the AWU, I suppose. Do we know anything about that?

10 **MR GISONDA:** The only CFMEU delegate on site at that time was Mr Raymond. So whatever union delegates he's referring to, it's not the CFMEU.

COMMISSIONER: It's either the AWU or the AMWU, or some other union.

15 **MR GISONDA:** Yes. And then at paragraph 5, he says:

"I thought at the time..."

Sorry, just at paragraph 3:

20 "I remembered the member of the public with the beard (the beard was distinctive to me at the time of the first site visit). One member of the public was pointing and shouting at Cody Raymond. The other two didn't speak. I thought at the time why isn't [Mr Samuel] stopping this? He seemed to be enjoying it. I was about two metres away."

25 That allegation, that the same three guys had attended the site with Mr Samuel on 15 May, if true, would mean that they were up at the site the day after the trucks could not enter the site that we had evidence about last hearing week.

30 **COMMISSIONER:** That is, the concrete trucks or the steel-fixing -

MR GISONDA: Yes, the concrete trucks.

35 **COMMISSIONER:** Concrete trucks. And the CFMEU refused to follow the move-on direction from police.

COMMISSIONER: Yes.

40 **MR GISONDA:** So I tender that Georgiou investigation report.

COMMISSIONER: Are there any objections? Georgiou investigation report by Thom Baker dated 20 June 2024 re complaint by Cody Raymond will be CBU-60.

45 **<EXHIBIT CBU-60 GEORGIOU INVESTIGATION REPORT BY THOM BAKER DATED 20/6/2024 RE COMPLAINT BY CODY RAYMOND**

MR GISONDA: And, Mr Pickard, are you aware whether or not Mr Saracevic and Mr Bjelogrljic attended the Centenary Bridge site on 15 May 2024?

MR PICKARD: No, I'm not.

MR GISONDA: If we go to paragraph 50 - sorry, document 57, Commissioner. This is a flight manifest from Rex Airlines on 15 May.

COMMISSIONER: Rex still in business in 2024, was it? Must have been very soon before it went into administration.

MR GISONDA: Well, they were producing manifests in May of 2024. And you see at the bottom of the first page, passenger 10, Mr Bemir Saracevic, and then over the page, passenger 11, Mr Bjelogrljic. And then document 58 -

COMMISSIONER: Can you tell what time the flight was on that manifest or not?

MR GISONDA: The manifest doesn't tell you, but the flight number - in fact, no, I'm wrong. At the top of the page, it's flight ZL 202.

COMMISSIONER: I see.

MR GISONDA: And it departs at 6.05 in the morning and arrives at about 7.38 am.

COMMISSIONER: Yes.

MR GISONDA: And then at document 58, this is again at the top of the page, a flight that leaves - this is flight ZL 281, a flight that arrives at 7 pm.

COMMISSIONER: I don't think it arrives at 7.38, because that's an hour and a half. It's too short.

MR GISONDA: Yes, quite right. So that's just the departure time, 6.05, and then 7 pm is the departure time on the same day, and passenger 8 is Mr Saracevic, and passenger 9 is Mr Bjelogrljic. So Mr Minehan was correct, at least as far as those two are concerned. It wasn't the three of them; it was just the two of them who were - at least based on the flight manifests, those two men came up to Brisbane for the day. And so I tender those two documents.

COMMISSIONER: Are there any objections? No. Flight manifest 15 May Melbourne to Brisbane, flight ZL 202, will be CBU-61.

**<EXHIBIT CBU-61 FLIGHT MANIFEST REX AIRLINES 15/5/2024
MELBOURNE TO BRISBANE, FLIGHT ZL 202**

COMMISSIONER: Flight manifest - did I say Rex Airlines for the previous one?

MR GISONDA: Yes.

COMMISSIONER: Flight manifest Rex Airlines 15 May, flight Brisbane to Melbourne, flight ZL 281, CBU-62.

**<EXHIBIT CBU-62 FLIGHT MANIFEST REX AIRLINES 15/5/2024
FLIGHT BRISBANE TO MELBOURNE, FLIGHT ZL 281**

MR GISONDA: And if we go to document 81, this is very early in the morning. This is the same layout that you saw yesterday. This is now for 15 May, the same layout, very early in the morning, Mr Bjelogrljic and Mr Saracevic, their phones show that they travel to Melbourne Airport after 5 am, which would be consistent with them catching a 6.05 flight. And then over the page, they then appear at Brisbane Airport after 8 am. And then you see at the bottom of that page, they are at the - their mobile phones ping at around the Centenary Bridge project site at between 10.30 and 11 am. And then for the rest of the day, they appear to be around West End and South Bank and Fortitude Valley before going back to the Brisbane Airport.

COMMISSIONER: Didn't you say or produce evidence yesterday that Mr Samuel had an apartment in South Bank?

MR GISONDA: Yes. That's where he was staying when he was Brisbane, at least for a period of time. Certainly on 5 June.

COMMISSIONER: And perhaps on 15 May. We just don't know. He said in his interview that he had no relationship with Mr Saracevic and Mr Bjelogrljic, but Mr Minehan says he saw him with these two.

MR GISONDA: Yes.

COMMISSIONER: It's actually a bit weaker than that. And then Mr Bjelogrljic and Mr Saracevic leave the site and go somewhere in South Bank, perhaps to Mr Samuel's apartment, perhaps not.

MR GISONDA: I think that's a fair way of describing it all. But he did say - this is Mr Minehan - did say that on 15 May, he saw Mr Samuel get into a van with them on that day. On 15 May - that's the day that BMD obtained its injunction in the Federal Court - Mr Pickard, were you on site that day, or were you involved in matters relating to obtaining that injunction?

MR PICKARD: I don't recall if I was on site.

MR GISONDA: Could I tender that document, Commissioner.

COMMISSIONER: No objections? Cell tower location data 15 May 2024 for Krstomir Bjelogrljic and Bemir Saracevic, CBU-63.

5 **<EXHIBIT CBU-63 CELL TOWER LOCATION DATA 15/5/2024 FOR KRSTOMIR BJELOGRLJIC AND BEMIR SARACEVIC**

MR GISONDA: If we can then go to document -

10 **COMMISSIONER:** It makes sense for Mr Samuel to do this. It might be quite unlawful, but you could understand why he would do this. He's sort of taking a knife to a gun fight, and he wants to improve his capacity to compete with the tactics that the CFMEU are using. He is, in his mind - the police are not helping, the ABCC has been captured, WHSQ has been captured by the CFMEU. I'm not
15 saying it excuses him - but it's a perfectly rational explanation for what he did, which may itself be quite unlawful, perhaps even criminal, but - depending what he knew and what he organised.

MR GISONDA: At document 9, this - sorry. Document 6, sorry. This is a
20 bundle of documents, and what it consists of, Commissioner, is cover emails - so that's the first - the first document there you see is a cover email, and then behind the cover emails are the invoices that the Host Group provided to BMD. And if we keep scrolling - keep going. Keep going. There. If you just pause there for a moment. You'll see there's a tax invoice from the Host Group. So there's many of
25 these invoices between about March or April of 2024 and July of 2025, June or July of 2025, and at some stage they start to receive invoices from Concentric Concepts as well, which is Mr Killen's company.

COMMISSIONER: So just remind me who Mr Killen is. I've forgotten.
30

MR GISONDA: You heard evidence yesterday that there was - and you heard it the week before as well, that in fact two security companies were engaged. There was Host Group, which was Mr Samuel, who was introduced, it seemed, via a recommendation in Victoria courtesy of the AWU, and then Mr Killen's company,
35 Concentric Concepts. He's the man who does a lot of domestic violence protection, and he was brought in, among other things, to do some security protection for the senior executives of BMD.

COMMISSIONER: That's the company that Mr Pickard talked about yesterday
40 as being very experienced in that field.

MR GISONDA: Yes. And so this bundle is what might be described as security - invoices for security services provided to BMD, and covering emails. And if we could go to page 5, please, this is an email from Mr Samuel to Mr
45 Pickard on 26 April 2024, and it appears that he is asking Mr Pickard, or at least informing Mr Pickard of arrangements for flights up to Brisbane. And so he says there:

"Rob, details for Ali and myself for flights."

5 So Gary Samuel, to be picked up from 8 Flight Drive in Tullamarine. And he says he's happy to come on Sunday, later on the Sunday. And then the next person you see Ali Dava, to be picked up from the same location, 8 Flight Drive, Tullamarine. And then he says:

10 "Anytime after 4 pm Monday so he is at Mickleham Road for as long as possible."

Can I ask you, Mr Pickard, a couple of questions. First, who was Mr Ali Dava?

15 **MR PICKARD:** A worker of Gary's. One of his employees, I believe.

MR GISONDA: And what was the reference to Mickleham Road?

20 **MR PICKARD:** There was a BMD project that he was working on down in Victoria.

MR GISONDA: So do we read from that that in April of 2024, Host - Ali Dava was performing work for Host, similar to the sort of work that Mr Samuel was doing, but in Victoria at the Mickleham Road project site?

25 **MR PICKARD:** I believe he was labouring in Victoria. I couldn't be sure.

MR GISONDA: Okay.

30 **COMMISSIONER:** So you believe he was labouring?

MR PICKARD: I believe so.

35 **MR GISONDA:** Okay. So you're not sure what precise role Mr Dava was performing on the Mickleham Road site?

MR PICKARD: No.

40 **MR GISONDA:** And then if you go to page 9 of the invoice, you'll see there's reimbursement of cost of flights and accommodation for both Mr Samuel and Mr Dava. And then at page 28, Mr Samuel sends an email to Ms Panchetti. Do you know who Ms Panchetti was, Mr Pickard?

MR PICKARD: Kristin is the general manager of Complete Business Travel.

45 **MR GISONDA:** So the travel agent, Commissioner. And he says - they're organising some flights, and he says:

"Only Ali is on standby to leave and return. Rob is aware of that."

And so did you ever see - did you ever meet Mr Ali Dava?

5 **MR PICKARD:** Yes.

MR GISONDA: And he was on the Centenary Bridge site from time to time?

10 **MR PICKARD:** From time to time, yeah.

MR GISONDA: And did he perform labouring work at Centenary Bridge, or was he doing something else?

15 **MR PICKARD:** No, he was offsidng for Mr Samuel.

COMMISSIONER: Did you say he was working offsite for Mr Samuel?

MR PICKARD: Sorry, he was just offsidng with Gary.

20 **COMMISSIONER:** Offsidng. Sorry.

MR PICKARD: Yeah.

25 **MR GISONDA:** So can I tender that bundle of invoices and covering emails.

COMMISSIONER: And what, sorry?

30 **MR GISONDA:** Can I tender this bundle of security invoices and covering emails.

COMMISSIONER: Are they in chronological order?

MR GISONDA: Yes.

35 **COMMISSIONER:** So the last one is August 2025.

MR GISONDA: Yes.

40 **COMMISSIONER:** And the first one is April 2024. Bundle of invoices to BMD from security firms from April 2024 until August 2025, CBU-64.

<EXHIBIT CBU-64 BUNDLE OF INVOICES TO BMD FROM SECURITY FIRMS FROM APRIL 2024 UNTIL AUGUST 2025

45 **COMMISSIONER:** We try and have a break at 11.15, Mr Gisonda. Do you want to keep going or do you want a break?

MR GISONDA: I'm happy to break, Commissioner.

COMMISSIONER: We'll adjourn until 25 minutes to 12.

5 <THE HEARING ADJOURNED AT 11.21 AM

<THE HEARING RESUMED AT 11.35 AM

COMMISSIONER: Yes, Mr Gisonda.

10

MR GISONDA: So if we just go back to document 81, please, which we've now tendered into evidence, and if I can just remind you on page 2 that Mr Bjelogrljic and Mr Saracevic, their phone goes off around the Centenary Bridge project site from between 10.20 to 11 am. And then if we go to document -

15

COMMISSIONER: I missed the visit to South Bank on the way to the Centenary Bridge site on 15 May. I just picked it up on the way back, that they stopped there for 45 minutes or so.

20 **MR GISONDA:** Yes.

COMMISSIONER: Sorry, not "they". Mr Bjelogrljic.

25 **MR GISONDA:** Yes. Well - yes. One possibility is that Mr Saracevic's phone, it appears, hasn't pinged anywhere from between 9 am to 10.20, so it's not clear what Mr Saracevic was doing in that time.

COMMISSIONER: Anyway, you wanted me to notice that they were at the Centenary Bridge project site from at least 10.20 to around 11 am?

30

MR GISONDA: Yes.

COMMISSIONER: On 15 May.

35 **MR GISONDA:** Yes. We have a theory as to why you might see a stop at South Bank, but the data's a little bit messier on this day, 15 May, than it was on 5 June. So I'll tell you what that theory is in a moment, but the highest I can put it is to say that it's just a possibility at this stage. But let me take you now to document 82. This is Mr Gary Samuel on 15 May. And you'll see on the first page, in the
40 bottom left-hand corner, Mr Samuel's on site until - very early in the morning, until about 11 am. So that coincides with the other two being at the Centenary Bridge site from 10.20 to 11 am.

COMMISSIONER: Yes.

45

MR GISONDA: So I tender that document.

COMMISSIONER: This is the cell tower location data for Mr Graham Samuel on 15 May?

MR GISONDA: Gary Samuel.

COMMISSIONER: What did I say?

MR GISONDA: Graham.

COMMISSIONER: Oh, did I? Sorry. Are there any objections? Cell tower location data for Mr Gary Samuel, 15 May 2024, will be CBU-65.

<EXHIBIT CBU-65 CELL TOWER LOCATION DATA FOR MR GARY SAMUEL, 15/5/2024

MR GISONDA: And then document 83, this is Mr Ali Dava's cell phone data, and you'll see on this first page, he too is at the Centenary Bridge project site from about quarter past 10 to ten to 11.

COMMISSIONER: And this is the person that Mr Pickard said before the break was offside with Mr Gary Samuel?

MR GISONDA: Yes. And I said I'd share with you at least a possibility. One possibility is that Mr Ali Dava was picked up from South Bank at about 10 am and taken then to the Centenary Bridge project site.

COMMISSIONER: And then all four of them went back together, perhaps.

MR GISONDA: Well, Mr - yes, as we say, it's a possibility that Mr Bjelogrljic picked up Mr Dava from South Bank on the way through, but Mr Samuel is already at the site. He'd been there since 5 in the morning.

COMMISSIONER: But I think that you said that - I've forgotten the person's name, the boilermaker who gave - reported to the investigator said he saw at least - perhaps two of those three get into a van with Mr Samuel and leave the site together.

MR GISONDA: Yes. He says that the group that he saw on 5 June, he saw the same group on 15 May. He specifically references Mr Saracevic's appearance. He obviously recognises Mr Samuel. It follows that Mr Bjelogrljic was also there on both occasions, but Mr Ahern wasn't. Whether Mr Dava was there instead of Mr Ahern, it's not clear. But Mr Dava is at the site at the same time as the other three.

COMMISSIONER: And do you want to tender his cell tower location data?

MR GISONDA: Yes.

COMMISSIONER: There are no objections? Cell tower location data, Mr Ali Dava, 15 May 2024 will be exhibit CBU-66.

5 **<EXHIBIT CBU-66 CELL TOWER LOCATION DATA, MR ALI DAVA, 15/5/2024**

10 **MR GISONDA:** And then on that day, if we go to page 84, I would assume, Mr Pickard, that on that day you were in regular contact with Mr Samuel, because on the previous day, being 14 May, there had been a significant disruption of a concrete pour on site, and you were off to the Federal Court to get an injunction, but I assume you didn't know whether the CFMEU would return on the 15th. Is that fair?

15 **MR PICKARD:** It's fair I was in contact with Mr Samuel a lot every day.

MR GISONDA: Yes.

COMMISSIONER: Every day, you say, you were in contact with him?

20 **MR PICKARD:** During this entire period, yeah.

COMMISSIONER: During - sorry?

25 **MR PICKARD:** The entire period.

COMMISSIONER: The entire period is what, the first half of '24?

30 **MR PICKARD:** From the start of 2024 through to probably right up until the Host Group finished with us.

COMMISSIONER: So that's August '25, is it?

MR PICKARD: Yeah, I think it was around mid '25 or something like that.

35 **COMMISSIONER:** Mid '25.

40 **MR GISONDA:** So you say there's nothing - nothing can be read into the fact that you were in regular communication with Mr Samuel on any given day. And that would include Mr Thomas as well, would it?

MR PICKARD: Correct.

45 **MR GISONDA:** But if I can - so there is communication between Mr Samuel and Mr Pickard, as we've just explored, but that's not the point of this document, Commissioner. If you look at 1.23 pm, the entry at 1.23 pm, that's on the second page, you'll see a telephone call between Mr Ali Dava and Mr Bemir Saracevic, and at 1.35 pm a text message from Mr Saracevic to Mr Ali Dava, and then at 2.58

pm a text message again from Mr Ali Dava to - sorry, 2.58 pm, there's a text message from Mr Saracevic to Mr Ali Dava, and then at 2.58 pm, Mr Ali Dava goes back to Mr Saracevic. So I tender that document, Commissioner.

- 5 **COMMISSIONER:** There are no objections? Telephone call records for Mr Rob Pickard, Steve Thomas, Gary Samuel, Bemir Saracevic, Krstomir Bjelogrljic and Ali Dava, 15 May 2024, will be CBU-67.

10 **<EXHIBIT CBU-67 TELEPHONE CALL RECORDS FOR MR ROB PICKARD, STEVE THOMAS, GARY SAMUEL, BEMIR SARACEVIC, KRSTOMIR BJELOGRLJIC AND ALI DAVA, 15/5/2024**

- 15 **MR GISONDA:** Could I go to document number 2 and the last page on document 2, please. Is that the page? Maybe the second-last page. There you go. At the bottom of that page. By November of 2024, Commissioner, the police were investigating the incident on 5 June, and can you just scroll down a little bit, just so you can see the whole email. Maybe go over the page if that's possible. You just see there - yes - there's an email from a member of the Organised Crime Gangs Group to Mr Thom Baker, who was the man who conducted the investigation for Georgiou, and what he says in this email is:

- 25 "Thank you for meeting up with me yesterday in Fortitude Valley. As per our conversation, I am investigating an offence involving Cody Raymond that occurred on 5 June. I understand that you are the person from Georgiou that investigated this matter. Consequently, from your investigation I request the following."

- 30 And they included the investigation report, all witness statements, any investigator notes, contact details and then CCTV footage on 5 June, as well as employee details for Host Group. And then if we scroll up, I think, you'll see the response from Mr Baker to that email. Yes. He says:

- 35 "Thank you for your email. Georgiou will prepare the information you have requested and can send this to you by email on Monday. I need to refer you to Steve Thomas of BMD for the items below in yellow."

So those items in yellow, Commissioner, included the CCTV footage. And then there's an email -

- 40 **COMMISSIONER:** Presumably the fifth dot point there, which is the first one in yellow, is - a lot of that has been tendered into the evidence yesterday by you.

MR GISONDA: Yes. Yes.

- 45 **COMMISSIONER:** I'm sorry. I cut you off.

MR GISONDA: And you should then see in this document a response from - it appears that Mr Thomas has then forwarded the request to BMD's lawyers, and there's a response from Mr Patrick Quinn, who's from the firm Gilshenan & Luton. And then he sends a further email on 2 December at 5.46 pm. It begins:

5

"Good afternoon Andrew. I confirm that Gilshenan & Luton acts for BMD."

COMMISSIONER: In December, did you say?

10 **MR GISONDA:** Yes, 2 December. So he says:

15 "Good afternoon Andrew. I confirm that we act for BMD in relation to your investigation into an alleged incident involving Cody Raymond on 5 June. Thank you for your time on the phone last week in relation to the email that was sent by you to Steve Thomas. It is noted that you have requested from our client CCTV footage of the incident."

20 And then under the heading of - sorry, CCTV footage of the incident, employee details for Host, and any other material held by BMD relevant to the investigation. And then each of those points is dealt with under headings, and the first heading is CCTV Footage. He says:

25 "I've been instructed that our client only has access to an online portal where CCTV footage can be viewed. A search of the portal has been undertaken and the most recent footage that is available to be viewed is for dates in August 2024. Accordingly, our client is unable to assist your investigation with the provision of CCTV footage from 5 June..."

30 **COMMISSIONER:** Doesn't make sense, given what you tendered yesterday.

35 **MR GISONDA:** Well, you might recall - just to be clear, before the morning tea break, there was a tender of footage that was received from BMD, and that footage was just of the altercation itself, and then the rest of the footage has been provided by a couple of sources, but in particular - or including Georgiou. The question I have for you, Mr Pickard, is do you know why BMD said to the police in November 2024 that it didn't have - was unable to access the CCTV footage, and yet in response to a notice from this Commission, it did have footage of the incident?

40 **MR PICKARD:** No, I don't.

MR GISONDA: Were you involved in this issue dealing with the police in relation to their inquiries?

45 **MR PICKARD:** Not to my recollection.

MR GISONDA: Can I tender that exchange with the -

COMMISSIONER: There are no objections? Email correspondence to and from representatives of MWB and Georgiou and representatives of the QPS relating to the incident on 5 June 2024 from November and December 2024 will be CBU-68?

5

MR GISONDA: 68.

**<EXHIBIT CBU-68 EMAIL CORRESPONDENCE TO AND FROM
REPRESENTATIVES OF MWB AND GEORGIOU AND
REPRESENTATIVES OF QPS RELATING TO INCIDENT ON 5/6/2024
FROM NOVEMBER AND DECEMBER 2024**

10

MR GISONDA: If we could go to document 32, please. This is a text exchange beginning on 5 June 2024 between Quinn Murray and Gareth Davie.

15

COMMISSIONER: Just going back to that, I don't know what the law is on this point. Are you allowed to either deliberately or inadvertently mislead the police when they're investigating like this? You might not know the answer to that either.

20

MR GISONDA: I'll have to take that question on notice, Commissioner. Document 32. So this is a text message exchange beginning on 5 June between, in the green, Quinn Murray, and in the grey, Gareth Davie, the two Georgiou witnesses to be called this week. And Mr Murray says at 1.34 pm - so that's about half an hour or so after the incident:

25

"Mate he brought in blokes in civvies."

And we'll ask Mr Murray this, but presumably that's a reference to Mr Samuel.

30

And it says:

"Unless you tell me otherwise mate I'm going to run this investigation the way I would if you weren't around - involving Thom Baker etc."

35

And then there's a screenshot of CCTV footage or links to CCTV footage, and then he says under that:

"Something fishy is going on mate."

40

And if you scroll down, you might be able to see some - no, then over the page:

"Something fishy is going on."

And then Mr Davie says:

45

"Why?"

And he says:

"RP..."

5 That's Mr Pickard:

"...came from the same cafe 30 seconds before Mr Samuel and his mates."

Then Mr Davie says:

10

"The same cafe?"

And then they attempt to call each other, and then Mr Quinn says:

15

"Pickard has requested the CCTV."

And then the following page, and then he says:

"Call when you can."

20

And then he says:

"Just got this from Cody."

25

And that's the message that you saw then yesterday, Commissioner, where he says - this is Mr Raymond saying:

"Do you think Steve Thomas or Rob Pickard would disclose my address to his contractors?"

30

Etcetera. Mr Davie then says:

"Yeah mate he sent it to me too. I spent 45 minutes on the phone to [Mr] Pickard before."

35

Then Mr Murray says:

"Again? He tried to call me about 7 and I left it for tomorrow."

40

And then Mr Davie says:

"Rob P told me the CFMEU leaked Cody's address which I don't believe him for one second."

45

Can I ask you, Mr Pickard, you said that you had - you said yesterday that you couldn't recall conversations that you had with Mr Davie on that evening. Can I

just confirm, do you not remember having the call at all, or do you just not remember the content of the call?

MR PICKARD: I don't recall contents of any call.

5

MR GISONDA: Let me know if this refreshes your memory: Mr Davie - we expect Mr Davie to say that in that call, you gave him a little bit of background into why there were so many security guards and what happened and eventuated to cause the interaction, and in particular that Mr Raymond had threatened Mr Samuel; that is, Mr Raymond had threatened Mr Samuel a week prior, and Mr Samuel was quite upset about the threat and felt that Mr Raymond needed to be put into place. Does that refresh your memory as to what you said to Mr Davie in that phone call on 5 June?

10
MR PICKARD: No, not particularly.

MR GISONDA: And he says that you then said that Mr Samuel had brought some people that he knew up from Melbourne to ensure Mr Raymond got the understanding not to do it again. Do you remember saying that to Mr Davie?

20

MR PICKARD: I don't recall that.

MR GISONDA: I tender that text exchange, Commissioner.

25
COMMISSIONER: Who's the text exchange between?

MR GISONDA: In the green is Mr Quinn Murray, and in the grey is Mr Gareth Davie.

30
COMMISSIONER: No objections? Text messages exchanged between Mr Gareth Davie and Mr Quinn Murray, 5 June 2024, will be CBU-69.

<EXHIBIT CBU-69 TEXT MESSAGES EXCHANGED BETWEEN MR GARETH DAVIE AND MR QUINN MURRAY, 5/6/2024

35

MR GISONDA: And if we go to document 66, please, this is a log of communications that Mr Baker had in the course of preparing or conducting his investigation into the incident on 5 June.

40
COMMISSIONER: Sorry, which document number is this?

MR GISONDA: 66. And so you'll see things like brief descriptions of meetings held with people, emails and letters sent out to Mr Cody Raymond and the like. And you might see, halfway down the page, for example, item 16:

45

"TB interview with CR."

That's Thom Baker interview with Cody Raymond. And it was at a cafe in Daisy Hill, and Cody Raymond was offered but declined to have a support person present. Meeting lasted circa two and a half hours. Can I go over the page, please, to the fourth entry from the bottom, number 15. It says:

5

"Call with Gavin Kenny..."

And we know from the bottom of the page that Mr Kenny was a superintendent on site:

10

"Call with Gavin Kenny and email sent re confidentiality. Gavin Kenny advised that Rob Pickard and Steve Thomas of BMD are in the video ahead of the four men and he feels they are involved."

15 Mr Pickard, did you have any discussions from what you can call with Mr Kenny on 5 or 6 June 2024 about the incident?

MR PICKARD: I remember he was present and I spoke to him. I don't recall what the detail was.

20

MR GISONDA: You don't recall him saying to you - you don't recall him questioning you whether you were involved in the incident?

MR PICKARD: He may have potentially. I don't recall.

25

MR GISONDA: I tender that investigation log for Mr Baker.

COMMISSIONER: There's no objection? Investigation log of Mr Thom Baker's investigation into complaint by Cody Raymond re 5 June 2024 incident will be CBU-70.

30

<EXHIBIT CBU-70 INVESTIGATION LOG OF MR THOM BAKER'S INVESTIGATION INTO COMPLAINT BY CODY RAYMOND RE 5/6/2024 INCIDENT

35

MR GISONDA: I'm hoping that we could now replay, please, clip number 1 from yesterday, if possible.

(Video played).

40

MR GISONDA: So that's footage of yourself and Mr Thomas leaving the car park of the Allsports Shopping Village at 12.31 pm.

COMMISSIONER: Where do you see Mr Pickard and Mr Thomas?

45

MR GISONDA: Perhaps if we play it again, zoomed in like that, if that's possible.

(Video played).

COMMISSIONER: I see.

5

MR GISONDA: So that's 12.31, Commissioner and Mr Pickard. If we go to document 73, page 1, that's the driveway that goes into the car park for that Allsports Shopping Village, and do you see there that there's a shop on the corner called Nyna's Cafe Fish & Chips. Can you see that, Commissioner and Mr

10

COMMISSIONER: Yes.

MR GISONDA: Do you see that, Mr Pickard?

15

MR PICKARD: Yes.

MR GISONDA: And when Mr Murray says that you came from the same cafe 30 seconds before Mr Samuel - now, the 30 seconds isn't right; I'll come back to the timing in a moment. But when he says that you came from the same cafe, is it possible that that's the cafe that you came out of?

20

MR PICKARD: Potentially. I regularly ate in and around that area.

MR GISONDA: Right. So you can't remember where you - which cafe, if any, you went to on 5 June; is that right?

25

MR PICKARD: No, not specifically.

MR GISONDA: If we just look at page 2, that's a photo - taken from Google Maps, but that's the driveway that goes into that shopping centre car park; is that right, Mr Pickard?

30

MR PICKARD: Correct.

35

MR GISONDA: If we just go to document 60, please. And this is a bank statement for you, Mr Pickard, in June of 2024, and if we just go over the page, do you see the second entry there, a date of transaction, 5 June '24, for \$27.46 at something that's called the Trustee for Hanzy Jindalee? Do you see that?

40

MR PICKARD: Yes.

MR GISONDA: And do you know what the Trustee for Hanzy Jindalee is?

MR PICKARD: No.

45

MR GISONDA: Do you remember what you might have bought for \$27.46 on 5 June 2024?

MR PICKARD: No, I don't recall.

MR GISONDA: Could I then go to - I'll tender that document, Commissioner.

COMMISSIONER: No objections? NAB Visa record for Mr Robert C. Pickard - sorry, extract of NAB Visa card record for Mr Robert C. Pickard, 5 June '24 to 3 July '24 will be CBU-71.

<EXHIBIT CBU-71 EXTRACT OF NAB VISA CARD RECORD FOR MR ROBERT C. PICKARD, 5/6/2024 TO 3/07/2024

MR GISONDA: And then document 61, please. This is an extract from the bank statement of Mr Steven Thomas, and if we go over the page, see that last entry, Visa purchase, the Trustee for Hanzy Jindalee, 5 June, \$17.29. Do you remember being at - whatever the Trustee for Hanzy might be, do you remember being at the same shop or establishment and buying something together with Mr Thomas on 5 June?

MR PICKARD: I don't remember being in the same establishment, no, but we were in that area.

MR GISONDA: So can I tender that document, Commissioner.

COMMISSIONER: No objections? Suncorp bank statement - sorry, extract of Suncorp bank statement for Mr Steven James Thomas, 1 January 2024 to 30 June 2024, will be CBU-72.

<EXHIBIT CBU-72 EXTRACT OF SUNCORP BANK STATEMENT FOR MR STEVEN JAMES THOMAS, 1/1/2024 TO 30/6/2024

MR GISONDA: Then if we can go to document 38, which was tendered yesterday, CBU-41. This is the bank statement of Mr Bjelogrljic, and if we go over the page, you'll see the last entry that you can see for 6 June -

COMMISSIONER: So which document?

MR GISONDA: Document 38. You see there, there's a transaction for on 5 June, The Trustee for Hanzy Jindalee, for \$11.69. Do you see that, Mr Pickard?

MR PICKARD: Yes.

MR GISONDA: Does that refresh your memory that you, Mr Thomas and Mr Bjelogrljic were at the same shop or establishment on 5 June?

MR PICKARD: No.

COMMISSIONER: This is already in evidence, is it?

5 **MR GISONDA:** Yes, CBU-41.

MR GISONDA: Well, if I can assist you, Mr Pickard, the Trustee for Hanzy is or was in June 2024 the proprietor of the Sushi Shou takeaway shop in that Allsports Shopping Village. Do you know that sushi shop that I'm talking about?

10

MR PICKARD: I recall it.

MR GISONDA: Do you remember going to the sushi shop that day with Mr Thomas and Mr Bjelogrljic?

15

MR PICKARD: No.

MR GISONDA: If we can look at document 56, please. This is further particulars of the transactions on Mr Thomas' bank statement provided by Suncorp, and if we go over to page 2, the eighth entry down, you'll see there's more detail of that purchase of \$17.29 from the Trustee for Hanzy. So at the top half of the page, sorry. You can see the table there, the eighth entry, which is now highlighted on the screen. Do you see that, Mr Pickard?

20

25 **MR PICKARD:** Yes.

MR GISONDA: And the transaction time is 12.18 pm. Do you see that?

MR PICKARD: Yes.

30

MR GISONDA: So that's Mr Thomas, Commissioner, making that purchase at the sushi shop at 12.18 pm. So I tender that document.

35

COMMISSIONER: No objections? Extract of Suncorp banking record prepared 13 August 2026 for card ending in 3497, Steven James Thomas, showing transaction dated 5 June 2024 at 12:18:45 for \$17.29 will be CBU-73.

40

**<EXHIBIT CBU-73 EXTRACT OF SUNCORP BANKING RECORD
PREPARED 13/8/2026 FOR CARD ENDING IN 3497, STEVEN JAMES
THOMAS, SHOWING TRANSACTION DATED 5/6/2024 AT 12:18:45 FOR
\$17.29**

45

MR GISONDA: And if we go to document 64, this is similar reporting provided by the NAB. This is now your purchase of \$27.46, and I just want to show you, if I can - it's a bit harder to read this document, but at the top, there's columns, and the columns include transaction date and transaction time, or T-DATE and T-TIME. Do we see that, Mr Operator? It's the fourth line from the top. Yes. So

if you see that's the columns for the date and the time of the transaction, and if you look down to the transaction itself, you'll see that the date, using the American way of doing dates, 5 June 2024, and the time is 12.19 pm. Do you see that?

5 **MR PICKARD:** Yes.

MR GISONDA: And so do you remember now that at 12.18 and 12.19, you and Mr Thomas were at the sushi shop at the same time, approximately 11 minutes before you crossed Sinnamon Road, as we saw in the CCTV footage?

10

MR PICKARD: I think so, yes.

MR GISONDA: Can I tender that document, Commissioner.

15 **COMMISSIONER:** No objections? Connex daily transaction report for - how do I describe it? Where do I see the -

MR GISONDA: It's NAB Connex daily transactions report. Do you see the very top entry, Connex daily transactions report?

20

COMMISSIONER: Yes, I can see the date and the time and the amount, but how do I - I can see who it's been paid to. How do I identify the card?

25 **MR GISONDA:** Well, there's two ways you can do it. You can notice the transaction amount of 27.46, which is the same amount that was on Mr Pickard's statement, or alternatively we can provide you with an unredacted version of the document, which will then show you the card number.

30 **COMMISSIONER:** I see. Well, Mr Murdoch, will that be necessary? I don't really want to have to identify the card number of Mr Pickard.

MR MURDOCH: In light of what my friend said, no, that won't be necessary.

35 **COMMISSIONER:** Thank you. NAB Connex daily transaction report for card of Mr Robert Pickard, 24 June - sorry, 5 June 2024, payment to Trustee for Hanzy Jindalee in the amount of \$27.46 at 12.19 pm and 37 seconds will be CBU-73.

40 **<EXHIBIT CBU-73 NAB CONNEX DAILY TRANSACTION REPORT
FOR CARD OF MR ROBERT PICKARD, 5/6/2024, PAYMENT TO
TRUSTEE FOR HANZY JINDALEE IN THE AMOUNT OF \$27.46 AT
12:19:37**

MR GISONDA: So that's at 12.19 pm, Commissioner. Then if we go to document 75, this is the call log that was put into evidence yesterday.

45

COMMISSIONER: Yes, CBU-50.

5 **MR GISONDA:** And if we look at the entry on the third page at 12.20, you'll see that at 12.20 there's an attempted phone call from Mr Samuel to Mr Thomas, four seconds. Then very shortly thereafter, Mr Thomas attempts to call Mr Samuel back. Then about six seconds later, Mr Thomas sends a text to Mr Samuel. Then at 12.21, Mr Samuel attempts to call Mr Pickard. And again, at 12.21, Mr Thomas telephones Mr Samuel for 69 seconds. And at 12.22, Mr Pickard attempts to call Mr Samuel for seven seconds, and then at 12.22, Mr Pickard sends a text message to Mr Samuel. Do you see all that, Mr Pickard?

10 **MR PICKARD:** Yes.

15 **MR GISONDA:** Do you accept that almost immediately after you've both purchased something from the sushi shop, you and Mr Thomas have attempted to get into contact with Mr Samuel?

MR PICKARD: I accept that there was contact attempted.

20 **MR GISONDA:** Yes. You don't recall whether - well, it says there that there's a telephone call between Mr Thomas and Mr Samuel. Do you remember what was said by Mr Thomas on that call?

MR PICKARD: No, I don't.

25 **MR GISONDA:** And if we go to document 63, Commissioner. Again, if we highlight the T-DATE and T-TIME column, and then the details of this transaction. This is now the \$11.69 transaction for Mr Bjelogrlc, Commissioner, and you'll see the time there is 12.26 pm. Now that you see that, do you remember, Mr Pickard, that Mr Bjelogrlc came to that sushi shop about six minutes after you had - sorry, I'll withdraw that. Having looked at this, do you now remember that six minutes after you had made a transaction or a purchase at the sushi shop, Mr Bjelogrlc bought something at the sushi shop?

30 **MR PICKARD:** No.

35 **MR GISONDA:** So you say you didn't see Mr Bjelogrlc at all at the sushi shop that day?

MR PICKARD: I didn't know him.

40 **MR GISONDA:** Did you see Mr Samuel that day at the sushi shop?

MR PICKARD: Not that I recall.

MR GISONDA: Go to document 73.

45 **COMMISSIONER:** Are you wanting to tender the document?

MR GISONDA: I'll tender that, sorry. Yes, I will.

COMMISSIONER: NAB Connex daily transaction report, 5 June 2024, 12.26 pm and 10 seconds, in the amount of \$11.69 to The Trustee of Hanzy Jindalee,
5 from credit card - sorry, from card - it's the same problem, isn't it, that we just had?

MR GISONDA: Yes.

10 **COMMISSIONER:** So you'll tell me that that number that's there matches the number of Mr -

MR GISONDA: Yes.

15 **COMMISSIONER:** All right. Well, we'll describe the exhibit as card belonging to - in the name of Mr Bjelogrljic. That will be CBU-75.

20 **<EXHIBIT CBU-75 NAB CONNEX DAILY TRANSACTION REPORT, 5/6/2024, 12:26:10 IN AMOUNT OF \$11.69 TO THE TRUSTEE OF HANZY JINDALEE, FROM CARD IN NAME OF MR BJELOGRLIC**

MR GISONDA: If we then go to document 73, which I don't think I've tendered yet. So we've looked at that first photo in this document. There's four photos in this document. And if we go to the second page, that's looking into the car park,
25 and then the third page, that's looking out from the driveway onto Sinnamon Road, and then the fourth photo, that's the Sushi Shou shop there on the right. Do you see that, Mr Pickard?

MR PICKARD: Yes.
30

MR GISONDA: And do you see how close it is to the Sinnamon Road exit?

MR PICKARD: Yes.

35 **MR GISONDA:** And so let me ask you this question: in the 10 or so minutes from you making the purchase at Sushi Shou to then crossing the road there at the entrance to Sinnamon Road, do you remember what you were doing for that 10 minutes?

40 **MR PICKARD:** No, I don't. Probably eating.

MR GISONDA: And if you were probably eating, you say that you didn't see Mr Samuel - forget about the others for the moment - you didn't see Mr Samuel come into the Sushi Shou shop?
45

MR PICKARD: Not that I recall.

MR GISONDA: And you say you didn't see Mr Samuel accompanied by three other men enter the Sushi Shou shop?

MR PICKARD: No, not that I recall.

5

MR GISONDA: Mr Pickard, I just now have a series of questions to put to you so that you've got a fair opportunity to provide answers to what I want to suggest to the Commissioner is a fair reading of all the evidence that we've seen.

10 **COMMISSIONER:** Do you want to tender these photos?

MR GISONDA: Yes, I do. Sorry.

COMMISSIONER: What are we up to? CBU-76?

15

MR GISONDA: Yes.

COMMISSIONER: There's no objection? How do I describe them? Photos of what shopping centre?

20

MR GISONDA: It's called the Allsports Shopping Centre, Jindalee.

COMMISSIONER: Falls -

25 **MR GISONDA:** All, A-l-l, sports.

COMMISSIONER: Photographs of Allsports Shopping Centre, Jindalee, CBU-76.

30 **<EXHIBIT CBU-76 PHOTOGRAPHS OF ALLSPORTS SHOPPING CENTRE, JINDALEE**

MR GISONDA: So with these questions, Mr Pickard, you can either agree or disagree or provide any comment that you like. On the morning of 5 June, Mr Samuel was with you at BMD's head office until about 11.20 am. Is that true or not true?

35

MR PICKARD: Disagree.

40 **MR GISONDA:** When he was at the office, Mr Samuel told you that he was going to pick up Mr Saracevic and others from the Brisbane Airport and take them to the Jindalee project site?

MR PICKARD: Disagree.

45

COMMISSIONER: Sorry, did you say correct or incorrect?

MR PICKARD: Disagree.

COMMISSIONER: Disagree.

5 **MR GISONDA:** In response, either yourself or Mr Thomas said that you would meet them all at the Centenary Bridge site?

MR PICKARD: Disagree, on my behalf. Disagree.

10 **MR GISONDA:** At about the time that Mr Samuel left BMD's head office, you and Mr Thomas also left head office to travel towards the Centenary Bridge site?

MR PICKARD: Could I just query that, Mr Gisonda?

15 **MR GISONDA:** Yes.

MR PICKARD: Is that an agree or disagree? Because I can't remember if that is in fact correct.

20 **MR GISONDA:** If you can't remember, then just say, "I can't remember."

COMMISSIONER: So your answer is you can't remember?

25 **MR PICKARD:** I can't remember if that timing is correct.

MR GISONDA: But you do agree that at some point late in the morning, you left, with Mr Thomas, BMD's office to go to the Centenary Bridge site?

30 **MR PICKARD:** Agree.

MR GISONDA: But then just focusing more specifically about Mr Samuel's movements that morning, did you leave for the site at about the same time that Mr Samuel left to go to the airport?

35 **MR PICKARD:** I don't recall.

MR GISONDA: Do you have any recollection of having a discussion with Mr Samuel at BMD's head office on the morning of 5 June?

40 **MR PICKARD:** No, I don't.

MR GISONDA: Now, the records show at 12.01 pm you had a one-minute phone call with Mr Samuel. I suggest that in that phone call, Mr Samuel confirmed to you that he had picked up Mr Saracevic and the others and was on
45 his way to the Centenary Bridge site.

MR PICKARD: Disagree.

MR GISONDA: Shortly after that call, and certainly before 12.18 pm, you and Mr Thomas arrived at the Allsports Shopping Centre car park.

5 **MR PICKARD:** Based on the records, yes, I agree.

MR GISONDA: And then you and Mr Thomas together went to the Sushi Shou shop there that we saw in the picture a moment ago?

10 **MR PICKARD:** Agree. I mean, I went to the sushi shop. I can't recall Steve being - standing there beside me, but I was definitely there.

MR GISONDA: We've then seen some records of text messages and attempted phone calls and then a minute phone call involving yourself and Mr Thomas and
15 Mr Samuel. Can I suggest that what was happening there was that you and Mr Thomas were attempting to make contact with Mr Samuel to let him know that you were in the sushi shop.

MR PICKARD: Disagree.
20

MR GISONDA: And I suggest that when you did get onto him, you told him that they could find you at the sushi shop?

MR PICKARD: Disagree.
25

MR GISONDA: After that happened, Mr Samuel and the other three men joined you at the sushi shop?

MR PICKARD: I disagree.
30

MR GISONDA: And when they were there, Mr Bjelogrlc made a purchase at that sushi shop?

MR PICKARD: Disagree.
35

MR GISONDA: Once they joined you at the sushi shop, the six of you discussed what was about to happen up at the project site?

MR PICKARD: Disagree.
40

MR GISONDA: And as part of that discussion, it was agreed that you and Mr Thomas would go first to make sure the coast was clear, before the other four could approach Mr Raymond?

45 **MR PICKARD:** Disagree.

MR GISONDA: At 12.31 pm, you and Mr Thomas then crossed the road from the car park of that Allsports Shopping Centre, crossed Sinnamon Road. Do you accept that?

5 **MR PICKARD:** If that's the timestamp, Mr Gisonda, yes.

MR GISONDA: And you then walked up Sinnamon Road, heading towards the Centenary Bridge site?

10 **MR PICKARD:** Agree.

MR GISONDA: And when crossing back over Sinnamon Road to get onto the shared bike path, do you accept that you did not cross the road, despite the traffic light turning red on two occasions?

15 **MR PICKARD:** I'm unsure of the circumstance as to why I didn't cross then.

MR GISONDA: But do you accept that you waited at the lights for around a minute?

20 **MR PICKARD:** That's what the footage indicated, yes.

MR GISONDA: And the reason that you did not cross the road, despite having the opportunity to do so, is because you were waiting for Mr Samuel and his - and
25 the other three men to catch up to you?

MR PICKARD: Disagree.

MR GISONDA: Now, this is evident just on the timestamps, so your answer
30 might be if that's what the timestamps say then you accept it. But as a result of you waiting at the lights for the time that you did, despite when you first crossed Sinnamon Road, being a minute and 38 seconds ahead of Mr Samuel, by the time you reached the bike path, you were only 35 seconds ahead of Mr Samuel. Do you accept that?

35 **MR PICKARD:** If that's reflected in the timestamps.

MR GISONDA: When you first entered the shared bike path, you saw a worker on site and you waved to him. Do you agree with that?

40 **MR PICKARD:** I agree.

MR GISONDA: And you accept that you didn't stop to talk to that worker to ask him how he was or what was happening on site?

45 **MR PICKARD:** I think I just said hello in passing.

COMMISSIONER: Sorry, what did you say then? You said hello in passing?

MR PICKARD: I think I would've just said hello in passing.

5 **MR GISONDA:** And is the reason you didn't stop because you knew that you had to go to where Mr Raymond was working?

MR PICKARD: Disagree.

10 **MR GISONDA:** As you approached where Mr Raymond was working, Mr Thomas pointed in his direction. Do you accept that?

MR PICKARD: Yes.

15 **MR GISONDA:** And did he point in Mr Raymond's direction for the benefit of the four men who were walking behind you?

MR PICKARD: Disagree.

20 **MR GISONDA:** Do you accept that Mr Thomas then looked back over his shoulder towards the four men behind you to see how far behind they were?

MR PICKARD: The video footage shows Mr Thomas looking back. I've got no idea why.

25 **MR GISONDA:** You and Mr Thomas then approached the traffic controller at the gate?

MR PICKARD: Correct.

30 **MR GISONDA:** And you told the traffic controller that he needed to make sure no one walked up the path because of - I'll just stop there. You told the traffic controller that he needed to make sure no one walked up the path?

35 **MR PICKARD:** Disagree.

MR GISONDA: When you were speaking to the traffic controller, Mr Thomas pointed back towards Mr Samuel and the other three men that he was with?

40 **MR PICKARD:** I don't recall that in the footage. If it was in the footage, yes, but I don't recall us discussing that.

MR GISONDA: Did he point back to Mr Samuel and the other three so that the track controller knew who you were talking to him about?

45 **MR PICKARD:** I don't recall the pointing back at that point from the video footage.

MR GISONDA: And by this stage, Mr Samuel and the other three men with him had slowed their walking and had almost stopped because they were waiting for to you finish talking to the traffic controller?

5

MR PICKARD: I'd have to disagree.

MR GISONDA: And when you'd finished speaking to the traffic controller, you then gestured or beckoned to Mr Samuel to indicate that he could now approach the gate?

10

MR PICKARD: Disagree.

MR GISONDA: And the traffic controller then did what you had instructed him to do and lifted the stop sign to ensure no one interrupted the altercation?

15

MR PICKARD: Disagree.

MR GISONDA: And we saw from the footage that during the altercation, no security guard tried to stop the altercation. Do you accept that?

20

MR PICKARD: I agree.

MR GISONDA: And that once the altercation was over, the traffic controller put down his stop sign. Do you accept that?

25

MR PICKARD: I don't recall his stop sign going up or - I don't know what he was doing with his sign. They swing 'em round half the day.

MR GISONDA: Now, after the incident, Mr Raymond told you - this is still on 5 June, while you were still on site - Mr Raymond told you that there had been an incident involving either a bikie gang or Comancheros on the site?

30

MR PICKARD: Agreed.

35

MR GISONDA: And that evening, you and Mr Samuel were together at BMD's head office?

MR PICKARD: I believe I met with Gary late that afternoon, yes.

40

MR GISONDA: And late in the afternoon and early evening, were you, Mr Thomas and Mr Samuel engaged in an exercise of damage control in relation to the complaint that had been made by Mr Raymond?

45

MR PICKARD: Disagree.

MR GISONDA: And the reason that there was damage control needed was because, unexpectedly, Mr Raymond had made a complaint about the incident?

MR PICKARD: Disagree.

5

MR GISONDA: And that evening, you requested to see the - any CCTV footage of the incident?

MR PICKARD: I believe I made that request when I was on site.

10

MR GISONDA: And did you want to see the CCTV footage so that you could see how much of your involvement had been captured?

MR PICKARD: Disagree.

15

MR GISONDA: And at the time that we're now talking about - this is late afternoon/early evening of 5 June - you called Mr Quinn Murray and told him that the CFMEU had leaked Mr Raymond's details?

20 **MR PICKARD:** I don't recall that conversation at all.

MR GISONDA: And did you do that because Mr Samuel had instructed you to say it because it would help deflect attention away from his involvement?

25 **MR PICKARD:** Disagree.

MR GISONDA: So you weren't trying to shift attention away from Host and Mr Samuel for their responsibility for the events that day?

30 **MR PICKARD:** Disagree.

MR GISONDA: And on the following day, in a conversation with Mr Raymond, you said you would protect Mr Raymond from Host?

35 **MR PICKARD:** I believe I said something to Mr Raymond along the lines of, "Everything will be okay. Gary's not on the site any more." As a matter of fact, that day, I believe I told - Mr Raymond would need to confirm this - I believe I told him that he was welcome to stay with me, and his family. I don't recall seeing that in his - in his documentation, because he had indicated he had nowhere else to
40 go or something like that.

MR GISONDA: And then just finally, Mr Pickard, in your statement, at page 82 of the bundle, you have annexed the email from Mr Samuel that we looked at earlier today, 14 August. Do you remember we looked at that email earlier today?

45

MR PICKARD: Yes.

MR GISONDA: And if we go to page 14 of your statement, at paragraph 102, you say - referring to that email:

5 "I did not have any information, other than Mr Samuel's response, to confirm or contradict his explanation."

Is that paragraph there false, Mr Pickard?

10 **MR PICKARD:** No. The paragraph is correct. I was referring to the exact - the time of the incident. I believe that email's dated a couple of weeks after that. Unless I missed the date on the email?

15 **MR GISONDA:** Sorry, the email is from August of 2024. So this is at the time that the ABC were making inquiries of BMD and Host about the incident. You've annexed that email, and then you say at paragraph 102:

 "I did not have any information, other than Mr Samuel's response, to confirm or contradict his explanation."

20 **MR PICKARD:** So that section of my statement refers to the time of the incident. Have I - is that - have I explained that clearly?

25 **MR GISONDA:** Yes. And the reason that you say that you had no information, other than Mr Samuel's response, to confirm or contradict his explanation that he gave that day is because all of this last set of questions that I've just put to you, you've effectively disagreed with the suggestions that I put to you?

30 **MR PICKARD:** No, it's because when I asked Gary the question, later that afternoon, around the incident, he assured me - gave me a complete undertaking that those people had no involvement with his business, and he maintained that position every time the question was ever asked.

35 **MR GISONDA:** And it's your position that you had no idea that the incident was about to happen in advance of it happening. That's your position?

MR PICKARD: Correct.

MR GISONDA: And you say you did not witness the incident itself?

40 **MR PICKARD:** Correct.

MR GISONDA: And the first you heard about the incident was when Mr Raymond made a complaint to you?

45 **MR PICKARD:** Correct.

MR GISONDA: Are you trying to protect Mr Samuel for some reason in your evidence?

MR PICKARD: Disagree.

MR GISONDA: No further questions, Commissioner.

COMMISSIONER: Just dealing with paragraph 94 of your statement, Mr Pickard, which has just come up - it just got taken down. This was part of your statement which you amended in your evidence because of a typographical error: where it says Mr Samuel, it should say Mr Raymond, so that it reads "the individuals alleged by Mr Raymond were not observed within the project site or work areas". Those individuals alleged by Mr Raymond, to your knowledge, were people he described, I think Mr Gisonda said, as bikies or Comancheros or something like that?

MR PICKARD: I feel like I missed the question there, sorry.

COMMISSIONER: I'm sorry. What was the - how did Mr Raymond describe those individuals that had - were involved in the altercation with him to you?

MR PICKARD: I believe the reference was the Comancheros or something like that.

COMMISSIONER: All right. And there was a text exchange between Mr Murray and Mr Davie where you - it was said that you'd requested the CCTV footage, and you just answered a question from Mr Gisonda saying you actually requested it that day, 5 June, after you got the complaint from Mr Raymond. And then you say in your statement:

"I was subsequently informed, based on the CCTV review, the individuals, the Comancheros, alleged by Mr Samuel..."

That should be Mr Raymond:

"...were not observed within the project site, or work areas."

Who told you that?

MR PICKARD: Whoever reviewed the CCTV - wherever the request was made that day, because that was my request: were these people on the work site? Were they on the project or were they on the path? And it was confirmed to me that it would appear, based on the CCTV, that nobody - the individuals had not entered the project site.

COMMISSIONER: And who told you that?

MR PICKARD: I can't recall right now. I feel like it could have been Ben Weston.

5 **COMMISSIONER:** Are there any written applications to cross-examine Mr Pickard?

MR O'GRADY: There is an application by my client. But I note the time, Commissioner, and given that a lot of the evidence that's come out this morning is not contained in the statement, I would appreciate having the luncheon
10 adjournment to consider and hopefully refine/confine my cross-examination.

COMMISSIONER: That seems reasonable, Mr Gisonda, isn't it?

MR GISONDA: Yes. Is your question is it reasonable for him to have the lunch
15 break?

COMMISSIONER: The reasonable thing is, should he be allowed to have the lunch break before he starts on the cross-examination?

20 **MR GISONDA:** Yes.

COMMISSIONER: All right. Very well. We'll adjourn till 2 pm.

25 **<THE HEARING ADJOURNED AT 12.56 PM**

<THE HEARING RESUMED AT 2.00 PM

COMMISSIONER: So your application has been consented to, Mr O'Grady?
30 Yes.

MR O'GRADY: Yes.

COMMISSIONER: Sorry.

35 **MS FEELY:** I've had a discussion with Mr O'Grady. It's on a much more limited basis, but we understand what that is.

COMMISSIONER: You worked it out between yourselves.

40 **MR O'GRADY:** We've worked it out, Commissioner.

COMMISSIONER: And I'm sure, Ms Feely, if Mr O'Grady goes beyond whatever you've agreed, you'll get up and tell me. I'm sure he won't.

45 **<CROSS-EXAMINATION BY MR O'GRADY**

MR O'GRADY: Yes. Thank you, Commissioner. Mr Pickard, as you would probably appreciate, I appear for the CFMEU administrator, and you gave some evidence yesterday that the relationship that BMD had with the CFMEU had improved since the appointment of the administration?

5

MR PICKARD: That's correct.

MR O'GRADY: Yes. And you are aware, of course, that Mr Ingham and Mr Ravbar no longer have any involvement in the management of the organisation?

10

MR PICKARD: I believe so, yes.

MR O'GRADY: And you also understand that there have been a large number of people who have been removed from the organisation?

15

MR PICKARD: I believe so.

MR O'GRADY: And particularly anybody involved in any violence, the administration has taken a very strict line in making sure that they no longer play a part in the CFMEU?

20

MR PICKARD: I'm not sure who exactly you're referring to, but I'm aware that a lot of people have been removed, yes.

25

MR O'GRADY: Yes, thank you. And that's an ongoing process that the administration maintains that if you cross the line and you engage in violent behaviour, you no longer have a role within the CFMEU. Sorry, you have to answer for the purposes of the transcript.

30

MR PICKARD: Sorry, I thought it was a statement. Yeah, it would appear that that's the case, yes.

MR O'GRADY: Thank you. And in those circumstances, I put it to you that whatever was the appropriateness of the knife to a gun fight analogy that was raised by the Commissioner back in mid-2024, that analogy has no place in the construction industry at this point in time?

35

MR PICKARD: Correct.

MR O'GRADY: Now, could I ask, Mr Operator, that we bring up exhibit CBU-52. And if we could go, perhaps, to paragraphs 15 and following of the statement of Mr Raymond. And perhaps if you could blow up those paragraphs. Now, in paragraphs 15 to 18, Mr Raymond describes his interaction with a fellow who - he described himself as Benji from the Comos?

45

MR PICKARD: That's what it says, yes.

MR O'GRADY: Yes. And you would accept, wouldn't you, that the threats that were allegedly made by Benji are completely unacceptable?

MR PICKARD: Correct.

5

MR O'GRADY: That for somebody to say "I'm from the Comos", ie, the Comancheros and that "I'm going to fucking burn your house down, cunt, and kill your kids, brother" is completely and utterly unacceptable, on any view of it?

10

MR PICKARD: Correct.

MR O'GRADY: And it is probably also criminal. Would you accept that?

MR PICKARD: I'm not a practitioner of law, but it sounds very close.

15

MR O'GRADY: Yes. Well, you're aware of the fact that this was reported to Queensland Police?

MR PICKARD: I believe so, yes.

20

MR O'GRADY: Yes. And they were seeking to investigate it?

MR PICKARD: I believe so.

25

MR O'GRADY: Yes. But they were unable to investigate it fully because of the fact that they were told by lawyers for BMD that the video could not be retrieved.

MR PICKARD: That wasn't with me.

30

MR O'GRADY: No, no, I'm not blaming you. I'm just simply - you understood the evidence that came out to that effect this morning.

MR PICKARD: I understood that that is what Mr Gisona presented, yes.

35

MR O'GRADY: Yes, all right. You'd agree with me that if anybody as an employee of BMD made the threats of the type that are alleged in paragraphs 15 to 18 of Mr Raymond's statement, they should be terminated.

MR PICKARD: Yeah, if proven, yes, sure.

40

MR O'GRADY: And if any contractor engaged by BMD made those threats or had a mate come along and make those threats, then their contracts should be terminated also, shouldn't they?

45

MR PICKARD: That's why the contractor was stood down.

MR O'GRADY: But you agree me that if there was found to be an association with threats of that type by a contractor of BMD, then their contract should come to an end?

5 **MR PICKARD:** Certainly if it was proven, yes.

MR O'GRADY: Yes. And if you brought on specialist IR practitioners who engaged in that sort of conduct, then that would be a basis for terminating your relationship with them, wouldn't it?

10

MR PICKARD: Correct, if it was proven.

MR O'GRADY: Yes. And anybody using motorcycle gangs or bikies to perform IR functions really shouldn't have a - doesn't have a role in the construction industry, do they?

15

MR PICKARD: Correct.

MR O'GRADY: Yes. All right. Now, I need to put some additional things to you, just so that you've got an opportunity to respond. So this is going to be very much like the last part of the evidence before lunch that Mr Gisonda took you to, because ultimately, if I want to put submissions to the Commissioner, I want to be able to say that I've at least raised these matters with you so you can either agree, disagree or say you can't remember. Now, you'd agree with me that a failure to properly investigate an incident of this seriousness in effect is turning a blind eye to it?

25

MR PICKARD: I agree.

30 **MR O'GRADY:** Yes. And you could have reviewed the CCT footage, either on 5 June or some days after, to find out exactly what had taken place, couldn't you?

MR PICKARD: It was reviewed.

35 **MR O'GRADY:** Well, but you could looked at it yourself, couldn't you?

MR PICKARD: Correct.

MR O'GRADY: And you didn't, did you?

40

MR PICKARD: I did look at it.

MR O'GRADY: All right. And that showed you exactly what had taken place and the role that Mr Samuels had played on 5 June, didn't it?

45

MR PICKARD: Yes.

MR O'GRADY: Yes. It showed you Mr Samuel walking alongside the three other gentlemen, and it showed you the altercation between Mr Raymond and one of those gentlemen, and it showed you that Mr Samuels did nothing to stop that altercation.

5

MR PICKARD: Having not known what the altercation was about, yes.

MR O'GRADY: Well, you knew what the altercation was about, because Mr Raymond told what you the altercation was about.

10

MR PICKARD: Correct.

MR O'GRADY: And so it showed you that notwithstanding Mr Raymond being subjected to that form of threatening behaviour by a person who was asserting that he was a member of a motorcycle gang, Mr Samuels did nothing to stop it.

15

COMMISSIONER: Is it Samuel or Samuels?

MR O'GRADY: I apologise. Samuel.

20

MR PICKARD: Correct.

MR O'GRADY: And when Mr Samuel made his statement about the events of 5 June, you could have compared his version of events with what the video showed?

25

MR PICKARD: That statement wasn't available for a couple of weeks later, and I was never in receipt of that statement. That was a Georgiou investigation.

MR O'GRADY: I see. Okay. Well, it wouldn't have been hard for either yourself or somebody from Georgiou to look at what Mr Samuel was saying and compare it with the video, would it?

30

MR PICKARD: No, it wouldn't. But I can't speak for my Georgiou colleagues.

35

MR O'GRADY: And if one did that comparison, it would show that what Mr Samuel was saying occurred on 5 June was not accurate?

MR PICKARD: I'm not sure.

MR O'GRADY: And I put it to you that the reason why the video was not reviewed by you and, again, compared against Mr Samuel's statement are the reasons that - is it because you already knew what had happened on 5 June, for the reasons that Mr Gisonda put to you?

40

45

MR PICKARD: Disagree.

MR O'GRADY: Now, you let Host stay on the Centenary Bridge site until mid-2025?

MR PICKARD: Approximately.

MR O'GRADY: And that was almost a year or about a year after you'd received the Georgiou report in June 2024?

MR PICKARD: I'm not aware of BMD ever receiving the Georgiou report.

MR O'GRADY: I see. Well, despite the fact that Georgiou had completed its report by June 2024, Host stayed on the site until mid-2025, on your evidence?

MR PICKARD: Correct.

MR O'GRADY: Yes. And even though BMD is no longer using Host at the Centenary Bridge site, BMD continues to engage with Host nationally, doesn't it?

MR PICKARD: Not that I'm aware.

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

COMMISSIONER: Thank you, Mr O'Grady. Are there any other applications to cross-examine Mr Pickard? Is there any re-examination? No? Thank you very much for your evidence, Mr Pickard. You're excused.

<THE WITNESS WAS RELEASED

COMMISSIONER: Who's the next witness, Mr Gisonda?

MR GISONDA: The next witness is Steven Thomas.

COMMISSIONER: Is Mr Thomas in the hearing room? Someone's just getting Mr Thomas. Mr Thomas, would you come forward into the witness box, please.

<STEVEN JAMES THOMAS, AFFIRMED

<EXAMINATION BY MR GISONDA

COMMISSIONER: Thank you, Mr Thomas. Would you take a seat. Mr Gisonda will ask you some questions.

MR GISONDA: Thank you, Commissioner. Mr Thomas, could I please ask you to - ask you whether, on 7 August 2026, you affirmed a witness statement that's nine pages long, consisting of 75 paragraphs. Is that correct?

MR THOMAS: Correct.

MR GISONDA: And accompanying that statement is three exhibits totalling 35 pages; is that correct?

5 **MR THOMAS:** That's correct.

MR GISONDA: And have you had an opportunity to read your statement recently?

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

MR GISONDA: And are you able to confirm whether that statement's true and correct?

15 **MR THOMAS:** It's correct.

MR GISONDA: I tender that statement, Commissioner.

20 **COMMISSIONER:** Are there any objections? Witness statement of Steven James Thomas, 7 August 2026, 75 paragraphs, nine pages, with three annexures, will be SJT-1.

25 **<EXHIBIT SJT-1 WITNESS STATEMENT OF STEVEN JAMES THOMAS, 7/8/2026, 75 PARAGRAPHS, NINE PAGES, WITH THREE ANNEXURES**

MR GISONDA: Mr Thomas, could I begin by asking you, please, to tell the Commissioner just a little bit about your experience in the construction industry, please.

30 **MR THOMAS:** I've been with BMD for close to 20 years. So most of my experience has been with BMD, in civil. Human resources is my background. I have progressed through the business over the last 20 years from sort of working as a - by myself as the HR coordinator through to slowly building a team and
35 growing our - I guess our people capability within the business and support for our operating division. So I think my statement says - obviously articulates the areas, being IR, recruitment, talent, organisational development, learning and development, engagement, all of that.

40 **MR GISONDA:** Fair to say, typical human resource - human resources functions is your responsibility?

MR THOMAS: Yeah. It's pretty much the full suite of, you know, 360-degree HR service, I guess.

45 **MR GISONDA:** And how many people are in your team, or how many people report to you?

MR THOMAS: About - directly or -

MR GISONDA: Directly, yeah.

5

MR THOMAS: I have about four to four or five direct reports, and then a team of 35.

MR GISONDA: And your role is a national role; is that right?

10

MR THOMAS: Correct.

MR GISONDA: Can I ask you - I'll come to what your role involved with respect to Centenary Bridge specifically in a moment, but can I ask you first, if you look at your statement, at page 2, paragraphs 12 to 16 in particular, could you just tell the Commissioner a little bit about the culture and values within BMD as you perceive them?

15

MR THOMAS: Well, being a long-term employee, it's - it's very much a family-orientated business. I think you use the phrase "it's doing the right thing when nobody's watching", and that's the trust that's instilled upon us as leaders. It's certainly not a bureaucratic environment. Relationships are very important. We - we honour and respect those relationships across, you know, clients, subcontractors, our people. And we have a huge focus on retaining and creating a culture that people want to be a part of.

20

25

MR GISONDA: And can I ask you, to what extent is - how important is it to BMD that its workforce are kept safe when at work?

30

MR THOMAS: It's the most important thing. It's a construction company. There's a lot of risk, and a lot of effort has gone into, you know, ensuring that we provide best practice in that regard. And I think that helps build culture, because it's intentional. People can see it.

35

MR GISONDA: At page 3 of your statement, at paragraph 23, you say that your recollection is that before the events at Centenary Bridge, you became aware of an escalation in union activity affecting the BMD Group in Victoria in late 2023, and you say then at paragraph 24 that you recall receiving calls from BMD Group's southern region team concerning issues on projects including Hall Road, Mickleham Road and the Western Treatment Plant. All those projects were taking place in Victoria, were they?

40

MR THOMAS: Correct.

45

MR GISONDA: And so is it the case that you had reported to you an escalation of union activity, beginning in the first instance in the State of Victoria?

MR THOMAS: Correct.

5 **MR GISONDA:** And did you have an opportunity to either see - or were you told about the evidence before this Commission of Inquiry in the previous hearing week? So that was about three weeks ago.

MR THOMAS: I've seen various things, but I'm not sure exactly what you're referring to.

10 **MR GISONDA:** There was evidence led about a campaign that the CFMEU national leadership had resolved to commence against the BMD Group.

MR THOMAS: Oh, yes, that part, yep.

15 **MR GISONDA:** Were you aware of that campaign at the time that it started to take place?

MR THOMAS: Yep.

20 **MR GISONDA:** And just so your answer to my question is clear, did you know at that time that the CFMEU national leadership had resolved to target BMD, or did you just notice the consequences?

25 **MR THOMAS:** I'd heard rumours within the industry, and the activity escalated - well, commenced and then escalated very shortly after that - that mail was reported to me, for want of a better word.

MR GISONDA: And were you aware of why the CFMEU had decided to target BMD?

30 **MR THOMAS:** Not at that point, no.

35 **MR GISONDA:** Focusing just on the position, then, in Queensland, we heard from Mr Grant yesterday that before there was activity on the - industrial activity by the CFMEU on Centenary Bridge, there were two other projects in the State of Queensland that also experienced CFMEU - an increase in CFMEU activity on site. Do you remember that happening in late 2023?

40 **MR THOMAS:** Yeah. I think it was Deception Bay project, which was a State Government job. Maybe it was Mount Crosby, I think.

MR GISONDA: Yes. He gives evidence of those two projects: Deception Bay and Mount Crosby. And so you agree with his evidence, do you, that there was also an escalation of activity on those projects?

45 **MR THOMAS:** It was unusual.

MR GISONDA: Unusual?

MR THOMAS: Yeah.

5 **MR GISONDA:** But those two sites didn't experience the activity that was experienced on the Centenary Bridge site?

MR THOMAS: Not at that time, no.

10 **MR GISONDA:** And is it consistent with your recollection that there was a real ramp-up in activity on the Centenary Bridge site in early 2024?

MR THOMAS: Yep, correct.

15 **MR GISONDA:** And can I just ask you about your experience as a long-time employee of BMD? Had you encountered a sustained union campaign like that before?

MR THOMAS: Never.

20 **MR GISONDA:** And we've heard from a number of witnesses now about the difficulties that someone like yourself and a company in the position of BMD finds itself when the target of a campaign like that, and I'll just run through what those difficulties are said to be, and tell me if you have any comment about them.
25 The first is that there didn't appear - because the ABCC had been abolished, there didn't appear to be some external body that was experienced in industrial relations conflict that a company like BMD could turn to for assistance?

MR THOMAS: Correct.

30 **COMMISSIONER:** You just need to answer for the transcript, Mr Thomas. You just need to vocalise an answer for the transcript.

MR THOMAS: Oh, sorry. I said "correct".

35 **COMMISSIONER:** Did you? Sorry, I didn't hear you. I just saw you nod.

MR THOMAS: Sorry.

40 **MR GISONDA:** Secondly, there was a concern that Workplace Health and Safety Queensland was either ineffective or perhaps unduly favourable towards the CFMEU when it came to onsite disputes.

MR THOMAS: It would've - I took that away. I took that perspective away from
45 my own experience, yes.

MR GISONDA: So you hadn't heard others in the industry voice that position before -

5 **MR THOMAS:** Well, I had heard it, but I didn't really know what it meant until I had sort of actually seen it myself, so -

COMMISSIONER: Until you actually what, sorry?

10 **MR THOMAS:** Like, saw it myself. Like, saw disputes go nowhere.

MR GISONDA: So you heard what other people in the industry were saying. It didn't mean much to you. Then you had your experience on the Centenary Bridge, and as a consequence of that experience, you understood what others in the industry had been saying?

15 **MR THOMAS:** Correct. And for the record, it wasn't just Centenary Bridge. It was other projects in South East Queensland.

20 **MR GISONDA:** And are you referring there, again, to Deception Bay and Mount Crosby or others as well?

MR THOMAS: Well, as we went into 2024, it was our BMD Urban land development business, which is, you know, potentially 30, 40 projects in South East Queensland, of a far smaller scale.

25 **MR GISONDA:** Are you able to give a couple of examples of the types of projects that BMD Urban was involved in?

30 **MR THOMAS:** Yeah, so Springfield. We were doing - we were doing civil work - minor civil work out at Springfield Lakes for the stadium. We were doing quite a large subdivision up at Caboolture. We were doing work at Bulimba Barracks. I don't know. There's many jobs. Ripley. Yamanto. We did a lot of land development and we still do a lot of land development work out through Springfield and that Ipswich corridor.

35 **MR GISONDA:** And are you saying that BMD Urban experienced some disruption on those projects as well?

40 **MR THOMAS:** Yep.

MR GISONDA: From the CFMEU?

MR THOMAS: Correct. And I'll say that coincided with activity at Centenary Bridge.

45 **MR GISONDA:** Another element of the difficulty that a company like BMD or someone like yourself might find yourself in is that in order to pursue what we

might call a legal path - so perhaps going to court and seeking orders in relation to a contravention or seeking some sort of injunction - that path is - can be difficult and take a lot of time and it can be expensive. Would you agree with that?

5 **MR THOMAS:** Correct.

MR GISONDA: And it won't necessarily give you the immediate relief that you might need on a project day to day?

10 **MR THOMAS:** Doesn't change anything on the day.

MR GISONDA: And at paragraph 42 of your statement at page 5, you say that the BMD Group also engaged with Queensland Police Service, and your recollection is that QPS were helpful but they made clear that they did not have
15 resources to provide ongoing escorts for vehicles or to manage all site access issues.

MR THOMAS: That's correct.

20 **MR GISONDA:** And so your understanding, was it, was this based on what officers from QPS told you, that there was primarily a resourcing issue?

MR THOMAS: Yeah. They were certainly sympathetic and understanding. However, you know, at the time, I believe, you know, youth crime was a hot topic,
25 and domestic violence, so it should be, and they just indicated they didn't have the resources, which we accepted.

MR GISONDA: You then say that the practical effect was that BMD needed to take reasonable steps itself to secure the site and protect its people.

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

MR GISONDA: Can I ask you, was there - so we've spoken about the lack of a specific external body or a specialised external body such as the ABCC, potential
35 issues with WHSQ, difficulties with the legal pathway, and the constraints faced by the Queensland Police Service. Are there any other matters that you think made the position difficult for BMD when it was subject to a campaign like the one that the CFMEU was - had on foot?

40 **MR THOMAS:** Well, I think it's - for me personally, without pretending to be a lawyer, the matters relating to coverage are unclear. Or I don't think they're unclear, but I think they seem to be the source of quite a bit of conflict.

MR GISONDA: And when you say - when giving that answer, do you mean that
45 the - to put it in very simple terms, the role - let's say the role of the AWU in particular and the role of the CFMEU on a construction site seemed to be a matter of some debate between the two unions?

MR THOMAS: Extensive debate.

5 **MR GISONDA:** But that's, as I say, in lay terms what you're trying to indicate in your answer?

MR THOMAS: Correct.

10 **MR GISONDA:** Do you think there was also unnecessary - you might not be in a position to comment on this, but do you think that there was unnecessary complication or ambiguity about the rights of a union official to enter the site?

MR THOMAS: Absolutely. Would you like me to elaborate on that?

15 **MR GISONDA:** Yes, if you would like to.

20 **MR THOMAS:** I think the rights of a permit holder, first and foremost, there needs to be a statutory - this is just my personal opinion - a statutory right to cover that worker. Then there's the mechanisms to access the site, whether that be through a suspected contravention or the other - the other means that legally are available. In my mind, those differ, and the ability to - even if those thresholds are met, it's very different in vertical building to a civil, because quite clearly, an issue on the bottom floor may affect the top floor. But an issue over here on a civil project doesn't necessarily mean it's going to occur over there, and I believe there's
25 a lot of confusion in relation to that.

MR GISONDA: And would you say that, having regard to the fact that the CFMEU were undertaking a campaign against BMD, they were able to take advantage of this ambiguity and uncertainty when it came to entry rights?
30

MR THOMAS: Yeah.

35 **MR GISONDA:** Then can I ask you this question: as we have heard in the evidence, there appear to be three main groups of or organisations that BMD turned to for assistance. One was the outfit run by Mr Steven Lovewell, the second was the Host Group, and the third was Concentric Concepts, which is Mr Grant Killen's outfit. Just in relation to Mr Steven Lovewell, who was it that brought him onto the site, onto the Centenary Bridge site?

40 **MR THOMAS:** I - I engaged him through a referral. He had done similar work that we were - well, he'd worked in a similar sort of setting that we were experiencing at Centenary at the time.

45 **MR GISONDA:** Do you remember what that setting was?

MR THOMAS: It was the Pradella job, I believe, and he'd also worked a lot with Meriton.

COMMISSIONER: The Pradella job was the -

MR THOMAS: The West End project.

5

COMMISSIONER: Beg your pardon?

MR THOMAS: It was a job at West End.

10 **COMMISSIONER:** Is it the Lanes projects, the apartment buildings there?

MR THOMAS: I think so, yeah. So he - you know, I had numerous conversations with him, and he articulated a very sort of strong understanding, and his position on the right-of-entry process, his understanding and knowledge of that
15 was greater than mine in our business, and I thought there was significant utility in engaging him to upskill our workforce and, you know, be on the front line.

MR GISONDA: And do you remember who it was that put you on to Mr Lovewell?

20

MR THOMAS: Yeah, it was Greg Power.

MR GISONDA: And Greg Power is from -

25 **MR THOMAS:** Drayton's.

MR GISONDA: Drayton's.

MR THOMAS: Yep.

30

MR GISONDA: No relation to the Powers?

MR THOMAS: No, there's no relation.

35 **MR GISONDA:** And is it the case that when you were looking around for - perhaps I'll ask this question first: the bottom line was that you didn't really have the internal personnel to deal with this campaign, did you?

MR THOMAS: No, not on that scale.

40

MR GISONDA: And so there was just no two ways about it: you had to get some external assistance?

MR THOMAS: Yeah, it was a no-brainer. Like, I mean, because as I said, we're
45 not just talking about one job, Centenary. I mean, if it was just that - that wasn't easy, but at least it's in one spot. BMD Urban are working all over the place, so it's almost impossible to predict where someone may - where a permit holder may

appear. And I might point out that our urban business is a - you know, we don't - they don't work in the tier 1 space. So our foremen or area managers are the best in the business at what they do, but they certainly would have very, very limited experience in dealing with permit holders.

5

COMMISSIONER: In dealing with -

MR THOMAS: It just hasn't been a feature of the business.

10 **COMMISSIONER:** In dealing with what?

MR THOMAS: In dealing with permit holders.

COMMISSIONER: Permit holders.

15

MR THOMAS: Yep.

20 **MR GISONDA:** And would you agree that there are really two issues that need to be confronted: one is you need someone who has the experience and/or the ability to deal with the relevant legislation when it comes to the rights of permit holders?

MR THOMAS: Yep.

25 **MR GISONDA:** And then the second thing is if those who are seeking access to the site, whatever the legal position might be, if they seek to force themselves onto the site, you then need to deal with the physical aspect of that as well? Do you agree with that?

30 **MR THOMAS:** If it came to that, but, you know, ultimately, we were never, in my mind, in a position to not facilitate. But we had a view on what was required for - we had a threshold that we - we deemed appropriate in order to facilitate.

35 **MR GISONDA:** And as you were scouting the market for organisations that might be able to assist you with this sort of - assist you with these issues, would it be fair to say that there were limited options available to you?

MR THOMAS: Yeah, there were none.

40 **MR GISONDA:** None. And did you get a sense that there were some organisations that whilst they might advertise themselves as being able to perform some of these services, were unwilling to do so when it came to the CFMEU?

45 **MR THOMAS:** Potentially. I didn't really engage with anyone else, but - I mean that in the sense that I wasn't able to actually find anyone, outside of obviously the people we've already spoken about.

5 **MR GISONDA:** And at paragraph 41 of your statement on page 5, you say that you attended at least one meeting at which the issue of site security and access was discussed with the Department of Transport and Main Roads and the Minister for Transport and Main Roads at the time, Mr Mellish, and your recollection is that Julie Mitchell represented the department at that meeting. And do we take it from what we've discussed that that meeting would have occurred some time early in 2024, or was it before then?

10 **MR THOMAS:** No, it was - it would've been then, yeah.

MR GISONDA: And was the essence of the meeting that there had been - there was an obvious campaign by the CFMEU against the project, and steps needed to be taken to protect those people on the project as well as the site itself?

15 **MR THOMAS:** Correct. Including TMR workers.

MR GISONDA: And you say that because there were some representatives of TMR stationed physically on the site?

20 **MR THOMAS:** I believe some of them left the site.

MR GISONDA: So could you just explain that a bit more?

25 **MR THOMAS:** I'm not sure if it was before or after that meeting, but certainly there were TMR workers that were removed from the project.

MR GISONDA: And do you know why they were removed?

30 **MR THOMAS:** Because of the - the activity that was occurring. Look, I don't know exactly why those individuals chose to remove themselves, but it was due to the - the chaos that was occurring.

MR GISONDA: And it's your recollection, is it, that the department and the minister were supportive of BMD taking additional steps to secure the site?

35 **MR THOMAS:** They were.

MR GISONDA: And that included, did it, the engagement of security?

40 **MR THOMAS:** Correct.

MR GISONDA: And did you engage Mr Lovewell before or after Host were engaged, the Host Group were engaged, or was it around the same time?

45 **MR THOMAS:** In Queensland?

MR GISONDA: In Queensland.

MR THOMAS: Yeah. It would've been very - oh, it all happened very quickly, but it was about the same time.

5 **MR GISONDA:** And did you engage Mr Lovewell only in Queensland or in other states as well?

MR THOMAS: Initially it was Queensland, but he did travel and do other work elsewhere. When I say "work", training. So he did a lot of training for our
10 business.

MR GISONDA: And then in relation to the Host Group, can you just tell the Commissioner how that organisation came to be engaged?

15 **MR THOMAS:** So that was through - we were talking - we were talking a lot with the AWU in Victoria, back when we were having some issues there, and they were referred to me by Ronnie, Ronnie Hayden. I think he's the state secretary - I don't know what role he was in at the time, but he said, "Why don't you give these
20 guys a go?"

COMMISSIONER: So Ronnie -

MR THOMAS: Ronnie Hayden.

25 **COMMISSIONER:** The state secretary.

MR THOMAS: Yep.

MR GISONDA: And would that have been in late 2023?
30

MR THOMAS: It would've been around October '23.

MR GISONDA: Around October 2023 -

35 **MR THOMAS:** Yep.

MR GISONDA: - you engaged Host to deal with some of the sites in Victoria?

MR THOMAS: Correct.
40

MR GISONDA: And before you had your discussion with Mr Hayden from the AWU, had you dealt with Host before?

MR THOMAS: No.
45

MR GISONDA: And you hadn't heard of Host before?

MR THOMAS: No.

MR GISONDA: Or Mr Samuel? Was Mr Samuel, Gary Samuel, to your understanding, the owner of Host?

5

MR THOMAS: Correct. Yep.

MR GISONDA: And I think just to summarise the effect of your evidence, you didn't - BMD didn't really need either someone like Mr Lovewell or someone like the Host Group before the events of late 2023?

10

MR THOMAS: No.

MR GISONDA: And how did you decide that the Host Group would be someone worth trying, at least in the first instance, in Victoria?

15

MR THOMAS: So I had a lengthy conversation with Gary Samuel over the phone, and - look, I can't recall all of the details of that conversation. I just remember he relayed to me a lot of information about his history working in Victoria, running labour-hire companies. He spoke a lot about his political knowledge. I - I can't remember what it was, but at the time, it made sense to me. He also articulated extensive experience in dealing with industrial relations. So he had a very strong knowledge of the law. I believe he - he was an accountant by trade and had been involved in other businesses. So I guess I formed a view that this guy knows what he's talking about. He indicated that he'd worked on a few other jobs in Victoria with his services. I think West Gate Tunnel was one of them he mentioned.

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25

MR GISONDA: Sorry, the West Gate Tunnel?

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MR THOMAS: West Gate Tunnel. He worked there. And we thought why not? Let's give it a go.

MR GISONDA: And so when he said that he'd worked on other projects in Victoria, including the West Gate Tunnel, was that in a context where he was assisting clients with industrial disputation?

35

MR THOMAS: Well, he had an AWU EBA. So he was providing labour hire. However, his employees had a broader knowledge of - some of his employees had a broader knowledge of industrial relations, so right of entry more specifically. Probably a stronger knowledge than some of our people. Albeit, in Victoria, our frontline leaders down there are probably a bit more adverse - a bit more advanced in those type of interactions, because there had obviously been more activity in Victoria over a period of time. But still - they still required support.

40

45

MR GISONDA: So it sounds like what Mr Samuel was saying to you was that he could provide services that included not only security but other personnel on site as well; is that right?

5 **MR THOMAS:** I'd never spoken to him about security at that point. It was purely the IR component was that conversation, and that was the basis of the initial engagement in Victoria.

10 **MR GISONDA:** And so insofar as BMD had engaged the Host Group to perform services for it in Victoria, that was as a labour-hire company that had an EBA with the AWU?

MR THOMAS: Correct.

15 **MR GISONDA:** And so how did the conversation then turn to the possibility that his company might also provide security services for BMD?

20 **MR THOMAS:** I'm not sure how it came up. I don't really recall the specifics of when that arose, but as I guess the relationship evolved in Victoria and we sought, you know, to utilise those services here in Queensland, he indicated that he also had experience in that space as well.

25 **MR GISONDA:** Do you recall whether, before the Centenary Bridge engagement, the Host Group were providing security services on sites in Victoria for BMD?

MR THOMAS: I'm not sure. Not for BMD, no.

30 **MR GISONDA:** And so is it your memory that the first time the Host Group came to provide security services was in fact on the Centenary Bridge project -

MR THOMAS: Correct.

35 **MR GISONDA:** - in relation to BMD?

MR THOMAS: For BMD, yes. I do believe he mentioned another client in Victoria for security, but I can't remember who it was.

40 **MR GISONDA:** And you might not be able to remember this, but was it Mr Hayden who told you that one of the services the Host Group could provide is security, or was it Mr Samuel himself?

MR THOMAS: No, it was Mr Samuel.

45 **MR GISONDA:** And I take it that before it was engaged to provide security services, the reports you were receiving was that as a labour-hire provider in Victoria, they were doing a good job for BMD?

MR THOMAS: It was effective.

5 **MR GISONDA:** And had you heard any issues about their personnel or their behaviour on site?

MR THOMAS: Nothing.

10 **MR GISONDA:** Can I ask you about the situation that some of the more senior officers of BMD, at least in Queensland, found themselves in. Do you recall at some point that there were security concerns raised about the safety of some of the senior members of the BMD Group?

15 **MR THOMAS:** I do recall.

MR GISONDA: And do you remember when those safety concerns first emerged?

20 **MR THOMAS:** This is the best of my recollection. I believe it was somewhere in and around the administration.

MR GISONDA: So, that is, you mean the administration of the CFMEU?

25 **MR THOMAS:** Yeah.

MR GISONDA: So somewhere in the middle of 2024?

MR THOMAS: I believe so, yeah.

30 **MR GISONDA:** And do you remember what you were told as to who might be the source of this potential security threat?

MR THOMAS: Sorry, can you ask that question again?

35 **MR GISONDA:** So concerns were raised of a potential security risk for senior members of the BMD Group in about the middle of 2024; is that right?

MR THOMAS: Yep.

40 **MR GISONDA:** And do you remember what the potential source of that risk or threat was said to be?

45 **MR THOMAS:** Well, it was a risk assessment that was undertaken by Concentric Concepts. I can't speak on behalf of other people, but it was a precautionary measure that was taken, and you know, proportionate, given what had been reported in the media.

MR GISONDA: When you say "what had been reported in the media", what was that?

5 **MR THOMAS:** There were events and things that had occurred in the media. Violence.

MR GISONDA: Violence in the construction industry?

10 **MR THOMAS:** Correct - well, in people being attacked. I'm not saying that was the only reason, but I'm just saying it formed - helped inform a view, I believe, from our security providers to make that recommendation.

15 **MR GISONDA:** And were you aware that the CFMEU had been dropping leaflets in letterboxes around the homes of some of the senior officers of the BMD Group?

MR THOMAS: Yep, I was.

20 **MR GISONDA:** And did that include around your home -

MR THOMAS: Yep.

25 **MR GISONDA:** - or was it other? And did you have reason to believe that the CFMEU, as part of this campaign by the CFMEU, that they knew where senior officers of the BMD Group lived?

MR THOMAS: I think so.

30 **MR GISONDA:** And had you heard that some people connected to BMD had raised complaints that their cars had been tracked?

MR THOMAS: I don't recall that specifically.

35 **MR GISONDA:** Do you know who Michael Featherstone is?

MR THOMAS: Who, sorry?

MR GISONDA: Michael Featherstone. Have you heard of him before?

40 **MR THOMAS:** No.

MR GISONDA: Were you one of the people who was placed under some sort of security protection by Concentric Concepts?

45 **MR THOMAS:** Correct.

MR GISONDA: One of the things that you've been asked to give evidence about was an incident that took place on 5 June 2024. And can I begin by playing you, please, clip 22, please.

5 (Video played).

MR GISONDA: Did you witness that event on 5 June when it happened?

MR THOMAS: No.

10

MR GISONDA: And can I ask you this question: this Commission asked BMD for a copy of any CCTV that it had of the incident, and that was the footage that was provided. Were you involved in responding to the notice from this Commission asking for that CCTV?

15

MR THOMAS: Yes, I - yes. Yes.

MR GISONDA: And were you - who was responsible for retrieving the CCTV for the Commission?

20

MR THOMAS: I think it was, like, our IT department. I'm not sure.

MR GISONDA: And can I then ask you this question. If we go to document 2, please, which is CBU-68. Just that document that's on the screen. This is in November of 2024, when the Organised Crime Gangs Group was investigating that incident. And you'll see that Mr Thom Baker - and just pausing there, do you know who Thom Baker is?

25

MR THOMAS: Yes.

30

MR GISONDA: And what was - he's an employee of Georgiou; is that right?

MR THOMAS: Correct.

35

MR GISONDA: And do you know what his role was in 2024?

MR THOMAS: HR manager, I think.

MR GISONDA: Kind of like your equivalent but for Georgiou; is that -

40

MR THOMAS: Yep.

MR GISONDA: And you'll see there that the policeman from that group asks Mr Baker for certain information, that is to say, he says:

45

"Consequently, from your investigation involving Cody Raymond, I request the following material."

Then can you see the series of bullet points?

MR THOMAS: Yep.

5

MR GISONDA: And those bullet points that are highlighted in yellow include CCTV footage of incident on 5 June.

MR THOMAS: Yep.

10

MR GISONDA: And then all CCTV footage on site on that day and employee details for Host Group.

MR THOMAS: Mmm-hmm.

15

MR GISONDA: And then if we look at the response to that email, Mr Baker says - just take it from me that Mr Baker responds, and he says to the policeman:

20

"Hi Andrew. Thanks for your email. Georgiou will prepare the information you have requested and can send this to you by email on Monday if this suits you? I need to refer you to Steve Thomas of BMD for the items below in yellow. Steve is cc'd into this email."

And we can see there that you're cc'd into the email.

25

MR THOMAS: Mmm-hmm.

30

MR GISONDA: And then the response that goes back to the police from BMD we find is from Mr Patrick Quinn, a criminal solicitor - criminal law solicitor. If we can just bring that email up. It should be the first two pages of this document perhaps. It begins with:

"Good afternoon Andrew."

35

Sorry, Mr Operator.

COMMISSIONER: Keep going. Two more pages.

40

MR GISONDA: There you go. It says:

"Good afternoon Andrew, I confirm that [our firm] acts for BMD in relation to your investigation into an alleged incident involving [Mr] Raymond on 5 June."

45

Just pausing there for a moment, do you know why BMD engaged criminal solicitors to attend to this request from the police?

MR THOMAS: Yeah, look, I couldn't - I didn't recall this until recently, and I couldn't remember Patrick's name. That was a referral from our legal department, and I spoke to him. In fact, I think he spoke to the officer, I think.

5 **MR GISONDA:** It says:

"Thank you for your time on the phone last week in relation to the email that was sent by you to Steve Thomas of BMD."

10 So just pausing there, you were copied onto that email from Mr Baker?

MR THOMAS: Mmm-hmm.

15 **MR GISONDA:** And you've referred it to the legal team, and then the legal team have engaged Mr Quinn?

MR THOMAS: Correct.

20 **MR GISONDA:** And then the response is as follows:

"It is noted that you have requested from our client CCTV footage of incident on 5 June. Information received is that the incident occurred between 12 and 1 pm."

25 And then point 2:

"All CCTV footage on site on 5 June."

30 And then a detailed response you see on that second page under the various subheadings. Do you see that? And the first subheading is CCTV Footage.

MR THOMAS: Yep.

35 **MR GISONDA:** He says:

40 "I have been instructed that our client only has access to an online portal where CCTV footage can be viewed. A search of the portal has been undertaken, and the most recent footage that is able to be viewed is for dates in August 2024. Accordingly, our client is unable to assist your investigation with the provision of CCTV footage from 5 June 2024..."

45 Could I ask you how it is that BMD said it couldn't or it didn't have the CCTV footage in December 2024, but when asked by this Commission in 2026, it did have the CCTV footage?

MR THOMAS: I took all reasonable steps to try and locate that footage at that time, including speaking to and seeking assistance internally. I had not downloaded it, and I wasn't able to locate the footage.

5 **MR GISONDA:** Do you remember who you spoke to - you're talking about November 2024, or sorry, December -

MR THOMAS: No, I'm talking about the response to this letter.

10 **MR GISONDA:** The response to this letter, end of 2024.

MR THOMAS: I took measures to try and locate the footage, and I couldn't find it.

15 **COMMISSIONER:** And you couldn't what, sorry?

MR THOMAS: I couldn't locate it. Because I didn't download it, and I sought advice internally as to how I may locate it, and I was told, "We can't find it."

20 **MR GISONDA:** Did you then - was it you then that took measures in the first half of this year to locate the CCTV footage for this Commission?

MR THOMAS: No.

25 **MR GISONDA:** So you were the one who tried to find the footage in 2024 and were unable to do so; is that correct?

MR THOMAS: Correct.

30 **MR GISONDA:** Someone else performed essentially the same task in 2026, and they were able to find the footage?

MR THOMAS: Correct.

35 **MR GISONDA:** And you don't know who that person was in 2026?

MR THOMAS: No.

MR GISONDA: Then if we look at clip 26, please.

40 (Video played).

MR GISONDA: Okay. So that footage is the lead-up to the altercation which we saw in the first clip I showed you. Just a couple of questions about it. Are you
45 able to explain why both Georgiou and the State of Queensland have copies of that footage but BMD doesn't?

MR THOMAS: I didn't keep it.

MR GISONDA: So you can't answer that question?

5 **MR THOMAS:** No.

MR GISONDA: And in that footage, before the incident involving those four men and Mr Raymond, which we'll come to in a moment, do you accept that we can see yourself and Mr Pickard walking along the path?

10

MR THOMAS: Yes.

MR GISONDA: And did you know at that time, which was about 12.40 on 5 June 2024, that those four men were walking immediately behind you up that path?

15

MR THOMAS: No.

MR GISONDA: Sorry, "no"?

20

MR THOMAS: No.

MR GISONDA: And do you recall when you first - is today the first time you've seen that footage, or have you seen it before?

25

MR THOMAS: Which footage, the -

MR GISONDA: The clip that we just saw right then.

30 **MR THOMAS:** That's - yes, I haven't seen that before.

MR GISONDA: That's the first time you've seen it?

MR THOMAS: Yeah.

35

MR GISONDA: And so does that mean that this is the first time that you've learned that those four men were so close behind you on the pathway?

MR THOMAS: Correct.

40

MR GISONDA: Can we then play clip 27, please.

(Video played).

45 **MR GISONDA:** Now, that clip just there, is today the first time you've seen that footage?

MR THOMAS: I think so. I think so.

5 **MR GISONDA:** And can I just go back to the very first clip I showed you, which is the clip of the altercation itself that BMD provided to this Commission. Had you seen that particular footage before today?

MR THOMAS: I'm not sure what clip I saw, to be honest. I don't recall - like, I remember seeing the incident, but what version of that, I don't recall.

10 **MR GISONDA:** So is it the case - sure. But you do recall that at some point in the past, you have seen CCTV footage of either that - you've either seen that clip that - the first clip that we played, or a clip that's very similar to that clip?

15 **MR THOMAS:** I've seen the incident.

MR GISONDA: Yes. And do you recall when that might have been? Was it 2024, or more recently?

20 **MR THOMAS:** It was - I can't recall exactly when it was, but it was after it occurring, obviously.

25 **MR GISONDA:** Obviously it was after the incident, but what I'm just trying to ask you is do you think it was around the time of the incident itself or many months later or perhaps one or two years later?

MR THOMAS: No. It would've been maybe, to the best of my recollection, within - within a week.

30 **MR GISONDA:** And when you saw the footage within a week of it happening, do you remember thinking to yourself that it occurred at a location that you yourself had walked past very shortly beforehand?

MR THOMAS: I didn't give it much thought.

35 **MR GISONDA:** When you say you didn't give it much thought, do you mean you didn't give your potential -

40 **MR THOMAS:** My presence - my - your question is - sorry, you ask the question.

MR GISONDA: No, no, just so I understand, you didn't give your potential whereabouts much thought. Is that correct?

45 **MR THOMAS:** Not at all.

MR GISONDA: But did you give the incident itself thought?

MR THOMAS: I did.

MR GISONDA: If we then play - so what we've seen is a clip showing yourself and Mr Pickard walking up the path, followed by four men, and then another small clip where they seem to bring him - that is, Mr Cody Raymond - to the gate. Then we see a clip of the incident itself - that is, four men seemingly arguing or confronting Mr Raymond. And of those three, what you can say is that about a week after the incident, you at least saw some footage of the incident itself, but not the lead-up to it?

MR THOMAS: Yeah.

MR GISONDA: So then if we just look at what happened after the incident, if we can play clip 29, please.

(Video played).

MR GISONDA: Do you know whether you have seen that particular bit of footage before?

MR THOMAS: I don't recall.

MR GISONDA: Then if we could -

COMMISSIONER: I wonder if the operator could keep the clips up for a bit longer before they go back to the screensaver.

MR GISONDA: Then if we could just play clip 30, please.

(Video played).

MR GISONDA: You can stop the clip. Do you recall whether you've seen that piece of footage as well? So this is now after the incident, and it shows the four men now walking back along the direction that they first came on the path.

MR THOMAS: I don't recall.

MR GISONDA: So is the position this: that you know that you haven't seen the footage leading up to the incident until today; is that correct?

MR THOMAS: Correct.

MR GISONDA: You know that you've seen some footage of the incident itself, you think around a week after the incident?

MR THOMAS: Correct.

MR GISONDA: And you can't recall whether you also saw some footage in the immediate aftermath of the incident?

MR THOMAS: That'd be fair.

5

COMMISSIONER: I think you mean "of" the immediate aftermath. You said "in" the immediate aftermath.

MR GISONDA: The immediate aftermath of the incident, yes.

10

COMMISSIONER: Just ask the question again.

MR THOMAS: I only remember the incident. That's my answer.

15

MR GISONDA: Sorry?

MR THOMAS: I only remember watching the incident.

COMMISSIONER: Yes.

20

MR GISONDA: So can I ask you then about the lead-up to you being at the site that day. Do you remember what you did on the morning of 5 June 2024?

MR THOMAS: I went to work.

25

MR GISONDA: And when you say you went to work, was it normally the case that work is - for you is the BMD head office?

MR THOMAS: Yes.

30

MR GISONDA: And that's located at - whereabouts is that located?

MR THOMAS: That's at the Port of Brisbane, but I will say, in and around that period, I was frequently on site. Or sites.

35

MR GISONDA: So you had a desk or something at the Port of Brisbane; is that right?

MR THOMAS: Yeah, I have an office there.

40

MR GISONDA: You have an office.

MR THOMAS: But for that period of time, at least six months, I would've been out sometimes all week; other weeks, two days. Just depended on what was going on.

45

MR GISONDA: So when you needed to do office work, so-called, you'd be in the Port of Brisbane, but at around that time it was not unusual for you to spend a lot of time out on site, including the Centenary Bridge site?

5 **MR THOMAS:** Frequently go to Centenary.

MR GISONDA: And was that -

10 **MR THOMAS:** More for the purpose of - sorry, you -

MR GISONDA: No, no, you go.

15 **MR THOMAS:** Well, I think - my intentions in and around that period, from my recollection, was to have a presence, just to check in on the guys.

MR GISONDA: And so that was -

20 **MR THOMAS:** And girls. Because standing on gates in the heat, it's not the most interesting job, and -

MR GISONDA: That was going to be my next question, which was were you going out to the site frequently because of the union activity on site, or is that something that you would just normally do anyway?

25 **MR THOMAS:** I can't remember that day specifically, but -

MR GISONDA: But just generally.

30 **MR THOMAS:** But there was a hub there. So that was a hub where we would often coordinate activity. So Steve would be there, Steve Lovewell, Grant Benson, myself, Gary, and we would - that's generally where we would redeploy the mobile crews, because it was kind of a central location. So, yeah, I was frequently on the job. But as I said, I also was conscious of the fact that we - we'd had a lot of feedback from the team that our presence, senior management
35 presence on the job, and just talking to people was well received. And I made a conscious effort to do that as much as I could.

40 **MR GISONDA:** Now, I can show you the documents that we say establishes this, but you wouldn't quarrel with the fact, would you, that on 5 June of 2024, it appears that you were at Port of Brisbane until just before 12, and then you drove out to the Centenary Bridge site?

MR THOMAS: I think so. Well, I was wearing PPE that day, so -

45 **MR GISONDA:** And so what does that mean?

MR THOMAS: Well, I don't wear - I normally wear this, so I must have got up that morning and known I was going to go to site somewhere, because I was wearing a blue shirt.

5 **MR GISONDA:** And would you - would it be normal for you to drive out to the site with Mr Pickard, or would you take separate cars? Or a bit of both?

MR THOMAS: I couldn't answer - we would've been there so many times. It's lucky dip.

10

MR GISONDA: Have you ever taken the one car out to site before?

MR THOMAS: Yeah.

15 **MR GISONDA:** If I can then show you clip number 1, please.

(Video played).

20 **MR GISONDA:** Now, that's footage of - you'll see it later. That turns out to be yourself and Mr Pickard crossing the road there at Sinnamon Road -

MR THOMAS: Mmm-hmm.

25 **MR GISONDA:** - just at the entrance to what's called the Allsports Shopping Village. Do you know that shopping village on Sinnamon Road?

MR THOMAS: Yep.

30 **MR GISONDA:** And is that would where you would normally park your car if you went out to site, or would you park somewhere else?

MR THOMAS: Some - parked everywhere. But that would be probably the more likely place we would park.

35 **MR GISONDA:** So you don't say that there's anything unusual about the fact that you can be seen -

MR THOMAS: No, I was parked there heaps of times.

40 **MR GISONDA:** So it's not unusual, the fact that you're coming out of that car park at that time?

MR THOMAS: No.

45 **MR GISONDA:** If we can then play clip 2, please.

(Video played).

5 **MR GISONDA:** Could I ask you, Mr Thomas: in order to walk from the Allsports Shopping Village up to site, at least in June of 2024, it's the case, is it, that you had to cross the road, walk up the pavement and then cross the road back; is that right?

MR THOMAS: Correct.

10 **MR GISONDA:** And can I ask you whether you noticed in that clip that there appears to have been a red light not once but twice for the vehicles, and despite that occurring, you and Mr Pickard didn't cross the road? Did you notice that?

MR THOMAS: Oh, I - I don't know what we were doing.

15 **MR GISONDA:** So you're not able to explain why you waited for about a minute before crossing the road?

MR THOMAS: No, I've got no idea why we did that.

20 **COMMISSIONER:** No idea why, sorry?

MR THOMAS: No idea why - why we were doing that.

25 **MR GISONDA:** Could I then play clip 5A, please.
(Video played).

30 **MR GISONDA:** Can I ask you, Mr Thomas: did you wait at the lights for about a minute because yourself and Mr Pickard were waiting for those four men to catch up to you?

MR THOMAS: No.

35 **MR GISONDA:** Can I then play clip 6, please.
(Video played).

40 **MR GISONDA:** Do you recognise the man in the orange hi-vis top as Mr Gary Samuel?

MR THOMAS: I believe so.

45 **MR GISONDA:** And do you say that despite them being at this stage only 35 seconds behind you on the path, you didn't know that Mr Samuel and three others were walking immediately behind you?

MR THOMAS: No.

MR GISONDA: You said a little earlier in evidence that you would frequently go out to site.

5 **MR THOMAS:** Mmm-hmm.

MR GISONDA: And you observed that it can be hard going for someone just standing there at the gate or working on the site, and it was important to go and talk to people and see how they were going. Is that a fair summary of what you're
10 trying to say?

MR THOMAS: That would be my intent, yes.

MR GISONDA: That's your intent.
15

COMMISSIONER: You said it's important to go and check in on the guys.

MR THOMAS: Yeah. And we wanted to show our appreciation for the work that they'd done, and I guess we were just conscious of the fact that, you know, not
20 many people say thank you. So we made a real effort to do that.

MR GISONDA: And the workers on the site, by June 2024, had had a very hard time, hadn't they, having regard to -

25 **MR THOMAS:** Correct.

MR GISONDA: - what they had experienced -

MR THOMAS: Correct.
30

MR GISONDA: - at the hands of the CFMEU. If we could just play, please, clip 7, please.

(Video played).
35

MR GISONDA: You see how you waved to that worker on the site just then?

MR THOMAS: Yeah.

40 **MR GISONDA:** And do you know who that worker was?

MR THOMAS: I don't.

MR GISONDA: But it's obvious that you have some -
45

MR THOMAS: I would've known.

MR GISONDA: You would've known them?

MR THOMAS: Yeah.

5 **MR GISONDA:** And is there a reason why you didn't stop to chat to that worker there on the site, just check in on him and see how he was going?

MR THOMAS: Oh, I don't stop and talk to every single worker along the way, but some you'd wave to and others you'd stop and talk. It just depends on the day.
10

MR GISONDA: So it's not because you were making your way to where Cody Raymond was working?

MR THOMAS: No.
15

MR GISONDA: Do you remember where you and Mr Pickard were going that day?

MR THOMAS: We were walking the - the whole job, as I recall.
20

MR GISONDA: Can I then play clip 9, please.

(Video played).

25 **MR GISONDA:** Now, Mr Thomas, in the previous clip, you were wearing a black jacket over your blue top, but then in this clip, you are no longer wearing that black jacket. Do you know what you did with your jacket between the previous clip and this clip?

30 **MR THOMAS:** I took it off. Threw it over something, probably. It is hot.

MR GISONDA: You can't remember what you did with it?

MR THOMAS: No.
35

MR GISONDA: You would've walked past where the site office is; is that right? You can see it in the background there.

MR THOMAS: Yeah, I can't remember.
40

MR GISONDA: Was there somewhere in the site office or around the site office for to you leave your belongings?

MR THOMAS: I don't recall.
45

MR GISONDA: Is it you can't recall what you did on that day or you can't recall whether there was somewhere in the site office or near the site office for to you leave your stuff?

5 **MR THOMAS:** Sorry, can you ask that question again?

MR GISONDA: Perhaps I'll do it this way: was there somewhere in the site office or near the site office where you could leave your belongings, such as a jacket?

10

MR THOMAS: I don't recall.

MR GISONDA: And what about - Mr Pickard was carrying a plastic bag in the previous clip, and now he's not. You don't recall what he did with that?

15

MR THOMAS: I've got no recollection of that at all.

MR GISONDA: Is that a convenient time, Commissioner?

20 **COMMISSIONER:** Yes, it is. There's a couple of things that have arisen, Mr Gisonda. One is obviously we've got five and a half, six and a half witnesses tomorrow. Is today Wednesday?

MR GISONDA: Today is Wednesday.

25

COMMISSIONER: We're not going to get through them all tomorrow?

MR GISONDA: So we've said that we won't get to Mr Ryan or Mr Demartini this week. That leaves the - finishing Mr Thomas tomorrow morning, and the two Georgiou witnesses, and Mr Power and Mr Killen.

30

COMMISSIONER: I just noticed that Mr Kidston was here the last time we had hearings for Mr Demartini. He was down the bottom of the order.

35 **MR GISONDA:** Yes.

COMMISSIONER: He's now been put down to the bottom of the order.

MR GISONDA: Yes.

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COMMISSIONER: You said a couple of weeks or just -

MR GISONDA: Yes, both Mr Ryan and Mr Demartini need to be at the end of the sequence of witnesses, I'm afraid. But if it gives them any assistance, as I say, their witnesses won't be called tomorrow. And we want to, very shortly after this - after today, tell our friends who of the remaining four witnesses is unlikely

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to be reached as well, and I'm particularly mindful of giving Mr Power the certainty he needs to organise his workday.

5 **COMMISSIONER:** Mr Power is the owner, an owner, the CEO of BMD?

MR GISONDA: CEO, yes.

COMMISSIONER: And an owner of - the Power family own the company?

10 **MR GISONDA:** Yes.

COMMISSIONER: And he's - so he's a very senior person.

15 **MR GISONDA:** Yes, and I don't want him to be - well, I don't want to be any witness just waiting around, whether it be Mr Kidston's client or someone else. But as I say, I want to, if nothing else, give Mr Power that certainty of a nominated start time.

20 **COMMISSIONER:** All right. The other question I had was really for you, Mr Murdoch. I'm not sure what the precise terms of the bar rules are and the precise terms of - and who briefs you, whether it's internally or externally and what the rules governing the conduct of solicitors are in this state, and it may well have not have been apparent until the examination of Mr Gisonda occurred yesterday, but I just wonder whether, as we sit here at 20 to 4 on Wednesday, whether there's any
25 conflict between - leave Mr Scott Power aside, given his role as someone who is, in effect, the alter ego of the BMD Group from what you've just said, but at least in relation to Mr Thomas and Mr Pickard, whether there's any conflict - again, I don't know the - I should be a bit more familiar with the terms of the
30 rules - whether it's a mandatory requirement or merely a discretionary one that may impact on your ability and those who instruct you to continue to act for both Mr Thomas and BMD on one hand and Mr Pickard and BMD on the other hand, and perhaps Mr Pickard and Mr Thomas together.

35 **MR MURDOCH:** I understand the point that the Commission is making.

COMMISSIONER: There's no criticism. I don't - just raise that as an issue that might need to be considered.

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

COMMISSIONER: Is there anything else that arises this afternoon? Do you want to say anything about that, Mr Kidston? I know you've had to wait for a couple of weeks.

45 **MR KIDSTON:** If it's possible, we'd be very keen to have Mr Demartini called tomorrow, but I understand from what Mr Gisonda has said that there's a reason why that can't occur. If that's the case, that's the case.

COMMISSIONER: Well, perhaps you can have a chat with Mr Gisonda and see if anything else can be worked out, but I'm obviously very sympathetic to your client's position, having been at the bottom of the batting order twice now.

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MR KIDSTON: Thank you, Commissioner.

COMMISSIONER: Never getting a bat. Is there anything else, Mr Gisonda?

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MR GISONDA: No.

COMMISSIONER: Very well. We'll adjourn till 10 am tomorrow.

<THE HEARING ADJOURNED AT 3.43 PM

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