



**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, 7 OCTOBER 2026
AT 10.00 AM**

DAY 49

APPEARANCES

**Mr S Wood AM KC – Commissioner
Mr E Gisonda KC – Counsel Assisting
Ms I MacNicol– Counsel Assisting
Mr D de Jersey KC – Counsel for the State of Queensland
Ms M Brooks – Counsel for the State of Queensland
Mr J Ford – Counsel for CPB Contractors
Mr C O’Grady KC - Counsel for the CFMEU Administration
Ms A Hughes – Counsel for the CFMEU Administration
Mr D O’Brien KC – Counsel for Cross River Rail Delivery Authority
Ms K Hillard – Counsel for Grace Grace MP
Mr J Murdoch KC – Counsel for AWU**

<THE HEARING RESUMED AT 10.00 AM

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

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MR GISONDA: Yes, Commissioner.

COMMISSIONER: Mr de Jersey, you're appearing with Ms Brooks today -

10 **MR DE JERSEY:** Ms Brooks.

COMMISSIONER: - for the State of Queensland?

MR DE JERSEY: Yes, Commissioner.

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COMMISSIONER: Mr Ford, you continue to appear for CPB Contractors?

MR FORD: Yes, Commissioner.

20 **COMMISSIONER:** Mr O'Grady, you continue to appear for the CFMEU administrator with Ms Hughes?

MR O'GRADY: I do, Commissioner.

25 **COMMISSIONER:** Mr O'Brien, you continue to appear for the Cross River Rail Delivery Authority?

MR O'BRIEN: Yes, Commissioner.

30 **COMMISSIONER:** I can see a couple of gaps there. You're not appearing today, Ms Hillard, are you?

MS HILLARD: I am.

35 **COMMISSIONER:** You are? It's hard to see you way back there. You appear for the Honourable Grace Grace MP?

MS HILLARD: Yes, thank you, Commissioner.

40 **COMMISSIONER:** I've got a note here, Mr Gisonda, that Mr Murdoch and Mr Spence are appearing for the AWU but I don't see them. Are they -

MR GISONDA: Yes, Mr Murdoch is appearing for some of our witnesses today, and he appears for the AWU as well, and he will be here before 11 am.

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COMMISSIONER: So he's appearing for the AWU and for the - was it three or four witnesses -

MR GISONDA: Yes.

COMMISSIONER: - who are currently employed by the AWU?

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MR GISONDA: Yes.

COMMISSIONER: Very well. I wonder - did you want to say something, Mr Gisonda?

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MR GISONDA: No. I was just looking at you.

COMMISSIONER: I wonder whether we might invite Ms Hillard or Ms Hughes or Ms Brooks up to the bar table until Mr Murdoch arrives, if you want to.

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MR O'BRIEN: Mr Clift does not appear for a number of the other unions, so there's a spare seat here as well.

COMMISSIONER: So there's a spare seat. So if you want to come up to the bar table, Ms Hillard, please feel free. Mr Gisonda, where are we? We're in the middle of the examination of Mr Papworth, who is in the witness box and remains under oath, or under his affirmation, I should say.

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<MATTHEW PAPWORTH, ON FORMER AFFIRMATION

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<EXAMINATION BY MR GISONDA

MR GISONDA: Thank you, Commissioner. Mr Papworth, just to recap your evidence from yesterday, we looked at, in the first instance, your role in human resources on the TSD side of the Cross River Rail project, which ran up until mid-2023, and when you were in that role, you assisted, among other duties, with facilitating rights of entry from the CFMEU and other unions; is that right?

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MR PAPWORTH: Yes, that is correct.

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MR GISONDA: And then some time before July of 2023, you were made a human resources manager on the RIS side of the Cross River Rail project; is that right?

MR PAPWORTH: That is correct.

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MR GISONDA: And as part of that role, you onboarded four employees on the understanding that they would perform a health and safety representative function on respective sites on the RIS package of works; is that right?

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MR PAPWORTH: Yes, and alongside those duties, they were expected to be general labourers.

MR GISONDA: Yes. And two of those persons who came to be employed by CPB, the first being Mr Liam Crow, he was terminated for failing to lock on or follow Queensland Rail procedures, essentially the lock-on process for working in or near a railway track, and then failing to attend for a drug and alcohol test following that breach, and he was terminated as a consequence of that; is that right?

MR PAPWORTH: That is correct.

MR GISONDA: And then separately, Mr McSweeney was terminated because he was failing to follow reasonable directions to, if nothing else, remain at the site at which he was expected to perform works.

MR PAPWORTH: Correct.

MR GISONDA: Now, you give evidence that in July of 2023 - and this is at paragraph 66 of your statement, on page 6 - you set up a WhatsApp chat for the purpose of keeping various Unity personnel updated in relation to site activities and visits by third parties; is that right?

MR PAPWORTH: That is correct.

MR GISONDA: And by Unity chat, what we mean there, do we, is that it's a chat group for those personnel who are working on the RIS side of the project?

MR PAPWORTH: Yeah. The personnel were primarily the frontline supervision, our safety staff and some select management.

MR GISONDA: And in that chat, which begins at page 60 of your bundle, there are some, if we can call it text message updates about matters that were occurring on the respective RIS sites; is that correct?

MR PAPWORTH: Correct.

MR GISONDA: From time to time, participants in the chat would also upload photos to the chat?

MR PAPWORTH: Yes, that's correct.

MR GISONDA: And also from time to time, they would upload videos, whether that be videos taken on phones or videos taken from CCTV cameras.

MR PAPWORTH: Correct.

MR GISONDA: If I just take you to a couple of examples of matters that were updated by way of text message in the chat group, and Ms MacNicol took Mr O'Brien to a couple of these yesterday. The first is on page 68 of the bundle. Do you see there at the top of the page, and I can tell you that - perhaps if we go to page 67,

sorry, in the first instance. And at the bottom of that page, you see there 30 April 2024. That's the day before the brawl that took place at Dutton Park; is that right, that took place on 1 May 2024?

5 **MR PAPWORTH:** That is correct.

MR GISONDA: And Mr McCann - just tell the Commissioner who Liam McCann is.

10 **MR PAPWORTH:** He was one of our supervisors at our site.

MR GISONDA: He says there that:

"QR locks and Unity locks to access gates super glued."

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MR PAPWORTH: Correct.

MR GISONDA: So had you received reports that gates or locks that were on gates for at least the site where Mr McCann was working had been super-glued by protesters?

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MR PAPWORTH: Correct.

MR GISONDA: And do you remember where Mr McCann was working on 30 April 2024?

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MR PAPWORTH: I don't remember his exact location that particular day.

MR GISONDA: And then he says that masked protesters physically attempted to block his access to site. And then over the page, he says at the top of the page that three delegates entered site through ATF. Do you know what ATF is a reference to?

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MR PAPWORTH: That's temporary fencing.

MR GISONDA: He mentions three delegates. He says they issued a section 117 notice with false information, no rail cards, told them no access, and then he says:

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"Tampered with cube light and starting filming and I would not participate in any video."

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Do you have any further information about what occurred in that incident?

MR PAPWORTH: No.

MR GISONDA: And then a little further down, Mr McCann again at 9.26 pm, he says:

45

"Rail response been informed of the emergency access gate been blocked also."

What's the reference to rail response?

5 **MR PAPWORTH:** I believe that's in reference to Queensland Rail, who is our - obviously our end user.

MR GISONDA: So if there's an issue that concerns the rail tracks, then a call is put out to Queensland Rail and there's a rail response team. Is that a fair description of what -
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MR PAPWORTH: I would think so, yes.

MR GISONDA: And he says:
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"Rail response too intimidated by masked men pulled up and left site around 20:30."

And so he'd received a report there that masked men were intimidating rail response personnel from attending to issues that were occurring on the site?
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MR PAPWORTH: Correct.

MR GISONDA: And then over at page 69, in the middle of the page at 6.10 am, there's a message from an Amon Driver. Do you know who Amon Driver is?
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MR PAPWORTH: Yes, he was one of our supervisors.

MR GISONDA: And he says in his message:

30 "Just spoke to our guard house."

And what's the reference to guard house?

MR PAPWORTH: There was a Queensland guard house on the way into the Bowen Hills yard and facility, so there was security stationed at the - with a boom gate at that guard house.
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MR GISONDA: He says:

40 "They have informed us that last night a union member had tried to open a QR patron's car door and they can supply footage."

Is that a reference to a person who'd parked their car because they were using the train that day? Is that what a reference to a QR patron is?
45

MR PAPWORTH: No, so that particular part of the project, you would drive through the Queensland Rail stabling yards, and we had a site on the northern side of

that. So we would drive past the actual QR facility to gain access to our - what we called our northern yard.

MR GISONDA: And so what is the reference then to a QR patron?

MR PAPWORTH: I believe he would - I think he would be alluding to a QR employee. There was quite a few employee car parks along that particular alignment.

MR GISONDA: And then at the bottom of the page at 6.36 am - and this is a message that Ms MacNicol took Mr O'Brien to yesterday, but you were getting reports that the CFMEU were locking the gates and then snapping keys off in the locks to prevent anyone from opening the gates; is that right?

MR PAPWORTH: That's correct.

MR GISONDA: Then at page 70, at the bottom of the page, there's a message at 7.42 am from Paul Elliott. And I won't take you to it, but earlier in the messages, someone asks whether there'd been any update from Dutton Park, and presumably there was little update coming through from Dutton Park because of the events that we heard evidence about yesterday, but at some point we imagine that word got around about what had happened, and at 7.42 am Paul Elliott says:

"Given the current actions by the union all sites are to stop site construction work immediately to protect the safety of our staff and works. Please action now."

Do you know who was responsible for making that decision?

MR PAPWORTH: From memory, there was a conversation between Paul Elliott, who was our construction manager, and Mick McCann, our project director.

MR GISONDA: And do you know whether that was just on the RIS side or was that the whole Cross River Rail project?

MR PAPWORTH: Just the RIS side.

MR GISONDA: Now, the last message on that page is at 8.03 am and it's from a Leigh Towey. Who is Mr Towey?

MR PAPWORTH: He's one of our superintendents.

MR GISONDA: And tell me if this is correct: he appears to be copying and pasting a message that he has received from Queensland Police. Is that how you understand that message?

MR PAPWORTH: It would appear that way, yes.

MR GISONDA: And it would also appear that someone by the name of Edward has put in a message to QPS. Would you happen to know who that Edward might be?

5 **MR PAPWORTH:** There was a supervisor that reported through to Leigh Towey. His name was Edward, yes.

MR GISONDA: And the message is as follows:

10 "Dear Edward, thank you for contacting QPS about a CFMEU blocking access to a site on Gregory Terrace."

Just pausing there, what's the site on Gregory Terrace?

15 **MR PAPWORTH:** That's again on the northern side of our project, not far from that security hut.

MR GISONDA: It says:

20 "QPS are aware of planned industrial/political activity involving CFMEU members. QPS will not be responding to any industrial incidents unless criminal activity occurs or there serious public disorder. Please contact us if situation escalates. Regards, Police Communications Centre Brisbane."

25 Are you aware of whether the QPS did attend the site on Gregory Terrace that day?

MR PAPWORTH: Would you mind just scrolling up, if we could, please. I can't recall on that particular day.

30 **COMMISSIONER:** Seems to be the exact issue you took the Commission to yesterday morning, the issue that Wright J described as a misunderstanding by the police commissioner in Tasmania in the Burnie mills case - Burnie paper mill case.

35 **MR GISONDA:** It's the exact issue, and there seems to be a misunderstanding as to whether criminal activity is occurring in the first place, and there appears also to be the imposition of a condition that any public disorder be serious. And I take it that as a human resources professional, part of your at least objective is to ensure the relative safety and wellbeing of the employees working on the site; is that right?

40 **MR PAPWORTH:** Yeah, that's correct.

MR GISONDA: And in circumstances like the project was confronting on 1 May, with that objective in mind, I take it that your strong preference would be for the police to at least come out to the site and ensure that workers can attend site safely, if that's what they wish to do?

45 **MR PAPWORTH:** I think a presence from Queensland Police would have been advantageous.

COMMISSIONER: How are you supposed to get people in without them? I mean, how could you do it?

5 **MR PAPWORTH:** So I suppose a few of the strategies, and you could probably see further down the page there, that certain - the idea of the WhatsApp group was for to us get real-time information as to which sites were being targeted on that particular day. Some sites were targeted multiple days in a row, but others it might be every
10 second or third day. So we had the ability at times to potentially - especially our staff - ensure that they could go to another site office if they had work to do. We also had a facility that we sat at, at Herston, which was just off the main - the main alignment, and we had some extra desks there as well.

15 So it was definitely a challenge, and we were having regular meetings from a management perspective as to how we could help facilitate people coming to work. We found that especially in our industry, people actually want to get to work and they want to do, you know, a good job out there in building this infrastructure. I think our frontline staff did a great job in handling situations that are very much unprecedented, but in saying that, I don't believe these people should have been
20 subject to that type of behaviour.

MR GISONDA: And at page 76, at the bottom of the page, at 1.52 pm, again, Mr Towey says:

25 "Union officials have left site at Mayne Yard. In summary they broke into our yard which is a live rail corridor. Police were called, they did nothing about it. Time was wasted for three hours. Organisers walked off site without being arrested. Complete joke."

30 Was there - perhaps I'll just take you to this next message, then I'll ask you my question. At page 77, in about the middle of the page, at 6:21:49 am, James Donaghey - and just tell the Commissioner who James Donaghey is.

35 **MR PAPWORTH:** He was our general superintendent for the RIS project.

MR GISONDA: And he says:

40 "Call the police again Pat, that's a breach of the court order. They probably won't do much as usual, but at least it's on record."

And perhaps if we just look at the message at 6.17 am from Mr O'Brien, he says:

"Dennis Mitchell is at the top of Cope Street telling subcontractors the site is closed."

45 So looking at those two messages together, first, Mr Towey is saying that:

"Police were called, they did nothing about it. Time was wasted for three hours. Organisers walked off site without being arrested. Complete joke."

And then James Donaghey is saying to Mr O'Brien:

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"Call the police because that's a breach of the court order. They probably won't do much as usual, but at least it's on record."

10 Was there a sense, at least by this point, that the police - sometimes the police would not attend at all, and when they did attend, they didn't do much to try and put an end to the situation?

15 **MR PAPWORTH:** Yeah, that's correct. There was a sense of frustration from those individuals that were frontline, the supervisors and superintendents.

COMMISSIONER: What are they supposed to do if the police don't act? I mean, they've got the option of self-help, try and push through the picket line, which then turns into a riot, or give in. I mean, what do you do in your situation?

20 **MR PAPWORTH:** Yeah, there's limited things we can do. The day of the actual brawl, we obtained some of that footage quite quickly, and we went and - went to the Federal Court and got an injunction to say that the picket lines must move back from the gates. So that's what's alluded to there on 3 May. So we try and pull levers where we can, but you're right, Commissioner: when we're calling the police to try and
25 protect people, there was a sense of frustration out there on the project.

COMMISSIONER: It didn't seem to have much impact, at least from that message at 6.21. James Donaghey's saying it's a breach of the court order, what they're doing. So they got their injunction, and the people associated with the CFMEU, at least
30 according to Mr Donaghey, are saying - they're breaching it.

MR PAPWORTH: Yeah, that's correct. It was very difficult for us to manage.

35 **COMMISSIONER:** Then you've got to go to court. You've got to prove a contempt. You've got to do it by affidavit. It's a criminal standard, takes weeks, and all when the solution is the police just get the numbers there and allow you lawful access, which is cheap, effective and quick.

40 **MR PAPWORTH:** Totally agree.

MR GISONDA: If I can just take you to a few photos, Mr Papworth, that were uploaded to this chat. At page 125 of your bundle, that's a photo of the way in which access gates were locked by the union protesters; is that right?

45 **MR PAPWORTH:** I believe so, yes.

MR GISONDA: At page 133, that's a vehicle that's been parked along the road that gives you access to the site; is that right?

MR PAPWORTH: That's the Rocklea site, yes.

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MR GISONDA: Page 134, that's an example of some posters that were put out on site with pictures of senior personnel working on the project; is that right?

MR PAPWORTH: That is correct.

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MR GISONDA: Then at page 136, that's the Mayne Yard site; is that right?

MR PAPWORTH: That is correct. That's the security hut. You can see the boom gate sort of at a 45-degree angle there and the hut with the light on top of it on the right-hand side. So that was access down into, yeah, our Mayne Yard facility, and this is where I was alluding that you'd have to drive past quite a few Queensland Rail employee cars.

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MR GISONDA: Then at page 140, are you able to assist us with what's taking place in this photo?

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MR PAPWORTH: I think these are the workers trying to get to site early of a morning, and by the looks of it, there must be some sort of blockage for the workers actually coming into site.

25

MR GISONDA: And do we see at page 139 the way in which that blockage - they're blocking access at that entrance point.

MR PAPWORTH: Correct.

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MR GISONDA: And then at page 140, which is obviously taken a bit earlier in the day there, that's causing a bank-up of traffic as workers try to come in?

MR PAPWORTH: I believe so.

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MR GISONDA: And at page 141, that's just another angle, is it, of the Rocklea site?

MR PAPWORTH: Yes.

MR GISONDA: And vehicular access has been blocked by the utility truck parked there?

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MR PAPWORTH: Correct.

MR GISONDA: At page 163, you were receiving reports, were you, that a number of the protesters on around 30 April/1 May were obscuring their face, wearing masks and balaclavas and the like?

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MR PAPWORTH: That is correct.

5 **MR GISONDA:** If we go to page 166, are you able to tell us what site that's a photo of?

MR PAPWORTH: I'm not exactly sure of that site.

10 **MR GISONDA:** But you can see that that appears to be another example of an entry gate being blocked by utility trucks?

MR PAPWORTH: Yes, that's correct.

15 **MR GISONDA:** At page 205, you see there a poster aimed at the AWU. Were you aware that part of their activities on site - that is, the CFMEU - involved targeting of the AWU? Were you aware of that?

MR PAPWORTH: From time to time, yes.

20 **MR GISONDA:** Page 264, as part of their industrial action, the union had organised barbecues to take place near the entry to the site. Is that your understanding?

MR PAPWORTH: Yeah, that is correct.

25 **MR GISONDA:** Then can I ask you about page 275, please. You see that photo taken from one of the sites, and then if we go to page 99 of the bundle, and towards the bottom, at 6.12 am, you'll see a Curtis Worthy attaching that picture, and Karl Morgan says:

30 "Which Ben? There's about 15 on this project."

Do you happen to know who that "Ben" is a reference to in this picture?

35 **MR PAPWORTH:** I was actually thinking about that. I don't know the exact Ben, but there's - there was multiple Bens on the project, but I'm assuming it's either one of our senior supervisors or potentially a superintendent.

MR GISONDA: Do you know which site Curtis Worthy was working at in July of '24?

40 **MR PAPWORTH:** He was definitely on the south side. We had a couple of stations down there. I just don't know the exact station at that point in time.

45 **MR GISONDA:** Can I then show you a couple of the videos that were attached to the chat. If I can play first MP-15(a), please.

(Video played).

MR GISONDA: Thank you. We can stop that. Can I ask you: who would that man in the yellow hi-vis vest have been who was inside the site? What function would he be performing?

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MR PAPWORTH: I'm not exactly sure, to be honest.

MR GISONDA: If we go to page 66 of your bundle, at the bottom of the page, you'll see the last three messages. Mr Millard saying security camera footage of the CFMEU locking the Brooke Street gate this morning. And so you saw on that
10 footage there that, assisted by someone from within the site, two of the picketers went up to the gate and put a lock on it; is that right?

MR PAPWORTH: Correct, yes.
15

MR GISONDA: And then over the page at 67, at the top of the page, Mr O'Brien attaches a video, and Mr Donaghey says:

"That looks like Dean Rielly moving the empty waterfill barriers."
20
If we can just play MP-15(b), please.

(Video played).

MR GISONDA: Do you know what site that's a video of?
25

MR PAPWORTH: It says Annerley down on the bottom right-hand corner. I believe that's one of our Dutton Park sites.

MR GISONDA: So you can see there that they used the waterfill barriers to block access into the site?
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MR PAPWORTH: Correct.

MR GISONDA: And then at page 71 of the bundle, in the middle of the page at 9.24 am, Mr Millard attaches a video and then says:
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"From this morning CFMEU masked person trying to close gate."
40
If we can play MP-15(e), please.
(Video played).

MR GISONDA: That was the Rocklea site?
45

MR PAPWORTH: Correct.

MR GISONDA: And do you recognise the - his back's to us now, but he's got the CFMEU delegate top on. Did you happen to recognise him at all?

5 **MR PAPWORTH:** That appears to be Liam Crow.

COMMISSIONER: Sorry, who is it?

MR PAPWORTH: Liam Crow.

10 **COMMISSIONER:** He's the chap that you recruited with the criminal record?

MR PAPWORTH: That is correct.

15 **COMMISSIONER:** And then terminated because he didn't - refused to take the drug and alcohol test?

MR PAPWORTH: That's correct.

20 **MR GISONDA:** And in fact, 1 May was his last day as employee; is that right?

MR PAPWORTH: That is correct.

MR GISONDA: Then if we could play MP-15(f), please.

25 (Video played).

MR GISONDA: So if we go to page 76 of the bundle, and about a third of the way down the page, you see at 11.42 am, Mr Towey says:

30 "Three union officials in Mayne Yard. Entered through a locked gate. Aggressive behaviour. Have section 117s but they are very general. Barry McCarthy on site with me and we are trying to get rid of them."

Then Mr Donaghey says:

35 "Can we get footage on our camera of how they entered?"

And then at 12.02 pm, Mr Towey says:

40 "Confirmed the union officials took a fence panel out to enter our site at Mayne Yard. Police on-site at the minute."

And then there's a question from Mr O'Brien, who says - sorry, from Mr Donaghey at 12.18 pm - says:

45 "Who is the guy that walked down to them with no hard hat on?"

And Mr Gilchrist then says:

"Sean O'Reilly from Rocktown was the man walking down."

5 Do you know what Mr O'Reilly's role was?

MR PAPWORTH: I don't, to be honest. Rocktown was one of our subcontractors on that particular part of the project.

10 **MR GISONDA:** And then at page 77 of the bundle, at 7.34 am, down the bottom of the page, Mr O'Brien says:

"We had a masked intruder enter site this morning at 06:18."

15 And if we can just play MP-15(g), please.

(Video played).

20 **MR GISONDA:** Then in your statement you refer to, at page 7 of your statement in paragraph 70 of CCTV footage showing access gate to the RNA site and footage of a grey utility vehicle stopping and a man in a black hoodie exiting the vehicle using a chain to lock the vehicle. If we could just play MP-16, please.

(Video played).

25 **MR GISONDA:** And then you say at paragraph 72 that that same day - this is 30 April - you were provided with CCTV footage from that same site showing men moving a bench and using it to block pedestrian access. If we could just play MP-17, please.

30

(Video played).

MR GISONDA: So that's the footage that you refer to as MP-17. Then you give some evidence about a meeting that took place on 21 June 2024 with Mr Dean Rielly, and that's at paragraphs 88 to 92 of your statement on page 8, and you say that there was a disagreement between two workers on site and you attended a meeting to facilitate one of those workers giving an apology to the other.

35

40 **MR PAPWORTH:** Yeah, it was actually one of our senior safety advisers at the time.

MR GISONDA: And in that meeting, the worker who was being apologised to was, in fact, one of the HSRs, Ms Hansen, that had been employed by CPB following the safety reset; is that right?

45

MR PAPWORTH: That is correct.

MR GISONDA: And you attended that meeting, and as you say, to facilitate the giving of an apology, which you said, at least to your observation, was remorseful and genuinely made, but Mr Dean Rielly attended that meeting as a support person for Ms Hansen; is that right?

5

MR PAPWORTH: Yeah. Yes, that is correct.

MR GISONDA: And then at page 296 of the bundle, in fact, beginning on 295, you've got a record of the meeting that took place, and then at page 296, you make some notes about how the meeting finishes up, and in particular the conduct of Mr Rielly in that meeting. And if you look at the third-last bullet point on page 296, you see his behaviour there appears to escalate, and as a consequence the meeting is terminated. Can you just tell the Commissioner what you recall about that meeting and in particular Mr Rielly's behaviour towards the end of that meeting?

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15

MR PAPWORTH: Yeah, Mr Rielly became fairly aggressive throughout the course of that meeting, as it's listed there. He started calling Paul a liar, a misogynist and a piece of shit, and he went to threaten to take Paul outside. At that point in time, I considered the meeting to be terminated and said words to that effect. Just as he - I stood up, there was - there was a cup of water on the middle of the table that he hit across the table, and I sort of wore - I was sort of turning at the time, so I wore it up the sort of side and back, and then he exited the meeting room with Ms Hansen at that point in time.

20
25 **MR GISONDA:** And being there at the meeting, did you consider the threat to take Paul outside - was that a physical threat on Mr Luczka?

MR PAPWORTH: It was.

30 **COMMISSIONER:** Mr Rielly's the person that was terminated by the administrator, rehired in New South Wales?

MR GISONDA: Yes.

35 **COMMISSIONER:** And Deputy President Butler gave him his permit back?

MR GISONDA: Yes.

40 **COMMISSIONER:** On the basis that he "ain't like this no more".

MR GISONDA: Yes. I have no further questions, Commissioner.

COMMISSIONER: Is there any application to cross-examine this witness?

45 **MR GISONDA:** No.

COMMISSIONER: Thank you very much for your evidence, Mr Papworth. You're excused. I wonder if I can recall Mr Papworth. I forgot to ask him that question from yesterday. I'm sorry, Mr Papworth. Remember I asked you yesterday about whether there was any system whereby there was a self-declaring by applicants -

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MR PAPWORTH: For our workforce?

COMMISSIONER: For your workforce.

10 **MR PAPWORTH:** At time of application?

COMMISSIONER: Yes.

15 **MR PAPWORTH:** Yeah. There was no obligation on the Cross River Rail packages - I looked into this last night - to declare a criminal history. There is a clause within our employment contract to say that should you be prosecuted whilst being employed by the company, you need to notify - notify us.

20 **COMMISSIONER:** I'm sorry about that. This time you are excused.

MR PAPWORTH: Thank you.

<THE WITNESS WAS RELEASED

25 **MR GISONDA:** Can I, Commissioner, ask, whilst we wait for Mr Murdoch to arrive, could I ask you, Commissioner, please to pick up bundle 5 again.

30 **COMMISSIONER:** I wonder if we could also deal with the tender that wasn't complete in Ms MacNicol's examination of Mr O'Brien at some stage too.

MR GISONDA: Yes.

35 **COMMISSIONER:** Remember the photos were going to be tendered but they weren't distributed to the other parties?

MR GISONDA: Yes. We'll fix that up by the end of the day.

40 **COMMISSIONER:** By the end of the day. All right. Very well. What do you want me to look at?

MR GISONDA: Bundle 5, page 75.

COMMISSIONER: And what are these?

45 **MR GISONDA:** You'll recall that the public's assistance was sought to identify persons who were present on the Cross River Rail site on 1 May 2024, and so this is the response to that inquiry. On the first page, the first person identified was Jarred

Stahl, and you will see that he was at that time, according to our information, a delegate for Taringa Steel working on the Queens Wharf project. The next page, page 76, Jamie Labram, was a delegate employed by John Holland, working on the John Holland Logan Hospital expansion project.

5

COMMISSIONER: This is a long way from home.

10 **MR GISONDA:** Then the next page, page 77, Mr Dean Rielly, who was an organiser at the time. Page 78, Mr Howard, Dylan Howard, who was an organiser at the time. The next page is page 79, Mr Anthony Perrett. His position's a little unclear, because it appears that he does bounce around as a delegate a little bit in 2024, but it appears that at that point, our best information is that he was a delegate for Lindores Personnel, working for Mirvac, or on a Mirvac project, Charlton House, Lindores being a labour-hire company, so they would have been contracted to
15 perform works for Mirvac on Charlton House. But we do have information of him being a delegate on other projects as well.

COMMISSIONER: He's the stepbrother of Mr Ingham, and he's currently facing an attempted murder charge?

20

MR GISONDA: Yes, I believe that's right. He's on remand at the moment.

COMMISSIONER: Who was the chap that Mr Watson said drove the witnesses to the interviews?

25

MR GISONDA: Mr Perrett.

COMMISSIONER: Mr Perrett was, yes.

30 **MR GISONDA:** Page 80, Michael Hawkins, the delegate for Met Tile Commercial. Not sure of the site that he was working on that day. Sorry, the site that he was working on when he was a delegate at that time, I should say. At page 81, Mr Damien Roberts, a delegate for Multiplex, working at the Redcliffe Hospital Expansion Project at that time. Page 82, Mr Matthew Buckle, another delegate for
35 Lindores, working at the John Holland Southern Queensland Correctional Centre. Page 83, that's Mr Des Savage. He was a delegate at the time for Hutchison, working on the Parliamentary Annexe Refurbishment.

40 **COMMISSIONER:** You wonder how a company like Hutchison's engages someone like Mr Savage. On the evidence we heard last time, he was an official in South Australia - I can't remember which position - but he had some sort of criminal record, didn't he? I thought.

45 **MR GISONDA:** No evidence has been tendered yet - no official criminal record for him has been tendered yet.

COMMISSIONER: Right. But he comes up to Queensland and immediately gets a job as a delegate with Hutchison's.

5 **MR GISONDA:** Yes, and you'll remember he was featured in Mr Watson's report in sections that we'll come to shortly with our next witnesses.

10 **COMMISSIONER:** I just wonder what these tier 1 contractors are doing in terms of their checking on the suitability of these people who are, on one view, recommended by the union, on one view imposed by the union upon them.

15 **MR GISONDA:** That remains a matter of live inquiry, Commissioner. Page 84, Mr Cameron Roberts, another delegate for Hutchison, working at a project in Mermaid Beach. Page 85, Mr Damon Clarke, a delegate for Hutchison, working at 30 Herschel Street. Page 86, Raymond Easton, a delegate for Fitzgerald Constructions. Page 87, Mr Andrew Blakeley was an organiser. At page 88, Mr Peter Bransdon, a delegate employed by Lendlease, working at the Queensland Performing Arts Centre. Page 89, Mr Cody Budgeon, an organiser. Page 90, Mr Justin Carlile, another delegate for Hutchison, working at the Ripley Hospital. Page 91, Mr Mario Loga, a delegate for Multiplex, working at the Queens Wharf project. At page 92, Mr Maguire, one of the employees who was installed after the safety reset as an HSR. Page 93, Mr Dennis Mitchell. He was one of the two main men who was involved in the brawl on 1 May. He was an organiser.

25 **COMMISSIONER:** He's the one Mr O'Brien couldn't remember anything about.

30 **MR GISONDA:** That's the Mr Mitchell, yes. Page 94, Mr Stephen O'Donohue, a delegate working for GVK Queensland. Page 95, Mr Elliot Standfield. You'll remember he was one of the - he was a delegate working for KPI on the Centenary Bridge project. He was one of the individuals who stormed the meeting with the AWU in February of 2024 on that site, and the immediate aftermath of that led to the two AWU officials being abused and having their car rocked as they tried to enter the site. Remember that incident?

35 **COMMISSIONER:** Yes.

40 **MR GISONDA:** Mr Standfield was one of the gentlemen who was identified as storming the original meeting with the AWU. Page 96, Mr Corey Taylor, another of the HSRs who was installed on the Cross River Rail project after the July '23 safety reset. Page 97, Mr Turner-Davey. He was the other main gentleman from the CFMEU who was involved in the fight on 1 May. He was the one who was yelling out the loudest, daring the workers to cross the picket. Seems one of the most vocal during that incident in February of 2024, with the AWU trying to leave the Centenary Bridge site, and then he's arguably the most vocal on 1 May 2024. He was an organiser at the time. And then page 98, Mr Vonhoff. He was an organiser and continues to be an organiser. And on page 99, Mr Jon Paul, a delegate for DT Infrastructure, working on the Ormeau Rail Facility. That's the Queensland train

manufacturing program that you heard a little bit about in the BPIC - some of the BPIC evidence.

5 **COMMISSIONER:** You can understand why Mr Turner-Davey, going back to him
for a moment, was so prominent, because if you look at his title, he seems to be
charged with the responsibility of organising - that is, increasing membership - and
the presence of the CFMEU in the civil space, ie, his job is to, in loose terms, push
the AWU out and get the CFMEU in. One of the things that's come up over the last
10 this site, but if each of the employers - and I think Hutchison's got five of them - had
either not employed these people as delegates or had ensured that they stayed at the
site at which they were nominally employed, you wouldn't have had that group of
people at the Cross River Rail site for the police to have to be called. So there is a
sort of upstream problem. It's all very well to criticise the police for their failure, but
15 what are these tier 1 contractors doing allowing this army of delegates to run around
causing havoc?

MR GISONDA: Well, remember, this is happening at the same time as there's the
campaign on Centenary Bridge, and you'll remember the evidence, during one of the
20 last hearing weeks, of the text or WhatsApp message that was sent by Mr Ingham
himself to all delegates saying - essentially an urgent message requiring all delegates
to attend the site, and then you saw the outcome of that: there was at least 30 if not
more delegates. And there was other evidence where he threatened to have two, three
hundred people attend the site at a moment's notice. But in order for those people to
25 be able to follow those instructions, they need to either have the permission or
acquiescence of their employer.

COMMISSIONER: The tier 1 builders must know this was going on, must know
that the people they're employing are turning up to these other sites in an industry
30 like this.

MR GISONDA: And you saw - you'll remember the evidence from the Rosenlunds,
when they had a delegate installed on their project, there were many days where he
just went missing, and at least - I mean, Rosenlund isn't a tier 1 contractor by any
35 measure, but their evidence was that the times when he was not on site, it was
somewhat of a relief, because he wasn't causing disruption on their own project. So
for those days, it's not a - he's one of the individuals that you see, I should say, at the
Centenary Bridge.

40 **COMMISSIONER:** Yes, you said that last time. He was there stopping the concrete
truck, the delegate at Rosenlund who'd been imposed.

MR GISONDA: Yes, so it's somewhat of a relief for the Rosenlunds, at least, that
on that day his disruption becomes BMD's problem, not theirs. Can I now - perhaps
45 what I'll do is I'll seek to tender bundle 5. Could I just tell you, Commissioner, what's
in bundle 5. In addition to that document that I've just taken you through, there is at
page 2 the decision that I took you to yesterday, Commissioner, of BLF v J-Corp.

Then at page 20, the decision from Wright J, R v Commissioner of Police. That was the paper mill in Burnie case. Then at page 38, that was the Dollar Sweets decision. Then at page 47, there's an extract from a provision from the Criminal Code that was repealed in 2008, and that's section 534, that made it an offence to intimidate workers and employers. That was by violence, threats or intimidation or besetting or following another in a disorderly manner in a public highway or by molesting or in any way obstructing another. And as a consequence, they compel or attempt to compel a person to, among other things, depart from that person's employment.

10 **COMMISSIONER:** I wonder why that was repealed? That section or a section like it would have been on the statute books for a very long period of time, from the 1850s or so.

15 **MR GISONDA:** The explanation then is at page 50, which is the Criminal Code and Other Acts Amendment Bill, and you'll see at page 51 the reasons for the bill, at the bottom of the page, and that second bullet point says a purpose of the bill is to repeal "provisions which proscribe conduct covered in other more general provisions or where the provisions are obsolete". And then at page 54 of the bundle, you have the notes on the provisions. And if you go to page 68 of the bundle, do you see the
20 second-last entry, clause 98? It explains that that's deleted or repealed "on the basis that the conduct proscribed is covered in a range of offences in the Code such as assault, wilful damage, threats and stalking".

25 Now, in due course, Commissioner, we will need to look very carefully at the myriad of provisions that might govern this conduct and ask whether that is a fair statement, that is to say, whether, by repealing that provision, certain types of conduct were as a consequence left on the table, and in any event, whether a provision expressed perhaps in more modern language might be introduced to deal with the sorts of events that we're seeing in the evidence. So, so far, we have two cases - sorry, three
30 cases, the Criminal Code provision as it was up until 2008, and then the explanatory notes for the repeal of that provision.

The next document is at page 73. It's an article from the Financial Review on 1 May, reporting that CPB had been granted an urgent injunction following the events of 30
35 April and 1 May. And you'll see the picture in the middle of the page of Mr Ingham, and underneath that picture, it says:

"The contractor..."

40 That is, CPB:

"...is understood to have alleged that the CFMEU has unlawfully puts locks on gates, used picketers to block non-aligned workers and put the faces of non-aligned workers on placards."

45

And you've seen evidence now, Commissioner, of each of those three things. And then you see in the next paragraph:

"The CFMEU in turn alleged that 'hired muscle' from a labour-hire firm had sought to intimidate protesters in a strike-breaking tactic."

5 **COMMISSIONER:** There doesn't seem to be any evidence of that.

MR GISONDA: No. Well, you saw - you heard evidence firsthand on what happened, particularly on 1 May, and that quote in particular over at page 74, the seventh paragraph down, which said:

10

"CFMEU national secretary Zach Smith..."

He's since been removed that position, Commissioner, but at the time:

15 "CFMEU national secretary Zach Smith said 'hired muscle' from labour hire firm Matrix had approached protesters on Wednesday in a strike-breaking tactic. 'CPB are nothing more than disgraceful corporate thugs trying to intimidate workers through strike-breaking tactics that belong to a bygone era.'"

20 **COMMISSIONER:** So is that a reference to Mr Ah Lam having the courage to try to break through the picket line? Is that what the criticism is?

MR GISONDA: And the other witness, you will remember, was a member of the CFMEU at the time.

25

COMMISSIONER: The other witness? Which one are you talking about.

MR GISONDA: Mr Tuakalau.

30 **COMMISSIONER:** That's right.

MR GISONDA: And they had - each of the witnesses had worked on the project for quite some time before 1 May, and they were just seeking to continue to do what they were accustomed to doing, which was working on the site. Then at page 75,
35 that's the document that I just took you through. And then from page 100 onwards, we've just got some legislative provisions. And at page 101, you'll see at the bottom of the page, section 46 of the Police Powers and Responsibilities Act, which says:

40 "A police officer may exercise a power under section 48 in relation to a person at or near a regulated place if a police officer reasonably suspects the person's behaviour is or has been..."

And then (b):

45 "...interfering with trade or business at the place by unnecessarily obstructing, hindering or impeding someone entering at or leaving the place."

And then at page 103, section 48(1):

"A police officer may give to a person or group of persons doing a relevant act any direction that is reasonable."

5

And the notes include examples. An example of such direction is a move-on direction. That is the power that the policemen sought to exercise at Centenary Bridge on 14 May 2024. Then at page 105, section 50, there's the breach of the peace provisions, and that provision entitles a police officer to take steps considered reasonably necessary to prevent the breach of the peace happening or continuing, and that includes the ability to detain a person. That's at subparagraph (3) of that provision.

10

Then at page 109 there are some provisions that are found in the Transport Operations Regulation, and they include, very quickly, Commissioner, at section 125 on page 109 drivers must not unreasonably obstruct the path of another driver or a pedestrian, and at page 111, drivers may not stop on a pathway or a nature strip, and at section 198, a driver must not obstruct access to and from a footpath or driveway.

15

And then finally at - sorry, penultimately, at page 116, we've got the Summary Offences Act, and in particular, at page 119, there's the usual trespass provision, and subparagraph (2) of that section prohibits unlawfully entering or remaining in a place used as a yard for or a place used for a business purpose. And then at page 121, there's a decision from the Queensland Court of Appeal from 2024 in which it was found that members of the CFMEU seeking to exercise their rights under the Work Health and Safety Act were not - did not commit a trespass.

20

25

COMMISSIONER: What's the significance of that? I thought that was the law. That's the whole point of those parts of the Health and Safety Act, whatever it's called, the Work Health and Safety Act, that it gives you a right, as long as you comply with all the conditions, to do something that would otherwise be a trespass.

30

MR GISONDA: So that's what the Court of Appeal effectively found. In that case, a significant costs order was awarded against the police, and in due course, the impact of that decision will need to be explored as part of this Commission as well.

35

COMMISSIONER: Once bitten, twice shy?

MR GISONDA: So those legislative provisions, cases, the newspaper article from the Financial Review and the graphical aid of the identification of persons who were on the Cross River Rail site on 1 May comprise bundle 5, and so I seek to tender that bundle.

40

COMMISSIONER: Are there any objections? How do I describe the document that appears at paragraph 75 to 99, the one that attempts to identify the people that were present at the Cross River Rail sites around 30 April and 1 May who were associated with the CFMEU?

45

MR GISONDA: Graphical identification of persons present at Cross River Rail project sites on 30 April and 1 May 2024.

5 **COMMISSIONER:** And what's the exhibit number for this one?

MR GISONDA: It will be CRR-13.

10 **COMMISSIONER:** Bundle 5, Cross River Rail case study, comprising 139 pages of extracts of cases and legislation, media reports and graphical ID of persons present at the Cross River Rail project sites on 30 April and 1 May 2024 will be exhibit CRR-13.

15 **<EXHIBIT CRR-13 BUNDLE 5 CROSS RIVER RAIL CASE STUDY
COMPRISING 139 PAGES OF EXTRACTS OF CASES AND
LEGISLATION, MEDIA REPORTS, AND GRAPHICAL ID OF PERSONS
PRESENT AT CROSS RIVER RAIL PROJECT SITES ON 30/4/2024 AND
1/5/2024**

20 **MR GISONDA:** Is that a convenient time?

COMMISSIONER: Very well. Mr Murdoch, you're appearing for the AWU and also for the three or four witnesses who are proposed to be called this morning?

25 **MR MURDOCH:** Yes, Commissioner, if you please. There are four individuals: Mark Raguse, Jamie McQueen, James Timothy Downie, and Kurt Neumann.

COMMISSIONER: Thank you.

30 **MR MURDOCH:** In relation to Mr McQueen, there's a particular matter, and that is that I'd seek your leave to be heard in camera to advance some short reasons as to why Mr McQueen's evidence should be in private session. But we can deal with that at your convenience, as we get to that witness.

35 **COMMISSIONER:** Very well. We'll deal with that when that comes up. We'll adjourn till quarter to 12.

<THE HEARING ADJOURNED AT 11.29 AM

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

COMMISSIONER: Mr Gisonda.

45 **MR GISONDA:** Thank you, Commissioner. I'd now like to call the AWU witnesses, and the first witness is Mark Raguse.

COMMISSIONER: Is Mr Raguse in the hearing room? I think someone's just going out to get him. Mr Raguse, please come forward and just stand by the witness box, if you would.

5 **<MARK BENEDICT RAGUSE, SWORN**

<EXAMINATION BY MR GISONDA

10 **COMMISSIONER:** Please take a seat, Mr Raguse. Mr Gisonda.

MR GISONDA: Thank you, Commissioner. Mr Raguse, on 30 September 2026, you swore a statement that's 10 pages long, comprising 97 paragraphs; is that correct?

15 **MR RAGUSE:** That's correct.

MR GISONDA: And accompanying that statement is a bundle of documents that comprises eight annexures and runs for 39 pages; is that correct?

20 **MR RAGUSE:** That's correct.

MR GISONDA: Have you had an opportunity to read that statement recently?

25 **MR RAGUSE:** I have.

MR GISONDA: And is it true and correct?

MR RAGUSE: It is.

30 **MR GISONDA:** I tender that statement, Commissioner.

COMMISSIONER: Are there any objections? No. Do you have a middle initial, Mr Raguse?

35 **MR RAGUSE:** Sorry, Commissioner, I didn't hear that.

COMMISSIONER: Do you have a middle name?

40 **MR RAGUSE:** Benedict.

COMMISSIONER: Witness statement of Mark Benedict Raguse, 30 September 2026, 97 paragraphs, 10 pages, including nine annexures, will be exhibit MBR-1.

45 **<EXHIBIT MBR-1 WITNESS STATEMENT OF MARK BENEDICT RAGUSE, 30/9/2026, 97 PARAGRAPHS, 10 PAGES, INCLUDING NINE ANNEXURES**

MR GISONDA: Thank you, Commissioner. Mr Raguse, are you currently the assistant branch secretary of the AWU in Queensland?

MR RAGUSE: I am.

5

MR GISONDA: And you were elected to that role on 1 July 2025?

MR RAGUSE: That's correct.

10 **MR GISONDA:** And you're also the assistant secretary of - if we can call it the Queensland AWU; is that right?

MR RAGUSE: That's correct.

15 **MR GISONDA:** And you've had that role since 3 August 2022?

MR RAGUSE: That's correct.

20 **MR GISONDA:** Before you were elected to the position of branch secretary -

COMMISSIONER: Assistant secretary.

MR GISONDA: Sorry, assistant secretary -

25 **MR RAGUSE:** Got to watch that.

MR GISONDA: - you had been employed by the AWU since around late 2012; is that right?

30 **MR RAGUSE:** That's right, yep.

MR GISONDA: And what positions did you hold as an employee of the AWU before you became the assistant branch secretary?

35 **MR RAGUSE:** I commenced employment in 2012 as an industrial advocate, and then the next year witness statement of Mark Benedict Raguse, 30 September 2026, 97 paragraphs, 10 pages, including nine annexures witness statement of Mark Benedict Raguse, 30 September 2026, 97 paragraphs, 10 pages, including nine annexures I was appointed to a role of executive officer. Around maybe 2016, I
40 became an organiser in the southern district. A year or so later, I became the district secretary in the southern district. Around 2020, I think, I went back to the executive officer role, and then in 2022, I - I took the role of the assistant secretary.

45 **MR GISONDA:** In your statement at paragraph 10 onwards on page 1, you describe an early - a meeting in early 2019 or thereabouts at Parliament House with the then Deputy Premier, Jackie Trad, and you say that that meeting concerned a proposed enterprise agreement for the Cross River Rail project; is that right?

MR RAGUSE: Yeah, those very early days, there was discussion of what an industrial instrument might look like for that job.

5 **MR GISONDA:** And you say in paragraph 11 at the sentence that's right at the end of page 1, you say that in this meeting Ms Trad informed us that it was proposed that all five unions, being the CFMEU, AWU, AMWU, Plumbers and ETU, be parties to a single agreement for the proposed Cross River Rail project. Do you remember
10 whose expectation or whose proposal it was that she was communicating for all five unions to be a party to a single enterprise agreement?

MR RAGUSE: The best of my recollection, that was the Deputy Premier's position.

15 **MR GISONDA:** And in that meeting, amongst other people, you say that Mr Ingham was there and possibly Mr Ravbar, but you can't recall if Mr Ravbar was there?

MR RAGUSE: Yeah, that's correct.

20 **MR GISONDA:** And then at paragraph 12, you describe a follow-up meeting, again with Ms Trad and the other union officials, and you say that you and Mr Baker - and Mr Baker was the then secretary of the AWU at the time -

25 **MR RAGUSE:** Correct.

MR GISONDA: - communicated your position or the union's position about that proposal. And what was the AWU's position in relation to that proposal?

30 **MR RAGUSE:** We weren't interested in an agreement that had all unions as parties to it.

MR GISONDA: And what was the reason for that position?

35 **MR RAGUSE:** That the AWU is the union with industry coverage for civil work, and we didn't believe that the CFMEU would need to be a party to that agreement in relation to the civil work.

40 **MR GISONDA:** And what was the reaction of Mr Ingham to that communication from the AWU in that meeting?

MR RAGUSE: Didn't take it well. He disagreed. And he got angry at the suggestion.

45 **COMMISSIONER:** I don't understand why the Deputy Premier's getting involved in questions of who - or which unions, more correctly - should be parties to an agreement with CPB or CPB and its joint venturers for the building of the project.

Was any explanation given to you by Ms Trad about why she was involving herself in this?

5 **MR RAGUSE:** Commissioner, I can't recall that any explanation was given to me at the time. I can only, you know, consider what my view might be on it.

COMMISSIONER: What's your view?

10 **MR RAGUSE:** Trying to get into CFMEU into an agreement that covered all of civil construction, including tunnelling.

COMMISSIONER: But about her involvement in particular, I was asking.

15 **MR RAGUSE:** Yeah. Oh, no, I can't comment on that. I'm not - she was the - the Deputy Premier at that time was the minister, I think, who had responsibility for Cross River Rail. I think it was in her portfolio.

20 **COMMISSIONER:** It just strikes me as an unusual thing for anyone in the government to trouble themselves with, given there's a process of tendering which is supposed to be at arm's length. There's an award to the eventual winners of the tender - I will say loosely CPB - and CPB then carry the risk of managing the project, including the industrial relations risk, and off they go, using whatever skills they have, to ensure they can deliver the project on time. Is it common, in your experience, for the politicians to involve themselves at that level?

25 **MR RAGUSE:** I can't previously recall anything like that prior. I can't say it hadn't happened, but for me, Commissioner, no.

30 **MR GISONDA:** Fast-forwarding about a year, you say in your evidence from paragraph 16 onwards that there was a meeting in July of 2020 with representatives of the Department of Transport and Main Roads concerning a proposed Transport BPIC policy and that in that meeting there was also a discussion about the Gold Coast Light Rail Stage 3 project. And do you recall that at that time, a Mr Scott Gartrell was assisting the department with industrial relations advice? Do you remember that?

MR RAGUSE: I do. Yep.

40 **MR GISONDA:** And you say at paragraph 17 of your statement that you asked Mr Gartrell whether the proposal was for there to be a greenfield agreement in relation to the Gold Coast Light Rail project. And what do you remember about Mr Gartrell's response to that inquiry from you?

45 **MR RAGUSE:** He said that the CFMEU have got to be in that agreement.

MR GISONDA: And do you know why he had come to that position? Was that his personal view, or was he communicating the position of someone else?

5 **MR RAGUSE:** I don't know why exactly he would have put that position. The meeting was held by Transport and Main Roads, and he was - I think he was online as an adviser, an assistant to Transport and Main Roads. So, yeah, I can't comment any further. Like, my assumption would have been that it was part of a position that Transport and Main Roads would have had at that time.

10 **MR GISONDA:** I just then want to ask you a question about a meeting that took place on 21 May 2021, and this is in your evidence at paragraphs 23 to 29, and this is after the Cooroy to Curra enterprise agreement had been finalised between the AWU and CPB. And you were involved in those negotiations, weren't you, for that enterprise agreement?

15 **MR RAGUSE:** Correct.

MR GISONDA: And there was a meeting that was attended by a range of people, including Mr Neil Scales, who was then the secretary of the department, yourself and Mr Baker representing the AWU; representatives from CPB; and representatives from the Building Trades Group, but including the CFMEU. And Mr Sanfilippo has given evidence about that meeting, and I'll just tell you what he says happened and you can confirm whether it accords with your recollection. He says that:

25 "At one point in the meeting, Mr Baker asked Mr Scales his thoughts on the enterprise agreement, and Mr Scales responded by advising that he thought it was a good agreement. This attracted a strong reaction from Mr Ravbar, who suggested to Mr Scales that he should choose his words very carefully. The remark was delivered in a threatening tone."

30 Is that consistent with what you recall happened in the meeting?

MR RAGUSE: I recall that something was said. I just can't exactly remember the exact words that Mr Ravbar used.

35 **MR GISONDA:** But you say in your evidence at paragraph 29 that:

"Mr Ravbar rebuked Mr Scales for this comment."

40 And so you agree, at least to the extent that Mr Sanfilippo is suggesting, that Mr Ravbar was unhappy with Mr Scales' response to the question?

MR RAGUSE: That's my recollection, yeah.

45 **MR GISONDA:** I then want to ask you about some evidence you give from paragraphs 30 to 37 about the State Government's review into the Industrial Relations Act. And Mr John Thompson and Ms Linda Lavarch were conducting that review, and you give some evidence that you and Mr Baker had a meeting with those two as part of this review process. And you say at paragraph 31 that:

"The AWU raised specific proposed amendments to the IR Act to ensure there was compliance with eligibility requirements when making certified agreements at least within the state jurisdiction."

5

And then at paragraph 32, you say:

"The AWU's proposed amendments related to the parties and the QIRC to ensure that proposed certified agreements complied with eligibility requirements and that workers were not misrepresented by registered industrial organisations."

10

MR RAGUSE: That's correct.

MR GISONDA: At page 12 of the bundle to your evidence, as part of the documentation that you sent to those conducting the review, you presented what's described as a Model Demarcation Clause for Local Government Certified Agreements. Are you able to explain to the Commissioner what the AWU was attempting to achieve with this proposal?

15

MR RAGUSE: The view of the AWU was that the CFMEU was holding out to workers in local government that they could represent them when we believed that they didn't have the eligibility rules to be able to do that. And so as part of this process the AWU put together what might be useful for the Commission to consider. When the affidavits are submitted for certification by the parties, certain undertakings have to be given. One of those undertakings is that the proposed agreement has been bargained for, consistent with the Act, and that - as far as I can recall, and that the eligibility of the parties who are party to that proposed agreement are true and correct.

20

25

And if employees in local government aren't interested in actually ensuring that the people at the table that are bargaining can actually represent the workers that they're purporting to represent, then this provides an ability, the AWU believed at the time, for the commission to proactively exercise their powers to be able to ensure that the occupations and the callings that would be covered by the agreement would be suitably identified right upfront in the scope or in the parties to the agreement and the eligibility that those parties might be able to represent, and that that would provide some motivation for the parties during the bargaining for that proposed agreement to ensure that eligibility issues were clarified right at the front, because they would know that the commission would be having a look to see whether there was any concerns or issues around that.

30

35

40

COMMISSIONER: You'd been by this stage involved with the AWU for almost a decade in various roles. The impression from the evidence we've heard is that - and this impression might not be correct, and it might be corrected by further evidence - is that the federal commission had not looked at the agreements that it was asked to certify through this lens in the way that it should have, that is, that some agreements were being approved which might have gone beyond the constitutional

45

coverage of the CFMEU. Now, that might be right; it might be wrong. Are you saying the same sort of approach was being taken by the State Queensland Industrial Commission, or are you saying something else?

5 **MR RAGUSE:** If I understand your question correctly, Commissioner, the answer's yes. I think there would be agreements getting certified in the State jurisdiction, and if the parties hadn't addressed the issue at bargaining, at the beginning of the bargaining process, then it may well be that agreements are getting certified where their eligibility might not be correct, notwithstanding the undertakings and the
10 affidavits being signed by the parties.

COMMISSIONER: Correct one way, that is, that the CFMEU was having agreements certified which were intruding upon your coverage rather than you having agreements that were being certified that were intruding upon the CFMEU
15 coverage. Is that how I understand your evidence?

MR RAGUSE: Correct. Yeah. Yeah. We have a policy at the AWU we will not enrol someone that we can't lawfully represent. It's not fair to the worker.

20 **COMMISSIONER:** And so your proposal at paragraphs 30 to 37 of your witness statement was an attempt to deal with that problem that you'd observed, at least at the Queensland Industrial Relations Commission level, for what period of time?

MR RAGUSE: That I had noticed it?
25

COMMISSIONER: Yes.

MR RAGUSE: Well, since I commenced working at the AWU.

30 **COMMISSIONER:** In 2012 as an industrial advocate?

MR RAGUSE: Yeah.

MR GISONDA: And you say in your evidence that you raised this idea with the
35 independent reviewers and you also raised the idea or the proposal with the relevant minister at the time, Minister Grace Grace, in December 2021, but the outcome of your efforts was that the proposal was not even considered in the final report. Is that right?

40 **MR RAGUSE:** I don't believe - to the best of my - I haven't looked at the final report for some time, but to the best of my recollection, the answer's no. We raised more than that issue. We raised other issues as well. But that was one of the issues we raised.

45 **MR GISONDA:** Now, on 24 February 2023 - this is at page 4 of your statement, paragraphs 38 onwards - you say that you were sitting at a coffee shop downstairs from your office on Adelaide Street and you noticed an individual in the laneway

next to the shop who appeared to be wearing a red CFMEU T-shirt. And that laneway leads down to the AWU's car park; is that right?

MR RAGUSE: Correct.

5

MR GISONDA: And what do you remember about what happened on that day?

MR RAGUSE: I remember thinking - just seeing the MEU or whatever on that T-shirt - thinking that doesn't look right. So I picked up my things and went down there. When I went down there, there were two people dressed in CFMEU attire that were putting stickers that were, you know, detrimental to the AWU along the side of the building. We had an interaction in relation to that. After that interaction, they left. I had to go to a meeting with my secretary straightaway, so I entered via the roller door where the car park is on our property and then noticed that my vehicle had been completely covered in those stickers. So I assumed at least one or both of those individuals had trespassed into the building. And I couldn't stay very long, because I was required at a meeting, so I went upstairs. I advised someone who was in the office at the time to go downstairs immediately and remove - what had happened, remove all the stickers and bring them back. Following that, I got onto our office admin to see if we could get onto the facilities manager and get CCTV, if it was available, and we got that CCTV and filed it.

MR GISONDA: And the CCTV footage, which is quite lengthy, is annexed to your statement, and we won't play the whole footage, but a short portion of it was annexed to your secretary's statement - Ms Schinnerl.

25

MR RAGUSE: Schinnerl, yep.

MR GISONDA: Schinnerl - and played to the Commission, and we might just replay that, Commissioner. That was exhibit SLS-2.

30

(Video played).

MR GISONDA: Thank you. We can stop playing that footage now. And so that's your vehicle, is it, that's being stickered, Mr Raguse?

35

MR RAGUSE: Correct.

MR GISONDA: And you say in your evidence that when you confronted them in the laneway, you took some photos at the time; is that right?

40

MR RAGUSE: Yeah, that's correct.

MR GISONDA: And at page 15 of the bundle to your statement, we have the photos that you took on that day. And so that first photo, that's a picture of one of the men who was stickering your building and vehicle; is that right?

45

MR RAGUSE: That's correct.

5 **MR GISONDA:** And page 16, that's the next photo you took. And then the next page, that's the side of your building, is it, that they're putting stickers on, or the building in which your office is located?

MR RAGUSE: That's correct.

10 **MR GISONDA:** And then page 18 is them walking off. Page 20, they put a sticker on the entrance to the car park. And then page 21, that's the front of your vehicle, is it?

MR RAGUSE: Correct.

15 **MR GISONDA:** And then at page 26, a close-up of the stickers on your vehicle. And they had on your vehicle and on the building put a number of stickers that said "Bosses love A Weak Union"; is that right?

20 **MR RAGUSE:** A number of - yeah.

MR GISONDA: You then give evidence that on 1 March 2023 - this is at page 5 of your statement, paragraphs 49 to 53, and you were attending a meeting on that day at 1 William Street in Brisbane. And do you remember what the meeting was that day that you were attending?

25 **MR RAGUSE:** I'm sorry, I can't. I don't - I don't believe it related to construction. It might have been something else. But I can't recall, sorry.

30 **MR GISONDA:** And in order to check in - you had to check in to the building, and while you were waiting to do that, you noticed a number of construction workers who were entering the food court from the Queens Wharf building site across the road; is that right?

35 **MR RAGUSE:** That's right.

MR GISONDA: And you saw about six workers standing in hi-vis gear who were looking into the food court at the time. And then what do you remember - you were with Ms Schinnerl at the time; is that right?

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

MR GISONDA: And what do you remember happened next when you were there with Ms Schinnerl waiting to check in?

45 **MR RAGUSE:** We were in the queue, waiting to check in. One of the workers who was standing on the footpath above, you know, that area came down and then barged their way into that queue. I think my secretary, Ms Schinnerl, had a notebook or a

compendium or a diary, and that person put one of those stupid stickers on it and said words to the effect of, "How do you like that?" But he barged in between us to do that.

5 **COMMISSIONER:** What did you do? What did you do in response?

MR RAGUSE: I think my secretary Ms Schinnerl told him to go fuck off, and then he turned around and left. We didn't do anything else in response. He then went back up to the footpath where he was, and I think they moved on. My best guess is that
10 they had come down from the Queens Wharf job.

MR GISONDA: Just a couple more questions for you, Mr Raguse. You say that - this is back at page 1 of your statement, paragraphs 7 to 9 - that there had always been a level of tension between the AWU and the CFMEU in Queensland, at
15 least from your observation, but it was in about 2020 that those tensions escalated significantly, and you say that was especially following the commencement of the Cross River Rail project. Do you still consider that it was at around the time the Cross River Rail project commenced that hostility from the CFMEU to the AWU started to increase?
20

MR RAGUSE: I think so. It probably - wouldn't - might not have started or it ramped up on exactly that day, right, but I think that project was the trigger, and whether it was exactly in 2020 or '21 or '22, something in that period, it started to escalate, yeah.
25

MR GISONDA: And we've heard evidence from your secretary about these matters. As the assistant branch secretary, you are obviously a very proud unionist. What's your reaction towards the way that the CFMEU behaved towards the AWU in that period?
30

MR RAGUSE: I think it's terrible. It's - it's one group of workers attacking another group of workers. It's - you know, workers need to be united and representing their interests with employers, and it's - it's just - it's really terrible for the movement, and it's - I think it's - it's - it's misrepresenting to certain workers that they can be
35 represented. They're paying their money, and I don't think it's a - it's an ethical thing to be taking money when you knowingly know that you can't represent that person. It takes certain rights away from them as well, the right to - technically it takes the right of them to be able to take protected industrial action with their fellow workmates in solidarity, which was something we saw on the Bechtel job on Curtis
40 Island, you know, when I first started at the union, when ballots were being taken there to renegotiate a greenfield agreement.

COMMISSIONER: Just explain the significance of the Bechtel job on Curtis Island. Is that an LNG project?
45

MR RAGUSE: Yeah. Yeah. So Bechtel were building a massive, massive job over there on Curtis Island off Gladstone, and CFMEU were trying to get into that job.

They didn't - like, they probably had the rules to represent some people on that job, and - but they were enrolling, as the best of my recollection, people that they couldn't represent. When the employer - when they - when workers were taking protected industrial action and seeking to a ballot, the employer sought the Commission to
5 determine whether the eligibility was correct for the workers to be able to - to take that protected industrial action, and it turned out quite - many members who had been enrolled in the CFMEU weren't eligible to be able to take protected industrial action. So - I think it recently happened in New South Wales in Snowy Hydro as well. So it's a - you know, it's taking that away from a worker, is their ability to be
10 able to do the one thing, to be able to try and enforce and, you know, build on their rights. It's - it's not a very union thing to do, in my opinion.

COMMISSIONER: So are you saying that the people that you're talking about at one of the LNG projects, perhaps the only one - there were three, weren't there, in
15 Queensland around the time?

MR RAGUSE: Yeah, I think three or four.

COMMISSIONER: Four? I thought it was three.
20

MR RAGUSE: It might be three. It's been a while.

COMMISSIONER: Are you saying that the problem was that the CFMEU had been enrolling these people as members and taking their money, and then when the time
25 came for them to take industrial action, they couldn't because they weren't properly enrolled as a member because the CFMEU didn't have constitutional coverage of them?

MR RAGUSE: Correct.
30

MR GISONDA: I have no further questions.

MR RAGUSE: To the best of my recollection, Commissioner, yep.

COMMISSIONER: Just picking that up point, Mr Raguse, what has the impact
35 upon the appointment of an administrator been on this issue, the one that you described as having first observed at Curtis Island and you've observed playing out in the Queensland Industrial Relations Commission for a decade and then it escalating, I think you said, with the Cross River Rail project, that is, the issue of the CFMEU
40 enrolling persons who, in your view, they're not entitled to enrol as members?

MR RAGUSE: My personal view is that it's still happening. So I have information or I've been advised of a CFMEU organiser in North Queensland, above the 22nd
45 parallel, holding out to a council worker that they can join the CFMEU because they use a leaf blower or a weed snipper, right, and that's technically enumerated plant. So yeah, that's still occurring.

COMMISSIONER: What's the solution, in your view, to stop this occurring? If the administration, in your view, hasn't stopped it, how do you stop it?

5 **MR RAGUSE:** I think there needs to be a decision made and some leadership in relation to basically saying, "We couldn't represent you, and we're going to - you need to join the union who has the rules to represent you." You know, over the years I've been approached by workers who I know that I can't represent, like a carpenter or another trade, and I will actually contact the CFMEU or contact the ETU or whatever and say, "In this circumstance, it's better that you join that union, because
10 they have the eligibility to represent you." I'll reach out knowingly and do that, and outside of construction, in other industries, exactly the same thing, because it's not fair to that worker to take their money if you know you can't rightly represent them.

15 There have been times when I've been contacted by a worker where I know we can represent them, but we don't have an EBA in that industry or with that company, and another union has an EBA there, and it's in that worker's interests to join that union, because they've got the EBA, they've got the rights. And I will have a conversation with that worker and have a conversation with an official from that union and then try and make sure that whatever the issue is that worker has, they will join that union,
20 because it's in their interest and their family's interest to be represented by a union that can - where those workers can enforce all the rights that they can, you know, have available to them.

25 **COMMISSIONER:** And what impact does or will this have, in your opinion, this attempt by the CFMEU, even post the administration, to continue to expand its coverage on the building of the Olympic infrastructure? I'm really thinking about the Victoria Park stadium.

30 **MR RAGUSE:** At the moment, we're having discussions with the ACTU, and we'll have to see how that plays out, Commissioner. But I can only reinforce the fact that in my view, the AWU has the rules to represent civil and mechanical engineering work.

35 **COMMISSIONER:** Mr O'Grady will probably tell me I'm wrong, but the stadium doesn't look like a building unless it's got a roof on it. But I guess he'll tell me I'm wrong about that.

MR RAGUSE: I'll leave that to those discussions.

40 **COMMISSIONER:** Leave which discussions? The discussions with the ACTU?

MR RAGUSE: Yeah.

45 **MR GISONDA:** No further questions.

MR O'GRADY: Commissioner, just in the light of the questions you asked, I would seek leave to ask some very limited cross-examination.

COMMISSIONER: What's your attitude to that?

MR GISONDA: Yes.

5

<CROSS-EXAMINATION BY MR O'GRADY

MR O'GRADY: Yes, thank you. Mr Raguse, my name's O'Grady. I'm appearing for the administration of the CFMEU.

10

MR RAGUSE: Yeah.

MR O'GRADY: Are you aware that recently the biannual report to Parliament of the administration was tabled in Parliament by Mr Crosby?

15

MR RAGUSE: I'm aware that something was tabled. I haven't read it.

MR O'GRADY: All right. I understand. In that report, Mr Crosby deals with demarcation issues, and among other things, he says that there's a longstanding conflict with the Australian Workers' Union over the right to cover particular classes of workers. I take it you'd agree with that, that there has been a difference of view between the CFMEU and the AWU about coverage issues for a long time?

20

MR RAGUSE: I - I think that we have a certain view. I don't think it's confusing, but the CFMEU have had a different view, and they've acted on that view.

25

MR O'GRADY: Yes. And you're aware, aren't you, that the CFMEU has entered into an agreement with the AWU aimed at settling once and for all the demarcation of work between the two unions?

30

MR RAGUSE: Yeah, we're working with CFMEU administration officials to try and - yeah, try and resolve where possible those - those issues.

MR O'GRADY: Yes, and the administration and the AWU have jointly appointed former commissioner Julius Roe to arbitrate on competing claims?

35

MR RAGUSE: I don't know if we've appointed him, but we're working with Julius Roe, yes.

MR O'GRADY: Yes, and the idea is that both sides will abide by whatever the former commissioner decides in respect of demarcation?

40

MR RAGUSE: I can't recall exactly what the ending of that - I'm not sure that that's the case, but I would hope that that is the case.

45

MR O'GRADY: Yes. And that's a mechanism that the administration has entered into, with the agreement of the AWU, to try and resolve this longstanding dispute over demarcation?

5 **MR RAGUSE:** Correct.

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

10 **COMMISSIONER:** Anything arising?

MR GISONDA: No, but can I just - I just had Ms MacNicol point out something. If we go to Mr Raguse's statement at page 9, paragraph 91, that should be a reference to annexure MR-8, rather than 7. And then paragraph 93, that should be a reference to MR-9, not 8.

15 **COMMISSIONER:** Are you happy if we make those amendments to your statement, Mr Raguse?

20 **MR RAGUSE:** I am, Commissioner. While I was in the conference room, I picked up one more typo, which is at paragraph 64 on the last sentence. It says "Ms Schinnerl's stated works". That should be "words".

COMMISSIONER:

25 "Ms Schinnerl stated words to the effect that she didn't agree and that this was response was not acceptable."

MR RAGUSE: Correct.

30 **COMMISSIONER:** Thank you very much for your evidence, Mr Raguse. You're excused.

<THE WITNESS WAS RELEASED

35 **MR GISONDA:** Commissioner, the next witness is Mr James Downie.

COMMISSIONER: Is Mr Downie in the hearing room? Did someone just go out to get him?

40 **MR GISONDA:** Yes, Commissioner.

MR MURDOCH: Commissioner, while we're waiting, just one technical point. The statement is one that refers to his middle name incorrectly. It should be the simple Timothy, T-i-m-o-t-h-y, not the way it's been typed.

45 **COMMISSIONER:** Thank you. Thank you very much. Just come forward to the witness box, Mr Downie.

<JAMES TIMOTHY DOWNIE, SWORN

<EXAMINATION BY MR GISONDA

5

COMMISSIONER: Please take a seat, Mr Downie.

MR GISONDA: Mr Downie, on 29 September 2026, you swore a statement that was seven pages long and 65 paragraphs; is that right?

10

MR DOWNIE: Yeah, correct.

MR GISONDA: And accompanying that statement were five videos; is that right?

15

MR DOWNIE: Correct.

MR GISONDA: And have you had a chance to read your statement recently?

MR DOWNIE: Yes.

20

MR GISONDA: And we've made a note of the incorrect typing of your middle name, but apart from that, is the statement true and correct?

MR DOWNIE: It is.

25

MR GISONDA: I tender that statement, Commissioner.

COMMISSIONER: Any objections? Witness statement of James Timothy Downie, 29 September 2026, 65 paragraph, seven pages, as amended by his counsel just now, will be JTD-1.

30

<EXHIBIT JTD-1 WITNESS STATEMENT OF JAMES TIMOTHY DOWNIE, 29/9/2026, 65 PARAGRAPH, SEVEN PAGES, AS AMENDED BY HIS COUNSEL JUST NOW

35

MR GISONDA: Thank you, Commissioner. Now, Mr Downie, you are currently an AWU organiser; is that right?

MR DOWNIE: Correct.

40

MR GISONDA: And you've held that role since 2022?

MR DOWNIE: Yes.

45

MR GISONDA: And before that, you were a delegate employed as a machine operator; is that right?

MR DOWNIE: That's correct.

5 **MR GISONDA:** I want to ask you, first of all, about two incidents that happened at the Brisbane Metro site in March of 2023. And at page 1 of your statement, at paragraph 5, you say that yourself, Mr Kurt Neumann and Ms Jade Campbell were planning a visit that that project to have a meeting with some of your members. Do you remember what the purpose was for that visit that day?

10 **MR DOWNIE:** Yeah, so I actually hadn't gone on site before, so we were going to actually introduce me to the members on site, and, yeah, Mr Neumann was my district secretary at the time and Ms Campbell had come up, so we thought it'd be a good idea to go on site and introduce me at that time.

15 **MR GISONDA:** And when you say come up, she had come up from Melbourne, had she?

MR DOWNIE: Correct.

20 **MR GISONDA:** And what was her position?

MR DOWNIE: She was an organiser in Victoria.

MR GISONDA: And as you'd said, you had become an organiser in 2022, so you were still a relatively new organiser at this time.

25 **MR DOWNIE:** Yeah.

30 **MR GISONDA:** The purpose among other things was to have some introductions. And do you recall at the time approximately - and this might be hard to give some evidence about - but if you're able to, approximately how many members the AWU had working on the Brisbane Metro site at that time?

MR DOWNIE: I wouldn't have known that. It wasn't - it wasn't part of my portfolio.

35 **MR GISONDA:** And so you give evidence that on that day, you were driving towards the site, you were all in the one car, and normally would you enter through a gate on Grey Street, and the gate was shut at that time; is that right?

40 **MR DOWNIE:** Correct, yep.

MR GISONDA: And as you pulled in and approached the gate, you noticed that the - well, as you approached the gate, the car then became surrounded by some CFMEU members; is that right?

45 **MR DOWNIE:** Correct, yep.

MR GISONDA: And what did they do when they surrounded the car?

5 **MR DOWNIE:** There was just general jeering and carrying on. They were going around the entire car, placing stickers and flyers like they usually would, and yeah, some of them were asking me to step out of the car and vehicle and, you know, just say hello. And, yeah, I said no thanks.

10 **MR GISONDA:** And at paragraph 6 of your statement, you say that you identified in that crowd some people, including Mr Richie Atutolu, Mr Dean Mattas, Mr Brodie Wood and Mr Dean Rielly; is that right?

MR DOWNIE: Correct.

15 **MR GISONDA:** Then at paragraph 7, you say that you got a call from someone within Acciona - and it was an Acciona project, the Brisbane Metro; is that right?

MR DOWNIE: Yep.

20 **MR GISONDA:** And that person said that they couldn't open the gate, because if they opened the gate, then that group of men would potentially rush onto the site; is that right?

MR DOWNIE: Yeah, and they didn't call me; they called my district secretary at the time, Kurt Neumann.

25 **MR GISONDA:** And so you went and parked the car in a public car park around the corner; is that right?

MR DOWNIE: Correct.

30 **MR GISONDA:** And you say at paragraph 9 that "in hindsight, we probably should have left" when this happened, but you decided to persevere and try and meet your members?

35 **MR DOWNIE:** Correct.

MR GISONDA: And you said to Ms Campbell, "Are you ready for this?" before you left the car to go to the site. Why did you ask her that, do you remember?

40 **MR DOWNIE:** Yeah, I was just checking in to see if she was okay with, like, proceeding with Mr Neumann and myself. If she didn't want to, then she could take the car and drive back somewhere safe. So that was the purpose of asking.

MR GISONDA: And her response to you at paragraph 9 was she'd "seen all this shit from the CFMEU before in Victoria" and she was ready?

45

MR DOWNIE: Correct.

MR GISONDA: And you said earlier that she was an organiser from Victoria who'd come up?

MR DOWNIE: Yes.

5

COMMISSIONER: Can you just go back to paragraph 6, Mr Downie. It seems a very sort of neutral or sort of censored version of that conversation. What was the actual language that was used by Mr Atutolu?

10 **MR DOWNIE:** Yeah, like, trying to - I think he was trying to impress on me that I should be a man and get out of the car. Calling me a pussy. "Come on out." Like, I'd never met a real man before, things like that. So, yeah, it wasn't worth it.

COMMISSIONER: I beg your pardon?

15

MR DOWNIE: It wasn't worth it for myself. Not doing that.

COMMISSIONER: There's four of them there and one of you.

20 **MR GISONDA:** There wasn't four; there was more of them, wasn't there?

MR DOWNIE: Correct. Yeah.

MR GISONDA: It's just they're the four that you could recognise?

25

MR DOWNIE: There were about 16, 20 of them.

MR GISONDA: And can I ask you, do you know how they - did you get a sense that they were expecting your arrival?

30

MR DOWNIE: Always, yep.

MR GISONDA: And do you have a sense of how they knew that you were going to turn up at the site on that day?

35

MR DOWNIE: Yeah, it's common that the - at a toolbox in the morning, whoever's leading the toolbox announces that a union organiser is going to be onsite during smoko. So it was - yeah, it was information widely spread at that point.

40 **MR GISONDA:** And were you aware - you might not know that, but were you aware that in March of 2023, Mr Atutolu was in fact working on the Cross River Rail project?

MR DOWNIE: Yes, I was. Yep.

45

MR GISONDA: Now, as you proceeded to walk towards the entry to the site, you were abused by a number of CFMEU members, were you?

MR DOWNIE: Yes, correct.

5 **MR GISONDA:** And as you were walking, it turns out that Ms Campbell had taken a video of the walk towards the entrance of the site; is that right?

MR DOWNIE: Yes.

10 **MR GISONDA:** If we could please play first, not JTD-1, but JTD-2, please.
(Video played).

15 **MR GISONDA:** If we can stop that footage. And then if we can just play JTD-1, please. This is the same incident but from now the vantage point of within the site.
(Video played).

20 **MR GISONDA:** Mr Downie, that was yourself and Mr Neumann trying to get onto the site; is that right?

MR DOWNIE: Correct.

25 **MR GISONDA:** And you made it clear to the group that you wanted to enter the site to talk to your members?

MR DOWNIE: Correct.

30 **MR GISONDA:** And they made it clear to you that they were not going to let you get onto the site; is that right?

MR DOWNIE: Mmm-hmm.

35 **MR GISONDA:** And one of them said that they weren't going anywhere and they'd stay there all day?

MR DOWNIE: Correct.

40 **MR GISONDA:** And so as a consequence, were you able to at least on this particular incident - and we'll come to the afternoon in a moment - but on this incident, were you able to get onto site to talk to your members?

MR DOWNIE: No, I wasn't.

45 **MR GISONDA:** Now, what that footage doesn't show is what happened whilst - Ms Campbell was able to get onto the site, as you saw, and so she went and spoke to some members on the site, did she?

MR DOWNIE: Yes, that's right. Yep.

5 **MR GISONDA:** And then you say at paragraph 14 of your statement on page 2 that when you were next to Mr Neumann, the group were making a lot of noise and yelling, as we saw, and they were trying to put stickers on your shirt. And then at paragraph 15, you say they were becoming more and more aggressive and "there was one guy telling us how he was a boxing champion" and how you would not get past them because he would knock you out. Is that what you remember happening?

10 **MR DOWNIE:** That's correct, yep. That's what happened.

15 **MR GISONDA:** And in that group, at paragraph 16, you say you were able to identify Mr Atutolu, Mr Rielly, Mr Wood and Mr Mattas. Do you recall who it was that said to you that they would knock you out, the person who claimed to be a boxing champion?

MR DOWNIE: I don't know his name, no.

20 **MR GISONDA:** Now, at paragraph 18, you say that while this was happening - this was - where you were standing was a public footpath; is that right?

MR DOWNIE: Yeah, correct. Yep.

25 **MR GISONDA:** And members of the public were walking past as all this was happening?

MR DOWNIE: Yes.

30 **MR GISONDA:** And you say at paragraph 18 that a bus pulled up behind you and people got off the bus.

MR DOWNIE: Mmm-hmm.

35 **MR GISONDA:** And that included a couple of women and children who got off the bus?

MR DOWNIE: Yep.

40 **MR GISONDA:** And what do you remember was their reaction to what they saw happening?

45 **MR DOWNIE:** So, yeah, every few minutes there was a bus obviously pulling up, because it was a bus stop, and every time they got off the bus, they were asking Kurt and myself what we were doing there, why there was so much noise. And then if they turned up when there was a lot of chanting and I guess aggression, people were getting visibly upset and crying about it. They only had one way to go, really, and

that was to come past us to head out when they got off the bus, so they were all streaming behind us.

5 **MR GISONDA:** And this went on for about 20 or so minutes; is that right?

MR DOWNIE: Correct.

10 **MR GISONDA:** And was this the first time that you'd been physically confronted like this?

MR DOWNIE: Like with a mob, yes.

15 **MR GISONDA:** And what was your reaction to being set upon like this by the CFMEU?

MR DOWNIE: My reaction? I was - I had never experienced anything like it, so I was trying to maintain a sense of bravado while being scared shitless.

20 **MR GISONDA:** Then later that day, did you receive a call from management to say that you might be able to get back onto the site?

MR DOWNIE: Correct, yes.

25 **MR GISONDA:** And so at about 1.30, you planned to go back to the site but use a different entrance this time. Is that -

MR DOWNIE: Opposite side of the river. So we were on, yeah, the mainland, I guess the Brisbane side of the city.

30 **MR GISONDA:** And you say at paragraph 25 that you crossed the road from Adelaide Street - and again, it's yourself, Mr Neumann and Ms Campbell?

MR DOWNIE: Correct.

35 **MR GISONDA:** You crossed the road from Adelaide Street to North Quay to head to the rear entrance, and when you were about 10 or 15 - you were about 10 or 15 metres in front of Mr Neumann and Ms Campbell, and as that happened, you were noticed by some CFMEU members and they ran up in front of you. Is that right?

40 **MR DOWNIE:** Yeah, I was in front of them - I was in front of Mr Neumann and Ms Campbell, and I managed to get past a whole heap of them before they recognised that I was with Mr Neumann, so -

45 **MR GISONDA:** Okay. If we can then play, please -

COMMISSIONER: Just before you do, can I just go back to the morning. Again, in paragraph 15 of your statement, it does seem a slightly vanilla version of what was

said. This is the guy that you - you don't know who he is, but you describe him as saying he was a boxing champion. What was his actual words or the effect of his words, so far as you can remember, to you on that morning?

5 **MR DOWNIE:** Well, so as you saw on the video, I had actually managed to get past the crowd and I was with Ms Campbell, and then I went back to be next to Mr Neumann because I didn't want him out there by himself. And I said to Kurt, "Let's just go towards the gate. We can gain access." And this person in front of me said, "Take a step forward, like, you're not getting through. If you take a step forward, I'm
10 a boxing champion, I'll put you out straightaway. So come on, try it." I said, "Well, like, firstly, no, I'm not doing that, but two, I don't care who you are, just let us into the site." And he doubled down and said, "We all here train and I'm the champion among us, so I will take you out no issue." So I was like, "All right".

15 **COMMISSIONER:** That's a slightly less vanilla version, but you look at the video there's a lot of swearing and threats. Have you taken all the swearing out of that version you've just given the Commission?

MR DOWNIE: I can't remember exactly what he said. Again, it was a fair amount
20 of time - fair amount of time ago, and there was a lot of swearing, carrying on and the rest of it. Like, it's not word for word what he said, no.

MR GISONDA: Do you remember whether the man that said that was bald?

25 **MR DOWNIE:** Correct.

MR GISONDA: He was bald?

MR DOWNIE: Yeah, short and bald.
30

COMMISSIONER: Do you want to do these videos after lunch or do you want to do them now?

MR GISONDA: This video is only - it's six minutes. Maybe we'll play the video
35 now and then we can - so if we could play, please - now, Commissioner, you've seen a part of this footage already in an earlier hearing, but if we could please play JTD-3.

(Video played).

40 **MR GISONDA:** Okay, we can stop that footage. Just before we break for lunch, Mr Downie, do you know who - the main man who was doing all the talking, do you know who that was?

MR DOWNIE: No, he didn't identify himself, except that he said he was a BUSSQ
45 representative.

MR GISONDA: Is that convenient, Commissioner?

COMMISSIONER: Do you want to ask the witness a lot more about this incident? You can finish off on it if you want to.

5 **MR GISONDA:** Okay, let's just finish off on it perhaps and then we can break. So you said in relation to the first incident that you were "putting on bravado but in truth scared shitless". Correct me if I'm wrong, but this incident looked like it was even more intimidating than the morning incident. Is that fair?

10 **MR DOWNIE:** Yeah, 100 per cent.

MR GISONDA: And it looked like that at any moment, the interaction could turn physical and dangerous for you?

15 **MR DOWNIE:** Yep.

MR GISONDA: They were there physically in your face, and did any of them strike a blow on you?

20 **MR DOWNIE:** Like, no, there was no blow, no. They touched me, yeah, for sure. That big fella, his finger actually made contact with my face as he was shoving it at me, so -

MR GISONDA: Yes.

25 **COMMISSIONER:** How did this incident finish, Mr Downie?

MR DOWNIE: They didn't allow us a pathway through. So in my statement, the security came out and asked us to leave, because we were being an inconvenience to them. So Kurt and I and Ms Campbell, we - yeah, there was no way we were
30 getting - there was no way we were getting anywhere forward, so we had to turn around and essentially walk back along the way we'd come, because, yeah, they were very adamant that they were just going to sit up. So we had to - we were forced to just return and retreat as such.

35 **COMMISSIONER:** Which means you weren't able to see the members?

MR DOWNIE: No.

40 **MR GISONDA:** And they followed you up the street, you say in your statement, for about 150 metres?

MR DOWNIE: Yeah. They followed us a long way to make sure that we crossed the road back onto Adelaide Street and we were walking up towards our offices.

45 **COMMISSIONER:** We'll adjourn till 2 pm.

<THE HEARING ADJOURNED AT 1.05 PM

<THE HEARING RESUMED AT 2.00 PM

5

COMMISSIONER: Mr Gisonda.

10 **MR GISONDA:** Thank you, Commissioner. Before we broke for lunch, Mr Downie, you had just given some evidence about - this is on the morning of 23 March 2023. You said that one of the members of the group had referenced his fighting - the fact that he was a fighting champion and had made threats to you, and I asked you if he was bald, and you said yes. Can I just show you a picture, please, for to you look at on the screen. Is that the individual who made that threat to you?

15 **MR DOWNIE:** Correct.

MR GISONDA: Commissioner, that appears to be Mr Eben Cox, who you heard evidence about at the - during the Rosenlund evidence.

20 **COMMISSIONER:** He was the organiser who imposed the delegate - I've forgotten the delegate's name - who was a boxer -

MR GISONDA: Mr Broadhurst.

25 **COMMISSIONER:** Mr Broadhurst - in place of the delegate who had been a homegrown delegate for 30 years or so.

30 **MR GISONDA:** Yes. Can I now ask you, Mr Downie, about the incident that you describe on 20 June 2023. This is at paragraph 31 of your statement, beginning on paragraph 31 of your statement, and you give evidence that yourself and Mr McQueen - and just pausing there, what's Mr McQueen's position with the union?

MR DOWNIE: He's our construction lead.

35 **MR GISONDA:** And the two of you were attending a meeting on site at the Cross River Rail project, in particular at the Gabba station; is that right?

MR DOWNIE: Yeah, that's correct.

40 **MR GISONDA:** And what was the purpose of that meeting on that day?

45 **MR DOWNIE:** So aside from it being a regular visit that we did every fortnight, that visit was to go out there to speak to them about new changes to the app for Cbus, as we had representatives come out before with us and also, yeah, we were familiar with the app, so it was there to answer any questions in regard to the changes to that app.

MR GISONDA: And you say at paragraph 33 that Mr Richie Atutolu was present in that meeting. What can you remember about his behaviour during that meeting?

5 **MR DOWNIE:** So he came into the room, making his presence fairly well known that he was in there. The IR had actually asked him to leave a few times, and instead of leaving he was letting people in and out of the doors, trying to - trying to say stuff to, you know, interrupt the meeting and carry on like that. So that's what he was there to do.

10 **MR GISONDA:** And you say that once that meeting had ended and you left the room, you were walking out, you went past one of the rooms - this is at paragraph 34 of your statement - that was normally full of scaffolders from RB Scaffolding. And what did you notice about the room when you walked past as you were leaving the meeting?

15 **MR DOWNIE:** So yeah, the room was empty. So you had to go past that room to get down from the upstairs meeting room, or break room, rather, but you had to go past it, and usually when you went past there at that time, it was - every table was full, every seat was taken. But this time there was, yeah, maybe a dozen people in
20 there. There was no one in there.

MR GISONDA: And you say that something didn't feel right at that point, and so just - you then went to the front gate and had a look outside of the site. Tell the Commissioner what you then observed when you had a peek outside the site.

25 **MR DOWNIE:** So there was a car that was parked near the - near the gate, and in front of it was a whole bunch of orange and yellow hi-vis shirts that were clearly blocking every single entry or access or, rather, exit from the site, and they were just kind of milling around having conversations and waiting for someone.

30 **MR GISONDA:** And so what did you think might happen at that point?

MR DOWNIE: So I knew that they were there for us. I knew that they were waiting for us to finish our meeting. I thought, well, this is - yeah, this is just another event, I
35 guess. This is happening again, and now we've just got to manage it.

MR GISONDA: And when you say "happening again", is that a reference to what had occurred a couple of months earlier on the Brisbane Metro site?

40 **MR DOWNIE:** Correct.

MR GISONDA: And so what did you say to Mr Michael O'Brien, who was with you at that point?

45 **MR DOWNIE:** I said to him that I was aware that there was a gate that could lead us safely out the other side of the project. I'd been organising on that site for a bit at the Cross River Rail. So I was aware of it, as members had told me, so I said, "Well,

it's not usual for us to walk through site. You're going to have to get us to that gate and let us out safely."

5 **MR GISONDA:** And what was his response to that?

MR DOWNIE: "We can't allow you to do that."

MR GISONDA: Right. And so then where did you go after that point?

10 **MR DOWNIE:** So our only way off site was to proceed towards the main gate, I think off Main Street, rather, and we - we walked over there in the hopes that the traffic controller would let us out, which they did.

15 **MR GISONDA:** And at paragraph 37, you say as you were walking towards Main Street the group that was outside and clearly waiting for someone, they saw you, did they?

20 **MR DOWNIE:** Yeah, that's right. So where we had to - we had to cross down onto the main concrete path to then follow obviously the pedestrian crossing over to where it was safe to walk through the middle, which was right in front of the gate, the main gate where they were all standing. And once they saw us, it was - yeah, obviously it was hard to think they were there for any other reason except for us, because that's when they started carrying on.

25 **MR GISONDA:** And you say they started carrying on. What were some of the things that you could hear them saying to you?

30 **MR DOWNIE:** "Why are you going that way, you pussy? You too scared to come and meet us? Where are you going? Where are you running to? What's happening? Are you scared of us? Not willing to have a conversation?" Things like that, like, and chanting.

35 **MR GISONDA:** You say at paragraph 38 - tell me if this is a correct way of reading your evidence here at paragraph 38 - that in that group there was about 40 to 60 people; is that right?

MR DOWNIE: Correct.

40 **MR GISONDA:** And so you - what were you thinking at that point about what might happen from thereafter?

45 **MR DOWNIE:** I wasn't really thinking anything. I was thinking of my own safety and getting back to my car so that I could get the hell out of there, and it was more about how do I get off this site while obeying, obviously, the correct walkways and pathways and get out of there. They're over here, I'm over here, I might be able to get in front of them before - it was serious enough last time, maybe it gets seriouser - like, more serious today.

MR GISONDA: And so you exited the site.

MR DOWNIE: Yep.

5

MR GISONDA: And you were on Main Street at that point?

MR DOWNIE: Correct. We turned right.

10 **MR GISONDA:** And once happened once you exited the site?

MR DOWNIE: So as we actually exited the site, they realised that we'd found another avenue, and so looking up left from where we exited, there was a whole heap of orange shirts pretty much streaming around the corner, coming towards us, so it was like, well, you know, we need to put a step on.

15

MR GISONDA: And at this stage, it was just yourself and Mr McQueen, was it?

MR DOWNIE: Yeah, at that point, yeah.

20

MR GISONDA: Apart from yourself and Mr McQueen, was anyone else with you, I should say?

MR DOWNIE: It was - it was the two of us at that time, yeah.

25

MR GISONDA: And so then at paragraph 40, you say that they - the group caught up to you. So you were trying to get out of there as quick as you can.

MR DOWNIE: Yep.

30

MR GISONDA: But you were unsuccessful; they caught up to you. What happened once they caught up to you, this group?

MR DOWNIE: So, like, they actually weren't really saying anything. I couldn't actually understand really what they were saying. They were just pretty much screaming and carrying on. As I said in my statement, I stayed a little bit back from Jamie McQueen, because I thought if they catch up to they might surround me and carry on and he might be able to get somewhere, so I hung back a little bit. And then once they actually got up to me they started shoving me. They unzipped my backpack. They were reaching into my backpack, grabbing things out of my backpack, like, trying to pull me back by my backpack and just getting either side of me while I was standing in the middle of the pathway and just screaming, carrying on, shouting things at me and, yeah, telling me - asked me where I was going.

40

45 **MR GISONDA:** Would you say that this particular interaction was considerably more physical than the interactions you had at Brisbane Metro a couple of months earlier?

MR DOWNIE: Yes, because they were actively trying to lay their hands on me, push me, shove me, trying to bait a reaction, yeah, and trying to - yeah, it was very much - yeah, there was physical altercations, that's for sure.

5

MR GISONDA: And you say at paragraph 40 that you were pleading with them, essentially, to leave you alone. Is that correct?

MR DOWNIE: That's correct. I didn't know what they wanted. I was off site. So I was just like, leave us alone, we're getting out of here, we're doing what you're asking us to do, we're leaving, so what's the purpose of continuing this?

MR GISONDA: And then at paragraph 41, you say that the two of you, is it, you and Mr McQueen, continued walking up towards the lights?

15

MR DOWNIE: Mmm-hmm.

MR GISONDA: And so even though they were pushing you and shoving you, you were still able to progress up the street; is that right?

20

MR DOWNIE: Yes, I still made my way forward. Like, no, I wasn't letting anyone get in front of me. I was removing people that were in front of me so that I could get past them, sidestepping them and the rest of it, because yeah, I needed to get to my car.

25

MR GISONDA: And then when you got to the traffic lights - again, your evidence here is at paragraph 41 - what do you remember happened at that point?

MR DOWNIE: At that point, they'd thrown everything they possibly could lay their hands on out of by backpack, and I was like I've got nothing more in there. The light had gone green to cross the road, so I stepped onto the road just as the lights on the Main Street had gone green, the traffic had started picking up, and I noticed that two individuals had gone to the right-hand side of me and they charged at me with such force that I was bumped off or, yeah, shoved off the pedestrian walkway, and there was a large truck, like a Mack truck essentially coming at me, that I had to throw my body back at the pedestrian crossing to get back onto the street, because if I hadn't, I would've - I would've been hit by the truck.

35

MR GISONDA: You say that you felt the wind on your backpack as the truck came past. That's how close it was.

40

MR DOWNIE: Correct. Yeah. At that point I just started running, so -

MR GISONDA: And at this point, Mr McQueen was in front of you, and you started running, you say, and then you ended up at the shopping centre that had the Coles in it; is that right?

45

MR DOWNIE: Yep.

MR GISONDA: And what happened once you arrived at that Coles shopping centre?

5

MR DOWNIE: Well, as soon as I started running - I'm not the fittest of guys, so there's a lot of people that are faster than me, so they managed to get in front of me, and they got in front of Jamie also, but they made sure to block off the top access of the stairs so that we weren't able to proceed up, and again, asked them questions of why, we're not even on the Gabba project any more, this is completely different, and
10 yeah, they - like, again, they weren't really asking anything intelligible, so I couldn't understand what they wanted. It's just that they - obviously they were out for something, and we weren't giving it at that point.

15 **MR GISONDA:** And you say at paragraph 43 that there was a guy who was clearly baiting you. Do you remember who that guy was who was at the top of the stairs saying those things to you?

20 **MR DOWNIE:** I'd never seen him before and I've never seen him again. I don't actually know who it was. But yeah, I know his face, but I don't know who he is.

MR GISONDA: And what were some of the things that he was saying to you?

25 **MR DOWNIE:** He was saying, like, "Come on, surely we've done enough now for you to do something. We've done enough, like, come on. It's man on man. Let's go." And that's when I said to him, "I don't do this. Like, I've got my permits to protect, I value my job, I don't need to be punching on with anyone. Just let us go past." And he was quite adamant again that I needed to throw something, I needed to punch on with him, because it was not manly of me to not.
30

MR GISONDA: And then when you said that that's not what you wanted to do, you just wanted to do your job, what did one of the group members say to you?

35 **MR DOWNIE:** Like, he - well, again, they were - they were all chanting about the boss's pet, being management's pet and the rest of it, but -

MR GISONDA: And then if we can look at paragraph 44 to paragraph 46 of your statement, which is at page 5, what did he then say to you about your family?

40 **MR DOWNIE:** I said to him that I wouldn't be punching on because I have permits and the job and I value it and I've got better things to do. And then, yeah, that's when this individual asked me, "Is that what you're teaching your kids?"

45 **MR GISONDA:** And what did you say to that comment?

MR DOWNIE: I said, "I don't have any kids, don't know what you're talking about." So I don't want to discuss my personal life. I'm at work. So I said to them I don't

have kids, because obviously I don't want this happening to them, so I don't have any. And they told me that that was very incorrect.

5 **MR GISONDA:** All right. And what did he say to you then when you said that you didn't have any kids?

MR DOWNIE: He said to me, "We know you have two sons," and then they gave the names of my sons and where they went to school and to day care and my patterns and what I did in my personal life.

10 **MR GISONDA:** And what were you thinking at this point, when they were saying this to you?

MR DOWNIE: Yeah, that my job had crossed over to my personal life and that was - I'd brought danger to my family.

MR GISONDA: Could we just quickly have a look at annexure JTD-5. We won't play all of it. If we just start playing that.

20 (Video played).

MR GISONDA: That's yourself on the right in the yellow hi-vis with the backpack; is that right?

25 **MR DOWNIE:** Correct.

MR GISONDA: And the other man with the yellow hi-vis, is that Mr McQueen?

MR DOWNIE: It is, yes.

30 **MR GISONDA:** This video goes on for about six minutes. It must have felt like an eternity at the time that you were here in this particular location facing these threats and this abuse?

35 **MR DOWNIE:** Yes. Yeah, time seemed to stand still in all the instances that I had, yes.

MR GISONDA: And you say in your evidence that after you received that particular menacing threat from someone in the group -

40 **MR DOWNIE:** It's that individual in the yellow shirt there who's saying it all to me.

COMMISSIONER: The one that's right up in your face?

45 **MR DOWNIE:** Yes, the one that's right up in my face wearing the CFMEU yellow hi-vis.

MR GISONDA: We'll just leave that playing for a little bit while I ask you a couple of other questions. You say that it was after he made that particularly menacing threat that Mr Steve Amies -

5 **MR DOWNIE:** In the hood. He's wearing a chequered shirt and that hood over him.

COMMISSIONER: He's the one talking to you now?

MR DOWNIE: Yeah, correct.

10

MR GISONDA: He effectively said to the group that they'd got their point across and it was time to let you go on your way; is that right?

15 **MR DOWNIE:** Yeah, he said, "The message has been sent. I think this fella knows what's going on. I think he's heard the message, so there's no need to keep him here any further. They know what's going on."

20 **MR GISONDA:** If we could just stop that footage and just bring up bundle 5, please, which I believe is CRR-13 that I tendered this morning. And could I just go to page 97, please. See the picture of the man on the left there? Is that the man who was making the threats to you that day?

MR DOWNIE: It - it was, yes.

25 **COMMISSIONER:** Which threats? There's two sets of threats. Oh, there's the same man making both sets?

MR DOWNIE: Yeah.

30 **MR GISONDA:** Can I then ask you just about a couple more incidents, Mr Downie.

35 **COMMISSIONER:** Could I just ask one other question on this issue. What's the significance of the RB Scaffolding crew, if I can call them that, being part of this large group of 45 to 60 people that were getting ready to greet you as you exited the site?

40 **MR DOWNIE:** What's the significance? I think they were mainly - they were the group that were closest, and there were a fair amount of delegates within that group that had, yeah, either come from RB scaffolding then become delegates working directly for CPB or - yeah, so RB - they were the closest. They were always there.

COMMISSIONER: And what's the reason for that, as far as you understand things?

45 **MR DOWNIE:** I just think it was in relation to their - with their smoko rooms, really, they were the quickest crowd to pull on. Yeah, they were notified, so they went out.

COMMISSIONER: And looking back on this now, why didn't Mr O'Brien, Mr Michael O'Brien, give you the easy way out?

5 **MR DOWNIE:** They hadn't been authorised to give us any assistance. They hadn't been authorised to let us - access codes or go and - yeah, I guess, yeah, have protection on site. They weren't given that okay. We had to follow the letter of our right of entry to the law, which I understand, but yeah, they weren't willing to - they weren't willing to break or bend that.

10 **COMMISSIONER:** But he must have seen a group of 60 people outside waiting for two of you?

MR DOWNIE: He did. He was very aware of it.

15 **COMMISSIONER:** So why didn't he say to you, "Look, we'll get you out the back way"?

MR DOWNIE: I - I do not have the answers for that, unfortunately. They - they would not - CPB would never guarantee us any - any preference or anything on site.
20 They said they were staying neutral, they were staying out of it, and if they gave that preference to the AWU, they'd have to give it to the CFMEU. They wouldn't do risk assessments on dangers. They wouldn't provide us with parking through the front gate so we could just get in our car. We're not asking for a specific car park set-up, just for us to be able to pull our vehicle on site and access and egress, get in and get
25 out. But they - yeah, Terry Prior and Chris Butler wouldn't agree to it and said that wouldn't be happening so we'd have to find our way on and off site.

MR GISONDA: At paragraphs 54 to 59 of your statement, you say that you and Mr Neumann were again at the Cross River Rail site on Albert Street, and you had your
30 meeting with your members and there were no issues, and as you were leaving site, two CFMEU guys, who were wearing matching green Labour Day shirts, said something to you. Can you tell the Commissioner what happened on that particular incident?

35 **MR DOWNIE:** Yes, so on that instance, we'd gone to site, turned up and there were two people in, yeah, matching CFMEU shirts out the front. We gained access onto site; the IR had let us through. We'd gone up the stairs to go to the smoko room, which is where we would hold our meetings. We were there for a good, I don't know, 30, 45 minutes, and then as we were leaving, we got down - we walked down the
40 steps to exit, obviously, the premises, and the same two people that had been waiting there when we turned up were hanging off the - the grille, the grille that was the barrier between the stairs and the public, and then they said, yeah, "Welcome," which was, again, odd because we were leaving site. They were welcoming us to Brisbane City, I guess, and off the project.
45

MR GISONDA: And then what happened once you step the outside of the site?

MR DOWNIE: Well, so once we stepped outside, it actually went from a lot more than two people. There were a lot of people. I guess they were further back. There was only two of them that were making themselves present. As soon as we stepped out of the site they essentially came and swarmed us. They weren't chanting or
5 yelling. They were just saying, "Oh, having another meeting with your bosses, are ya? You're here to see your management." And then they were putting anti-AWU stickers, yeah, "Always Was Useless" and "Bosses love A Weak Union" stickers all over us and trying to put it in our pockets and on our compendiums and the rest of it. But at that point they were just, like, push and shoving and, like, putting the stickers
10 on, but they weren't, I guess, chanting and screaming and carrying on.

MR GISONDA: And did they then follow you down the street? Is that what happened next?

MR DOWNIE: Yes, so we then left the site, because we would walk, we would walk to the sites at Cross River, because it was close to the office. We then left the site and crossed onto Charlotte Street, and they followed us, surrounded us at the waiting light. We crossed and they followed us up on the right-hand side of Albert Street, really, rather, going towards Queen Street. And, yeah, once - once they'd all
20 managed to cross the road, that's when they started shouting and chanting and making their presence known, really.

MR GISONDA: And just at paragraphs 57 to 59 of your statement on page 6, when you say they started chanting, is that similar so the sort of chanting that we've seen in
25 the videos a bit earlier in your evidence?

MR DOWNIE: Exactly the same, because it was Mr Wood who was leading them, so the same: "When I say AWU, you say grub." Yeah, all the rest of that lovely language. And that's when, yeah, they started to - they started to really ramp it up and
30 carry on and really surround us as we were getting more and more into a public environment, and that's when, yeah, there was a - there was a little old lady in front of me, and they did a really big one, and she was so startled that she immediately turned around to me very upset, because it had shocked the living shit out of her, and she was like, "What is going on? What is happening?" So I apologised, obviously,
35 because, yeah, and I said, "I think you need to move over. We've got to keep going."

MR GISONDA: And you say at paragraph 58 that the whole time this was happening - well, tell the Commissioner. What were you feeling might happen as you were trying to walk away from these people?
40

MR DOWNIE: Well, again, as I said, the pushing and shoving at the start, when I wasn't expecting it, they hadn't met us like they usually would with a whole - with a big group. They kind of - they had, but it was two - some diversion really, and then they'd come swarming out, so I thought, "Well, this is going a different way than it
45 has previously." But as we were walking up, it felt like they were getting - the more we were getting closer to public, the more they were trying to put a show on, the more they were really trying to ramp things up and bring people along with them.

And at that point I was walking in front of them, and I'd been followed by them previously in my other instances, but this one, they were like right up on us. So I thought at some time, this group might actually start swinging at us.

5 **MR GISONDA:** Then could I ask you about the incident that happened at the Northern Portal on 27 July 2023, and so this was after the serious incident that had occurred at the Boggo Road site on the project. Do you remember when that happened?

10 **MR DOWNIE:** Yes, I do.

MR GISONDA: And there was, after that, essentially some industrial action taken in that workers were not allowed onto site until the unions were satisfied of the project's safety response. Is that a fair description of what was happening?

15 **MR DOWNIE:** Workers weren't, yeah, meant to be working until - until it had been fixed up, correct, yes.

20 **MR GISONDA:** And on 27 July, you went to the Northern Portal, did you, to brief your members about the incident and presumably what the union was going to do in response to that?

25 **MR DOWNIE:** Correct, yes. We'd turned up to meet with the members. That was where a large group of our members had gone from the other depots - sites, rather - to the Northern Portal and yeah, that was where I would go to start my talks.

MR GISONDA: And is it accurate to say that you were unable to enter the site because it had been chained up? Is that right?

30 **MR DOWNIE:** Yes, sorry, so yeah, we'd planned to actually meet at the Northern Portal site and call all of our members to come and meet there so that we can actually address all of them together, and we were planning on actually having it not really on site but in the front garden out the front so we could hold more people. So that was the plan. It was 5.30 in the morning that everyone was supposed to meet, but
35 obviously, yeah, when we got there, there was only a handful of members, our members, and yeah, we noticed that there was chains on the gate.

MR GISONDA: And when you arrived at the site, you saw that Mr McQueen had arrived in front of you; is that right?

40 **MR DOWNIE:** Yeah, so I actually parked up the - I parked up the top and walked down, because you could never find a park down the bottom, and I noticed that, yeah, Jamie's car was parked and essentially surrounded by a whole group of people that at that point in time I wasn't close enough to actually find out or figure out
45 whether they were our members who were having a casual conversation with him or if they were CFMEU.

MR GISONDA: And when you got closer, were you able to then see what was happening?

5 **MR DOWNIE:** Yeah, I noticed that, yeah, there was a lot of CFMEU shirts, all of them CFMEU shirts, and they were in the act of letting down Jamie's tyres.

MR GISONDA: And how were they letting down his tyres?

10 **MR DOWNIE:** So they were using - they were using a blade to press on the - press on the end of the nozzle to let air out.

15 **MR GISONDA:** And you say that you heard someone - what did you hear someone say about whether they had any weapons, this group that were surrounding Mr McQueen?

20 **MR DOWNIE:** Well, I got told to not go close to them, because there might be - there might've been weapons there by the - Jayce Emmerton, who was the AWU delegate at the time, he'd made his way onto site a bit earlier. Obviously I'd seen the blade letting down the tyre, but to me it wasn't - I didn't associate it as something threatening until he gave me a call and said, "You need to get your branch secretary off site. You need to get off site. They've got knives." So -

25 **MR GISONDA:** And you say at paragraph 64 that you recognised Mr Vonhoff and Mr Howard as part of the group that was surrounding Mr McQueen's car; is that right?

MR DOWNIE: Yeah, they were essentially leading it and directing people where to go, and they were right in the thick of it.

30 **MR GISONDA:** So there'd been a serious - and was Mr McQueen's car branded with AWU signage?

MR DOWNIE: No, it was - the stickers had been taken off at that time.

35 **MR GISONDA:** Now, I wonder whether I'm able to bring up the report of Mr Geoffrey Watson of Violence in the Queensland CFMEU. There we go. Thank you. This is already in evidence, Commissioner. If we could just go to page 24, please. Mr Watson makes a report about some matters that were reported to him, and they included that on 28 February 2023 at the Gabba site two AWU organisers were
40 conducting a scheduled meeting in the smoko shed, and one of the organisers was new and was introducing himself to members when Mr Richie Atutolu entered the shed, disrupted the meeting and aggressively shouted abuse about the AWU. You gave evidence earlier today that you were a relatively new organiser at that time. Were you one of those organisers who was in the meeting on 28 February 2023?

45 **MR DOWNIE:** Yes, I was.

MR GISONDA: And what do you remember about what Mr Atutolu did during that meeting?

5 **MR DOWNIE:** He did what he did every time I turned up on site, and that was to try and disrupt the - whatever meeting I was holding at the time by asking me to go and walk the site and check for silica dust like they were doing. "Why aren't you here issuing 117s? Why aren't you here every day like we are?" And just pretty much trying to shitcan what we were doing. That was my first time being on site, so -

10 **MR GISONDA:** And did he threaten you on that - so this was the first time you had had a dealing with him on the Gabba Cross River Rail site; is that right?

MR DOWNIE: Yep.

15 **MR GISONDA:** And did he threaten you during that meeting?

MR DOWNIE: He took offence that I had stood up, because I was addressing the members, sitting down and talking to everyone, and I'd stood up because he kept coming in and out of the meeting, and IR had asked him to leave and go away
20 because he was disrupting people's smokos and the meeting. So I stood up and I turned to face him and I said, "Can you just leave?" And he took that as a sign of me standing up that he wanted to - that I wanted to engage with him physically. Again, no. So, yeah, he said, "Come out of the smoko room. We can either do it outside of the smoko room or we can take it off site. Which one would you like to do?" And he
25 was videoing me at the time as well. So, again, I finished the meeting and, yeah, left site like I'd normally do.

MR GISONDA: We've heard evidence now from you about your dealings on two separate projects: Cross River Rail project and the Brisbane Metro project. I take it
30 that what you were seeking to do was to represent your members to the best of your ability?

MR DOWNIE: That's correct.

35 **MR GISONDA:** And as part of you performing that role, you simply wanted to be able to enter the site lawfully and peacefully?

MR DOWNIE: Yes, and communicated with people. They can tell me what's going on so I can at least know the happenings of the site.
40

MR GISONDA: And as a result of some of the matters that we've heard from you today, you were physically restrained from doing so. Is that a fair conclusion?

MR DOWNIE: Yes, correct.
45

MR GISONDA: And not only that, did you feel at some point that it was dangerous for you to try and enter these sites?

MR DOWNIE: Yes, very much so. I got into a pattern where I would send a right of entry through and I would make the request that it not be announced at - at the toolboxes and not announced the day before and that I would send out a private flyer
5 notifying AWU members that I'd be on site so that it couldn't get - so it couldn't get, you know, sprung on me or that I was on site. We had to hold a lot of our meetings in the middle of the site under a bunker so that we were hidden and shielded from the main smoko area that was full of CFMEU members.

10 **MR GISONDA:** Just excuse me, Commissioner. Can I just ask you about one final incident. Again, this is in the Watson Report on page 22. At the bottom of this page, he reports that on 25 May 2023 there was an incident when an AWU organiser attended a site to engage in negotiations with the employer over a new AWU EBA
15 and that a CFMEU organiser turned up uninvited and inserted himself into the discussions. When the organiser objected to Hynes' involvement, Hynes insisted that they take the matter outside. Can I ask you whether you know anything about this incident?

MR DOWNIE: Yes, that's me also.

20 **MR GISONDA:** Right. And so what - did you in fact go outside with Mr Hynes?

MR DOWNIE: So there seemed to be a little bit of an issue. We were still outside when I was asked to step away from my delegates and the bargaining reps of the
25 company's side to actually have a private conversation one-on-one with Blake Hynes.

MR GISONDA: All right. And what did he say to you then, once you'd stepped away from the group?

30 **MR DOWNIE:** He said to me, "I'm here today to negotiate on behalf of CFMEU members. I've heard that you've been speaking a lot of shit about me" - or the CFMEU, rather - "on the social media, and today you won't be doing any of that. You don't call me a grub, you don't call me a dog, and you don't refer to me in a
35 derogatory manner." And I said to him, "That's not up to you. You're on a site where you can't cover any worker, and (b), again, I wouldn't do that, but I am here to challenge you on your coverage."

40 **MR GISONDA:** So when you say you wouldn't do that, what was that - what were you making a reference to there?

MR DOWNIE: I've got no interest in calling people a dog and referring to them in a derogatory manner. It just doesn't fit my nature, and it's not productive or helpful to
45 anybody.

MR GISONDA: So you hadn't actually done that behaviour towards him or the CFMEU?

MR DOWNIE: No, that's correct, no. What he was referring to was me engaging in conversations on social media with members in the traffic control space and trying to convince them - or rather show them that we do have indeed the rules of coverage.

5 Traffic controllers can be covered by the AWU and should be covered by the AWU.

MR GISONDA: And so you made a point to him about coverage, and then what did he say next in that conversation?

10 **MR DOWNIE:** He - he was like, "Oh, it's gonna be like that, is it? Oh well, I guess we'll just have to wait and see what happens in there." All right. I'd come prepared anyway, so -

MR GISONDA: And then Mr Watson says at paragraph 163 that you went back to the group, and as you did, Mr Hynes called you back and said, "I'll see you down at my car later." Is that what happened?

MR DOWNIE: So yeah, we went into the meeting room and I challenged him on the coverage. I'd done some research, with the help of the branch, to call on our coverage rules, and I challenged him to it. And, yeah, he wasn't interested at all. He'd already sat down at the table, and I - yeah, I challenged him, and he said, "What are you, an advocate, are you?" I said, "No, I'm just an organiser who's been taught the right thing, so that's why I'm here. And he's like, "Well, you don't know everything. Why don't you come outside?"

25 **MR GISONDA:** And then just looking at paragraph 163 from Mr Watson there on the screen, what can you say about the accuracy or otherwise of what he reports there?

30 **MR DOWNIE:** Yeah. So yeah, he said, "Shut up, little boy. Remember what happened at Cross River Rail. We got you there." And that was essentially a reference to me not having access onto site or being able to get anywhere close to members. So he was trying to do the same thing at G.James.

35 **MR GISONDA:** And paragraph 163 says that Mr Hynes said, "I'll see you down at my car later," and then rolled up his sleeves and showed off a tattoo. Did that happen?

MR DOWNIE: So I - the meeting had ended. He said, "I'll see you down at the car later." I had - our cars were parked in close proximity to each other, so I just walked to my car, and he was mouthing obviously at me as I was - as I was coming up. And then he was like - again, brought up Cross River Rail and that he'd owned us and he'd just proven that I was the boss's pet and I didn't know anything, and he was like, "We're gonna get ya. Don't worry, we've got people." And then he rolled up his sleeve and showed me a random tattoo, and I was like, "Cool, awesome man, thanks man, all good." He was like, "Let's do this." And I didn't walk towards him for that. I

walked to go round to the back of my car, and he jumped in his car, threw his bag in the car and then peeled out of there.

5 **MR GISONDA:** Did he say to you, as Mr Watson there says, "You don't even know who I run with"?

MR DOWNIE: Yeah, he said words to the effect of you don't know what this means, you don't know - you don't know what I can do. Like, yeah, to the - yeah. You don't know who I run with, you better watch yourself, you better watch out. But
10 that's pretty standard conversation talk that I'd gotten used to, so -

COMMISSIONER: What was the tattoo?

MR DOWNIE: I actually - I'll be honest with you: I didn't actually look at it with
15 too much notice. It looked like there was a parrot or a bird of some sort on it. That was about it, really. I didn't get close enough to examine it.

MR GISONDA: I have no further questions, Commissioner.

20 **COMMISSIONER:** Mr Downie, you seem to have given evidence today of six months of dealing with the CFMEU from February '23 to August '23, where I think a fair description of what happened to you was you were terrorised. What happened after August 2023?

25 **MR DOWNIE:** They believed that they had won, essentially. They thought that they had silenced us at Cross River Rail because they were running it. They were dictating what the - what the - yeah, the rules out there. So they - I organised at Cross River Rail; I didn't really organise anywhere else. So with me, they were done with myself at that point in time, because, yeah, I'd turned up on site, and I can only speak
30 to those who let - those people who were let to go and speak to me, because they were loud and proud AWU members who weren't being told where or when they could go. So they essentially stopped the harassment on site at that point of myself.

COMMISSIONER: And what about you? What was the impact of all this on you?
35

MR DOWNIE: Yeah, I - I still - I'm still dealing with - dealing with some of the consequences of it, especially when it comes to family. So, yeah, I didn't want to be in a position where my personal life was brought up, and I've - yeah, I still haven't - haven't come to grips with that. So I want to go on site, represent my
40 members, do my job without being afraid that someone's watching me, stalking me, arranging a mob to come and get me. So still dealing with that.

COMMISSIONER: You said you're still dealing with it and you haven't quite come to grips with it. What do you mean by that?
45

MR DOWNIE: The - the - it's just anxiety, really. Anxiety about when I rock up on a site and the CFMEU are affiliated there, I wonder, yeah, am I - am I good? Has this

stopped or not? Because even though the large aggressions are gone, there's still microaggressions everywhere. There's still stickers that float up. It wasn't a period of time that I particularly enjoyed working or living in, really. So, yeah, it's, yeah, seven months of hell, really.

5

COMMISSIONER: Were you offered any leave or any support by the AWU as a result of what happened to you?

MR DOWNIE: No.

10

MR GISONDA: No applications to cross-examine Mr Downie.

COMMISSIONER: Can I just ask you, why - all this having happened to you, why do you go on? Why don't you -

15

MR DOWNIE: I believe in the power of the collective, Commissioner. I believe that no matter what anyone else's opinion is, the power in a work site, if organised correctly, can be in a strong union and workers can fight. So no matter if people try and tear that away, my belief in the system and my belief of being a unionist is - yeah, it's the - yeah, I love it. So even though that might have happened, I still take a lot of pleasure in doing what I do on a daily for the members of the AWU. So I haven't thought of quitting because of what the CFMEU done. That - I didn't back down in any of those videos that you saw, and I won't back down to them now. It's not important.

25

COMMISSIONER: Thank you very much for your evidence, Mr Downie. You're excused.

MR DOWNIE: Thank you, Commissioner.

30

<THE WITNESS WAS RELEASED

MR GISONDA: The next witness, Commissioner, is Mr Neumann, and Ms MacNicol will take his evidence.

35

COMMISSIONER: Is Mr Neumann in the hearing room? Please just stand by the witness box, Mr Neumann. Just stand for the moment, please.

<KURT ADAM NEUMANN, SWORN

40

<EXAMINATION BY MS MacNICOL

COMMISSIONER: Please take a seat, Mr Neumann. You should have a glass of water there in front of you if you need it. Ms MacNicol.

45

MS MacNICOL: Thank you, Commissioner. Mr Neumann, did you provide a statement to the Commission dated 1 October 2026?

MR NEUMANN: Yes, I did.

MS MacNICOL: And is that five pages and 41 paragraphs with no annexures?

5

MR NEUMANN: Give or take, yes.

MS MacNICOL: Commissioner, I tender that statement.

10 **COMMISSIONER:** Are there any objections? Mr Neumann, do you have a middle name?

MR NEUMANN: Adam.

15 **COMMISSIONER:** Witness statement of Kurt Adam Neumann, 1 October 2026, 41 paragraphs, five pages, will be KAM-1.

<EXHIBIT KAM-1 WITNESS STATEMENT OF KURT ADAM NEUMANN, 1/10/2026, 41 PARAGRAPHS, FIVE PAGES

20

MS MacNICOL: Mr Neumann, what is your current position with the AWU?

MR NEUMANN: Currently I'm a senior organiser in the Southern District.

25 **MS MacNICOL:** And how long have you been with the AWU?

MR NEUMANN: Been with the AWU since the start of September 2015.

MS MacNICOL: So about 11 years?

30

MR NEUMANN: Give or take, yes.

MS MacNICOL: Mr Neumann, I'm going to ask you questions in relation to five dates.

35

MR NEUMANN: Yep.

MS MacNICOL: On one of those dates, there's two events that I'm going to ask you about.

40

MR NEUMANN: Okay.

MS MacNICOL: Starting with 28 February 2023 at the Gabba station, this is at paragraphs 15 to 18 of your statement. You say you were at the Gabba station precinct having a meeting with your AWU members. You were accompanied by Mr James Downie and Mr Scott Bowman. Can you tell the Commissioner what happened that day?

45

MR NEUMANN: Yep. So we - I was district secretary at the time. The normal organiser was away, so - for a fair bit of time, so we needed to have someone to go there. I'd been there previously with the two other organisers that looked after the site, so I knew the site, I knew the IR people, so I took James Downie or Mr Downie down. Once we got in there, we were a bit early, we ended up talking with electricians. We just let them be. Then eventually our members come in. We tried to start talking to them, then a CFMEU delegate of the site, Richie, I'm not going to try to pronounce his last time, come barging through the door, making a grand show about how good he was, you know, the CFMEU is doing all this stuff around silica, what's the AWU doing, so forth and so forth, and we were not able to complete our meeting.

We also had someone from ACIRT that day. Part of the visit was to let the ACIRT person talk to them about their accounts and all that information, make sure that stuff was up to date. After that, we tried numerous times to talk to our members, and Richie kept barging in about, you know, the AWU don't do nothing, the CFMEU is out there kicking the goals around silica, youse have done nothing towards silica, words to those effect.

MS MacNICOL: And in terms of Richie Atutolu, had you met him prior to -

MR NEUMANN: No, I hadn't.

MS MacNICOL: Okay. Now, all this is happening in a meeting room.

MR NEUMANN: Yep.

MS MacNICOL: What's happened after?

MR NEUMANN: So after that, after we finally left the meeting room, we go to sign out, go downstairs, Richie's following us down the stairway, we sign out, walk through the gate and Richie's still there, talking smack, shit to us. We just keep walking. He keeps following us. We eventually hit the corner of whatever that road is in the Gabba to turn right. After that he sort of disappeared, but he was making, you know, "We're here," you know, "Youse have got nothing," stuff like that.

MS MacNICOL: So he followed you down Stanley Street. Did you feel like he had chased you off site?

MR NEUMANN: Didn't feel like he chased us off site, but he was trying to intimidate us.

MS MacNICOL: Okay. Now, moving on to a few weeks later, after the Gabba incident, which is at Albert Street - this is paragraphs 19 to 22 of your statement - what can you tell us about this incident?

MR NEUMANN: Again, we needed an organiser to go to Albert Street to talk to members, because they hadn't been seen since before Christmas or after Christmas. Again, I took James or Mr Downie and Mr Bowman - Mr Bowman was new, just to show him civil construction - and took Mr Downie. Once we got up there into the cage, you've got to get into a portal sort of thing to go upstairs, the first flight is the sign-on computers and you do your drug test or breathalyser. We made it up into the second floor, which was where the lunch rooms were. From there, we were able to have a discussion with our members. After 30, 40 minutes, give or take, our members had finished their morning tea or their break, and they proceeded to leave. As I walked outside, the IR lady said, "Don't want to alarm you, but youse have got a welcoming party downstairs." At that point I turned to Mr Downie and Mr Bowman and said, "Look, guys, let's not interact. Let's just walk forward and get up to Queen Street Mall as soon as we can," because from memory there was a Police Beat up there and I figured the closer we got to the Police Beat, the less inclined they would be to engage with us and stuff like that.

Once we got downstairs, they started their usual palaver around, you know, the boss's union, talking to the bosses, don't visit your members, all that sort of stuff. We continued to walk forward towards the corner at the lights. More people appeared, so we just kept walking and trying not to engage. We didn't really engage much. There was a bit of bumping. Mr Bowman and myself are a lot bigger than most of them, but they seemed to move more towards James. I don't know why that was. But as we went across the road, we had to wait. That's when they started into us again about "youse work for the weakest union", all that sort of stuff that they keep on sprouting.

MS MacNICOL: Is this the occasion where they attempted to put the stickers on you?

MR NEUMANN: Yes, I believe they were trying to put stickers on us, but I was just focused on getting the two guys I was with, because I was their senior person, up to safety, and I figured once we got up to that part of the mall, where I thought there was a Police Beat, we'd be safe and able to go on our way to our office.

MS MacNICOL: And based on your recollection, how many CFMEU members do you think there were in this group?

MR NEUMANN: Probably 10. Maybe more. I'm not 100 per cent sure.

MS MacNICOL: And do you remember the kind of things that they were saying, beyond obviously what you've just mentioned, being Australia's Weakest Union, have you ever worked in construction?

MR NEUMANN: Yep, stuff like that. They didn't really say much. They made fun of one of the guys' new work boots: "That's how often you get on site. Your boots are clean." Then we started moving up through the cafe area of Albert Street, and that's when they started to proceed with their chanting and all that stuff. So that went all the way along. They just chanted the AWU, you say weak, stuff like that.

5 **MS MacNICOL:** Moving on to the 23 March 2023, this is paragraphs 23 to 32 of your statement. This is in relation to the Brisbane Metro. The Commission this morning and this afternoon has heard some evidence about this and has seen some footage.

MR NEUMANN: Yep.

10 **MS MacNICOL:** But based on your experience, the first incident occurred over at South Bank.

MR NEUMANN: Yep.

15 **MS MacNICOL:** And it kind of started where your car was surrounded.

MR NEUMANN: Yes.

MS MacNICOL: Can you tell us about that?

20 **MR NEUMANN:** Yep. So as we were - I think it's Grey Street where the train station runs along. Don't quote me on that if I'm wrong. But as we got there, the IR person contact, Steve Ingham, called me on my phone and said, "There's a welcoming party here for you. I don't think I'll be allowed to - I won't be able to let you into the gate to park," because parking's a bit of an issue there because they'd
25 taken over the car park of the - what is it, the railway station where we'd normally park. Once we got there, there was a big mass of people. They surrounded the car. The car was moving. I'd parked it, but it was moving. Steve Ingham was on the phone and said, "Look guys, we're not going to be able to get you in. You're going to have to go park somewhere else and we'll try to get you another way in." After about
30 five minutes of verbal abuse, they relented and let us move away. They put some stickers on the car and we were able to get away.

MS MacNICOL: So they were physically rocking the car back and forth for about five minutes?
35

MR NEUMANN: The car was moving, yes, from my memory.

MS MacNICOL: You've then been able to move the car and park it near the Convention Centre?
40

MR NEUMANN: Yes.

MS MacNICOL: You've commenced walking to the site. Do you remember what happened?
45

MR NEUMANN: Yep. As I walked to the site, I seen - who I never met before, Dean Rielly, but James said that was Dean Rielly, so he knew him, and he was on the

way down the same way we were. Once we got I would say about within 20, 30 metres, a group come towards us and telling us we weren't going to get on site that day, you know, they were going to keep us off. As we got closer, more of them showed up. Once we were there, trying to gain entry, James and the organiser from Victoria, Jade, were able to get through, but I wasn't as nimble as them, and I got stuck outside. So for about a minute or so I was alone outside with 15, 20 CFMEU people blocking the gate, sometimes up to two people deep, around that area, yelling abuse and stuff like that. Eventually James come out to make sure I was all right, and from that point on, for the next 10, 15, 20 minutes, they did what they did, and it's been on the video.

MS MacNICOL: You mentioned that at this time that - and you can correct me here - you were the district secretary?

15 **MR NEUMANN:** Yes.

MS MacNICOL: At that time, had you experienced anything like that before from the CFMEU?

20 **MR NEUMANN:** Not to that extent. While I was on a project when I went down to Melbourne, there was an interaction with the Melbourne - I forget which tunnel project it was, but they were down there and there was a bit of altercation, but it wasn't aimed at us more, because it was - they didn't know who we were. It was aimed at the Victorian organisers, but they were taking potshots at the lot, "Oh look, they've brought their friends in from out of town," and stuff like that. But nothing to the extent that I'd received over the last - over those few months.

MS MacNICOL: So when you were standing outside the turnstiles at the Brisbane Metro on the south side and Mr Downie has joined you, do you remember if any CFMEU member said anything particular to you or to Mr Downie?

MR NEUMANN: Yeah, they were just calling us grubs, you know, you don't visit your members, you're here today, sort of stuff like that from memory.

35 **MS MacNICOL:** And you weren't ultimately able to enter site, were you?

MR NEUMANN: We were not able to enter site. Wasn't going to try and push through 30 people with just two of us, and there were some larger sort of people there trying to intimidate, but I was more concerned for safety. I didn't need to be banged up just to try and get into a site. I don't get paid enough.

MS MacNICOL: Now, later that day, is it correct that you then attempted to visit the Brisbane Metro site near the W Hotel?

45 **MR NEUMANN:** Yep, in between Adelaide Street, yes.

MS MacNICOL: Now, of course, we have seen some footage of that, but from your experience, what happened?

5 **MR NEUMANN:** Again, after we got - full story is once we got back to the office, we called up Steve Ingham to ask how do we get back on, what's the plan? He said, "Look, come around the other side, there's a cafe sort of thing, there's a door in there, we should be able to get you through." We went up, unfortunately, the wrong side of Adelaide Street and we were being - they seen us. They come towards us and, yeah, they just sort of much kicked off with their usual stuff that you've seen on video.

10 **MS MacNICOL:** And similar to the morning incident, were you concerned about how the situation could escalate?

15 **MR NEUMANN:** I was more concerned in the afternoon, because there was twice as many, and they were a lot bigger than us, surrounding us, because there was a tight little alleyway and they were maybe at the side of us and there was other people on the right-hand side of us, over the other side of the barriers.

20 **MS MacNICOL:** And when you say other people, are you talking about the concrete truck and the other workers on their side?

25 **MR NEUMANN:** No, no, there was two sets of barriers. So the barriers next to the W, then you had a road access, then you had another barrier over the other side, which was for the - I'm not sure what that was, but there was two sets of barriers as you looked to the right.

MS MacNICOL: You say that the AWU subsequently stopped providing advance notice of visits to sites. Perhaps it is obvious, but why was that?

30 **MR NEUMANN:** We still held our obligations under the Act. We just asked that they didn't report it at lunchtime or the toolboxes. That's how we believed, from some of our members, that they were finding out we were there and they were able to organise such big welcoming parties. So, yes, we just sent it off to one IR person, or the site manager, sorry, and he would look after it.

35 **MS MacNICOL:** Turning to 23 February 2024, which is at paragraphs 23 - sorry, 33 to 39 of your statement, this is the occasion where you attended Centenary Bridge -

40 **MR NEUMANN:** Yep.

MS MacNICOL: - with Patrick O'Doherty. I'm interested in what happened after you were leaving site. Are you able to tell the Commissioner what happened?

45 **MR NEUMANN:** Yep. So we were walking down the stairs. I didn't notice nothing. I got in the car, called another organiser. When I pulled out of the car park, I heard this chanting, and I've looked up and there was - Mr O'Doherty's car was surrounded, and people were not attacking but verbally assaulting him and all that. Again, the

video's been out there through the news. I don't need to go through it. But that's what it was. I stopped calling the person I was calling. I called up Mr O'Doherty and said, "Mate, just hold tight. I'm going to call the police." I then proceeded to drive further and call triple-0. Once I got through that, I was able to get to the dispatcher to the police. That took about five minutes, while they were continuing to intimidate us, put stickers on our cars and that. Eventually, we were to get off the site. They eventually moved off. Then I stayed on the phone until I was on the highway with the police dispatcher.

10 **MS MacNICOL:** And, Commissioner, as indicated by Mr Neumann, the videos of that event at Centenary Bridge are GW-7 and GW-8, exhibits through Mr Geoffrey Watson on 19 November 2025.

COMMISSIONER: We've seen those before.

15 **MS MacNICOL:** Yes. Commissioner, I have no further questions for Mr Neumann.

COMMISSIONER: One of the things you say in your statement is when you were at the Albert Street site, you walked up towards the mall to get towards the police, and when there was the incident on the Centenary Bridge, where the car had been - the cars that were blocked - I can't remember; it was two cars, wasn't it?

MR NEUMANN: One car was blocked, and I was behind that car.

25 **COMMISSIONER:** That's right. You say that you called the police, called triple-0?

MR NEUMANN: Yep.

COMMISSIONER: What was the ability in relation to the incidents that you describe for you to get support from the police?

MR NEUMANN: Could you just say that last word?

35 **COMMISSIONER:** I'm trying not to put words in your mouth. What can you say about the involvement of the police in the incidents that you were involved with?

MR NEUMANN: The person I talked to was good, but she hadn't put me through to the actual police. I don't know if she's technically the police, but she's a police dispatcher. I was hoping that they would be able to get out there quickly, because there's a station at Mount Ommaney, to give us some support to get off site if we couldn't.

40 **COMMISSIONER:** You weren't in the hearing room when I asked Mr Downie some questions about what happened post - in his case, August 2023; in your case, post February 2024. What's happened in terms of your experience with the CFMEU?

5 **MR NEUMANN:** Since that, as long as I don't go to a construction site, I don't see them, and that's the way I like it. I've had interactions with other CFMEU organisers, but the civil construction or the construction guys are totally out of this world compared to how their colleagues work. I'm not going to get up here and praise the CFMEU, but the organisers I've dealt with in local council, water industry and all that sort of stuff have been nothing but good to work around, and they don't sort of interact the same way. But construction sites seem to be a bit hairy. They seem to like to do what they want.

10 **COMMISSIONER:** You say you don't go to construction sites any more because, in your words, "that's the way I like it". Why do you say that?

MR NEUMANN: Why do I say that?

15 **COMMISSIONER:** Yeah.

20 **MR NEUMANN:** Just because of the - the mental anguish over the years of having to live through all that stuff. Luckily I don't have to watch that video again today. I've been interviewed five, six times by different organisations, so I see that video heaps. I don't need to see it again. I don't really want to be in that environment. I have gone back to other sites outside of Brisbane where there's no CFMEU participation, and they've been good.

25 **COMMISSIONER:** When you say the mental anguish, what do you mean by that?

30 **MR NEUMANN:** Just having to relive the - the fear. You know, when you're surrounded by 20 people who are, some of them, a lot bigger than you - you may remember in that first video there's the guy in there that towers over me. He was about six foot six, and God knows how big he was. He was taller than me, and he scared me. He was right up in front of me. I can control what I can do, but when you get a lot of people like that around, group mentality can just sort of go off, and before you know it James and I are on the ground and we're in a serious lot of trouble. So what could be. But yeah.

35 **COMMISSIONER:** I asked Mr Downie this question: given what you've been through, why do you go on as a senior organiser with the AWU?

40 **MR NEUMANN:** Because it's a good feeling to help people. Luckily, not all unions are the same as the CFMEU. I like what I do. Like I said, it gives you a good - because I help office - not office people - people in hospitals now. It makes you feel good when you're able to help get some people some money and they're doing it tough. So I don't do this job for the money or to be here; I do it to help people. That's what I believe unionism's about, and that's why I continue to do this job.

45 **COMMISSIONER:** No applications to cross-examine Mr Neumann? Thank you very much for your evidence, Mr Neumann. You're excused.

MR NEUMANN: Thank you.

<THE WITNESS WAS RELEASED

5

COMMISSIONER: I think Mr Murdoch was wanting to make an application, wasn't he? No?

10 **MR MURDOCH:** I do. Would it be appropriate, when I'm making the application, for Mr McQueen to be present in the room, because it is a matter that he's greatly concerned about. Secondly, could I ask that the application be made privately, or at the very least not subject to any publicity or exposure to persons other than the lawyers present in the room?

15 **COMMISSIONER:** I'm getting some signs from counsel assisting that I might have jumped out of order, Mr Murdoch, so maybe I'll just listen to what Mr Gisonda says. Obviously I can't count.

20 **MR GISONDA:** No, you can count. We have great difficulties with the availability of numerous people, and so given that we've gone over time, or not as anticipated, we don't propose to call Mr McQueen today, publicly or privately, and the next witness would be Mr Wallace. And so that should alleviate the need to deal with the application today.

25 **COMMISSIONER:** At least today. But it might come back at some later stage.

MR GISONDA: Yes.

30 **COMMISSIONER:** All right. I'm not sure there's much you can say about that, can you, Mr Murdoch?

MR MURDOCH: There's nothing I can say about it, though we'll deal privately with lawyers assisting to try to get an indication as to when Mr McQueen is to be called back. But thank you for your consideration, Commissioner.

35

COMMISSIONER: Thank you, Mr Murdoch.

MR MURDOCH: Might I be excused?

40 **COMMISSIONER:** You may, of course. Thank you.

MS MacNICOL: Commissioner, the next witness is Mr Joseph Wallace.

COMMISSIONER: Is Mr Wallace in the hearing room?

45

MS MacNICOL: A solicitor is retrieving him, Commissioner.

COMMISSIONER: Beg your pardon?

MS MacNICOL: A solicitor is retrieving him.

5 **COMMISSIONER:** Mr Wallace, please come forward. Just stand by the witness box if you could.

<JOSEPH PAUL WALLACE, AFFIRMED

10 **<EXAMINATION BY MS MacNICOL**

COMMISSIONER: Please take a seat, Mr Wallace. Ms MacNicol will ask you some questions now.

15 **MS MacNICOL:** Mr Wallace, have you provided a statement to the Commission that's dated 10 September 2026?

MR WALLACE: Yes.

20 **MS MacNICOL:** And does that statement contain nine annexures, 62 paragraphs, and is in total eight pages long?

MR WALLACE: Yes.

25 **MS MacNICOL:** Commissioner, I tender that statement.

COMMISSIONER: Are there any objections? Witness statement of Joseph Paul Wallace, eight pages, 62 paragraphs, 10 September 2026, with nine annexures, will be JPW-1.

30 **<EXHIBIT JPW-1 WITNESS STATEMENT OF JOSEPH PAUL WALLACE, EIGHT PAGES, 62 PARAGRAPHS, 10/9/2026, WITH NINE ANNEXURES**

MS MacNICOL: Mr Wallace, what is your role at Multhana Property Services?

35 **MR WALLACE:** I'm one of three owners. I'm the managing director.

MS MacNICOL: So you're the managing director?

40 **MR WALLACE:** Yes.

MS MacNICOL: Why did you - and I'm looking at paragraph 10 of your statement - why did you establish Multhana?

45 **MR WALLACE:** I come from a large family of 12, and I'm the oldest, and it was an opportunity to give not only Indigenous but non-Indigenous people an opportunity to work in the cleaning industry.

MS MacNICOL: So Multhana is a Queensland-based business that is Indigenous owned and whose purpose is to create training and employment opportunities for Aboriginal and Torres Strait Islander people in Queensland. Is that right?

5

MR WALLACE: Yes.

MS MacNICOL: Multhana conducted work on the Cross River Rail; is that correct?

10 **MR WALLACE:** Yes.

MS MacNICOL: And the cleaning service or the services provided were sweeping, mopping, cleaning crib rooms, cleaning bathrooms, replacing consumables, cleaning portable toilets and cleaning common areas. Is that correct?

15

MR WALLACE: Yes, that is, yeah.

MS MacNICOL: Approximately what proportion of your employees were casual?

20 **MR WALLACE:** So we had - we had quite a few that were casual, but we also had cleaners that were permanent part time and full time, yeah. So with - in the cleaning, it's a good fit, because it's - you know, sometimes it's full-time hours and sometimes it's - it can be casual hours, where it suits, you know, different people's circumstances at home.

25

MS MacNICOL: And approximately 85 per cent of your employees are casual employees?

MR WALLACE: Yes, yes.

30

MS MacNICOL: Are you able to comment on the demographic of employees, whether they're usually women, victims of domestic violence?

MR WALLACE: Yeah, so we've been operating since - 2017 we were founded.

35 We've grown over the years and that, and quite proud to where we are today. Within our cleaning arm of Multhana probably serves, we sit about 142 cleaners that work for Multhana and we sit around 62 per cent women that work for us. We have a high per cent of over 32 per cent that are recognised as Aboriginal and Torres Strait Islander people, and we also, you know, employ cleaners that have come through domestic violence, you know, relationships, but also we have a partnership where we
40 employ people that's been long-term unemployed to give them an opportunity and also that's come out of prison too. So we're quite proud of what we do for our community.

45 **COMMISSIONER:** So did I understand you saying you've got 142 cleaners?

MR WALLACE: So yeah, they - we work right across South East Queensland, so yeah.

5 **COMMISSIONER:** And 62 per cent are women, 32 per cent are Aboriginal and Torres Strait Islanders, and some proportion are victims of domestic violence or have recently come out of prison or are long-term unemployed?

MR WALLACE: Yes, that is correct, yeah.

10 **COMMISSIONER:** And what proportion is that? A large proportion or -

MR WALLACE: Yeah, that's probably - you know, like, we work on an organisation called Sisters Inside, so they have women that are coming out of prison, and it's about giving them an opportunity to reintegrate back into the community.
15 And with cleaning, it's a low-level skill and an opportunity whether they are unskilled, semi-skilled or skilled and that, so they get an opportunity to work with experienced cleaners on sites. And being of Aboriginal descent, I'm quite familiar with our customs and our culture where, you know, you'll have an aunty that has a niece that has a sister, so they're really family-orientated about supporting each other.

20 **MS MacNICOL:** So just to repeat what you say, one of Multhana's objectives really is to support individuals reintegrating back into the community, at least in part from prison?

25 **MR WALLACE:** Yeah, because we work really closely with a lot of the Job Network agencies, which has contracts from the Federal Government, where they - they source local people from the community that's been unemployed for, you know, could be up to, you know, two or three years that are looking to get back into the workforce and, you know, we work with them to - because they provide the
30 opportunities for, you know, training assistance and upskilling them in Cert IIs and IIIs in cleaning operations.

MS MacNICOL: So you would agree that continuity of pay for your casual employees is quite important?

35 **MR WALLACE:** Oh, it does, yeah, and I think with - with today with the, you know, opportunity of the government providing 50-cent fares to get on trains and buses, you know, which is quite, you know, \$5 a week for our cleaners to get on buses and trains and be able to get to work, which is really good.

40 **MS MacNICOL:** You employ your staff under the Cleaning Services Award 2020; is that correct?

MR WALLACE: That's correct, yes.

45 **MS MacNICOL:** And looking at paragraph 24 of your statement, the CFMEU raised some concerns about the Cleaning Services Award 2020; is that right?

MR WALLACE: Yes.

5 **MS MacNICOL:** The CFMEU, based on paragraph 24, indicated that Multhana should negotiate and enter an enterprise agreement; is that correct?

MR WALLACE: Yes.

10 **MS MacNICOL:** Looking at paragraph 29, Multhana employees were told by the CFMEU representatives whilst working on the Cross River Rail that their jobs were at risk, that they had to join the CFMEU to obtain benefits, that Multhana would not remain on the project because it did not have a CFMEU enterprise agreement. Is that right?

15 **MR WALLACE:** Yes.

MS MacNICOL: Paragraphs 32 to 35, you describe delegates attending management meetings and declining to leave when requested. Did you attend any of those meetings?

20 **MR WALLACE:** I did attend - I did attend a meeting, yes, yeah.

MS MacNICOL: And a result of the pressure that the CFMEU were placing on your employees - and this is reflected at paragraph 30 of your statement - meant that 100 per cent of your employees that were working on Cross River Rail did end up signing up to become a member of the CFMEU?

MR WALLACE: Yes.

30 **MS MacNICOL:** Mr Operator, if we could bring up JPW-2. And perhaps while that's being brought up, Mr Wallace, you obtained advice about the CFMEU concerns, didn't you?

35 **MR WALLACE:** Yes.

MS MacNICOL: And looking at the screen, is that the advice that you received, or at least part of the advice you received?

40 **MR WALLACE:** So is - sorry. Yes.

MS MacNICOL: And the conclusion of this advice was that the strict legal outcome is quite clear: the Multhana employees are covered by the Cleaning Services Award 2020; is that right?

45 **MR WALLACE:** Yes.

MS MacNICOL: And was this advice provided to the project?

MR WALLACE: Yes.

5 **MS MacNICOL:** Turning to early 2024 - and this is at paragraphs 36 and 38 - what difficulties arose with your employees accessing areas that they needed to clean?

MR WALLACE: Sorry?

10 **MS MacNICOL:** So, for instance, were some of your employees prevented from accessing sites?

MR WALLACE: Yes, they were, yeah.

15 **MS MacNICOL:** And was that to do with the picket lines?

MR WALLACE: Yes, it was, yeah.

20 **MS MacNICOL:** In terms of your employees' ability to be paid, particularly for your casual employees, when they were prevented from accessing site, did that have an implication or at least a financial implication on them?

MR WALLACE: Yes, it did, yeah.

25 **MS MacNICOL:** And did your employees decline to attend work while there was industrial action being taken?

MR WALLACE: Yes.

30 **MS MacNICOL:** And they refused to cross the picket lines?

MR WALLACE: We had, like, a client services manager that will assist them, like, support them and go to work across the picket line, yes.

35 **MS MacNICOL:** Looking at paragraph 52, the industrial action that was happening on Cross River Rail, did that place Multhana in a difficult position?

MR WALLACE: Yes, it did, yeah.

40 **MS MacNICOL:** And is that because the joint venture required Multhana to attend and to continue working, but despite that, the Multhana employees were dealing with the picket lines and not crossing for fear or for other reasons?

MR WALLACE: Yes.

45 **MS MacNICOL:** Thank you, Mr Wallace. Commissioner, I have no further questions.

COMMISSIONER: What was the impact of the CFMEU behaviour on your employees and on you, Mr Wallace?

5 **MR WALLACE:** To me, it was - it was quite - you know, because it was one of our biggest contracts that we'd - as an Indigenous company - we'd had, and it put a lot of - I suppose a lot of stress and strain, as it was our main income and one of our biggest projects. We'd been there for a number of years and we'd won a lot of awards, where our cleaners, they call it the Respect Award, that superintendents would hand down to cleaners every Tuesday, you know, for the efforts they'd done
10 on working on the sites and that. So it was - yeah, it put a lot of stress on - on myself and my other directors and that, but also, you know, making sure that our workers were safe and they got to work safely and they performed their duties, so -

15 **COMMISSIONER:** It seems from what you were saying, you were targeted by the CFMEU despite, on your advice, being lawfully complying as a cleaner with the cleaning industry award. Is that how I understand things?

MR WALLACE: Yes.

20 **COMMISSIONER:** And what did you think about that?

MR WALLACE: I felt that it was, like, you know, we - you know, we - our cleaners, they had families too, and they had to provide to, and we had a lot of - you know, there was - when I say "elderly", there was a lot of elderly men that were, you
25 know, well over 50s and that and were really good workers and that, and they just wanted to go to work and do their job.

COMMISSIONER: And they wanted to go work, but they weren't able to. Is that what you're saying?
30

MR WALLACE: No, they was able to go to work and that, yeah, so, they was able to - to perform their duties and that, yeah.

COMMISSIONER: And what was the impact of the CFMEU conduct upon them?
35

MR WALLACE: So it was more - I suppose it was, like, you know, I suppose just their presence was there. They - a lot of the cleaners felt their presence being there. But they just wanted to - like I said, they wanted to perform their work and do their job to the best of their ability, and we had a lot of support from CPB also. They were
40 great support of our workers, and supporting us through and through. And they - they still do it today. They still support us. We're still working across all the sites, and they are very supportive of what we do today. So we've been there a number of years. I think it's coming on to a few years now, yeah.

45 **COMMISSIONER:** Is there any application to cross-examine Mr Wallace? Thank you very much for your evidence, Mr Wallace. You're excused. Thank you.

MR WALLACE: Thank you.

<THE WITNESS WAS RELEASED

5 **MS MacNICOL:** Commissioner, I'm conscious of the time. However, with your indulgence, there is one more witness that we could perhaps squeeze in. I make no promises about time, but I expect around 10 minutes. The next witness is then Timothy Carlton.

10 **COMMISSIONER:** Is Mr Carlton in the hearing room?

MS MacNICOL: He is.

<TIMOTHY LUKE CARLTON, SWORN

15

<EXAMINATION BY MS MacNICOL

MS MacNICOL: Mr Carlton, did you provide a statement to the Commission?

20 **MR CARLTON:** I did.

MS MacNICOL: And is that dated 17 September 2026?

MR CARLTON: Yes, it was.

25

MS MacNICOL: Is it 10 pages, 79 paragraphs with no annexures?

MR CARLTON: No, no annexures.

30 **MS MacNICOL:** Commissioner, I tender that statement.

COMMISSIONER: Are there any objections? Are there any annexures to this statement?

35 **MS MacNICOL:** No, there are there no annexures.

COMMISSIONER: What's the reference at paragraph 79?

40 **MS MacNICOL:** Commissioner, Mr Carlton was the individual who took that video which is CRR-7, which the Commission viewed yesterday. It's a reference to that video.

COMMISSIONER: So if we amend the statement to say a copy of this video is exhibit CRR-7?

45

MS MacNICOL: Yes. Thank you, Commissioner. And perhaps one more amendment: at paragraph 30, it currently reads that "I recall an incident in or around

September/October 2023". Mr Carlton, is it correct that that should read "in or around January of 2024"?

MR CARLTON: Yeah, that's correct.

5

COMMISSIONER: Have I asked were there any objections? No? There are none? Witness statement of Timothy Luke Carlton, 17 September 2026, 10 pages, 79 paragraphs, as amended just now at paragraphs 30 and 79, will be exhibit TLC-1.

10

<EXHIBIT TLC-1 WITNESS STATEMENT OF TIMOTHY LUKE CARLTON, 17/9/2026, 10 PAGES, 79 PARAGRAPHS, AS AMENDED JUST NOW AT PARAGRAPHS 30 AND 79

15

MS MacNICOL: Mr Carlton, what was your role on the Cross River Rail in May of 2024?

MR CARLTON: So I was a safety adviser on the Cross River Rail.

20

MS MacNICOL: And which sites did you cover?

MR CARLTON: So I was on the southern station sites at that point in time.

MS MacNICOL: And the southern stations includes Dutton Park?

25

MR CARLTON: Yes, Dutton Park down towards Salisbury Station.

MS MacNICOL: What's your responsibilities concerning safety and attendance by union officials as a safety adviser?

30

MR CARLTON: So our job was to assist the supervisors in their notice of entry requirements to help facilitate the supervisors ensuring those notices were compliant. And obviously, as a safety adviser, we were providing our subject matter expertise whether any breaches were involved and ways to help remedy those as well.

35

MS MacNICOL: At paragraph 9 of your statement, you talk about a catalyst for an increase in CFMEU activity on the rail integration system component -

MR CARLTON: Yeah.

40

MS MacNICOL: - that catalyst being the scaffolding incident that occurred in July of 2023. Following that, there was a number of HSRs that were placed on sites. Can you tell us about the appointment of the HSRs following July 2023? What concerns did you raise at the time?

45

MR CARLTON: So prior to that incident, Cross River Rail on the RIS side had no appointed HSRs from the CFMEU. After that incident, we were under the understanding that there was pressure being made at a higher level from CPB

management and CFMEU in discussions immediately after that incident with the intent of placing several CFMEU HSRs on the project. Our concerns were that this was going to basically provide an opportunity for them to impact our work, drum up membership and to weaponise safety in a way to prevent workers from basically
5 accessing work areas so that they could further their membership requirements, yeah.

MS MacNICOL: And so you've just listed a few concerns. Is that actually what ended up transpiring?

10 **MR CARLTON:** That is indeed what transpired. So once the CFMEU-related HSRs were appointed, we were told that they were supposed to be part of the workforce. My understanding is that they weren't conducting work alongside the workers, that they were largely involved with trying to drum up membership for the CFMEU, identifying safety concerns and raising that and relating that to back to the CFMEU,
15 basically being, I guess, a conduit of information directly back to the CFMEU.

MS MacNICOL: Timothy Maguire and Liam Crow were the HSRs that were appointed to the southern sites on the Cross River Rail?

20 **MR CARLTON:** Correct.

MS MacNICOL: You mention in your statement that Mr Maguire was bragging to you about something when he first joined. Do you recall what that was?

25 **MR CARLTON:** So that was during one of our earlier interactions when they first came on towards the second half of 2023 - it would have been around the September period - when he bragged about being the individual involved in an incident in one of the organised marches that happened in the city, where a window was broken, and Mr Maguire bragged about being the individual that broke that glass and getting
30 away with it.

COMMISSIONER: What did you say? He bragged about being the individual who broke the glass?

35 **MR CARLTON:** That's correct.

MS MacNICOL: And just for context, this is the front door glass that was smashed at 1 Eagle Street on 5 April 2023?

40 **MR CARLTON:** Yes, that's the incident, yes.

MS MacNICOL: Can you recall how that conversation came up?

45 **MR CARLTON:** We were on a safety walk at Dutton Park and we were just talking about various interactions, and then that incident came up, and yeah, he was pretty open and flagrant about it.

MS MacNICOL: Moving on to 1 May 2024 at Dutton Park, the Commission has heard a fair bit of evidence about what happened on that day, but you were there on 1 May as well, weren't you?

5 **MR CARLTON:** Yes, I was.

MS MacNICOL: And you were part of the prestart that took place across the road from the site?

10 **MR CARLTON:** Correct.

MS MacNICOL: And as indicated as your statement was being tendered, you actually took some footage of the incident?

15 **MR CARLTON:** Yes.

MS MacNICOL: Now, at paragraph 60 of your statement, you state that you were all concerned that there would be an incident if you tried to cross the picket line that day. With that in mind, is that why you started filming before you even left - sorry, as you left the prestart area?

MR CARLTON: Yes. Given the heightened tensions at that time, with the protected action, just sort of reading the environment on the ground, I wanted to make sure that if something did occur, I had the ability to provide video context. My video ended up being cut short once the pushing and shoving sort of escalated and I escorted the females back to the office, which is where my interaction sort of ceased, so I missed the actual physical altercation with the punches being thrown, but the approach to the work site and the attempted entry for most of the workers was filmed from my top left pocket.

30 **MS MacNICOL:** Before you ended up escorting some of the women up the road, did you personally see Dennis Mitchell and anything in particular that he did?

MR CARLTON: Yeah. So I didn't know him by name at that point in time. Once his photo was identified to me and I recognised him, his name was provided at a later date, but yes, he was quite largely involved in the initial altercation at the picket line in preventing workers from accessing the site.

MS MacNICOL: At paragraph 57, you describe him as the main instigator.

40 **MR CARLTON:** Yes. That would be correct, from my perspective.

MS MacNICOL: So did you end up making your way back onto site after the brawl had happened?

45 **MR CARLTON:** No. I remained at the office for a significant amount of time, where we spoke with the QPS that attended and then when we went back out onto

the bridge to try and facilitate some of the workers to eventually leave site in a safe manner.

5 **MS MacNICOL:** You mentioned that after the brawl you observed a number of people arriving on motorcycles.

MR CARLTON: Correct.

10 **MS MacNICOL:** Can you give us a bit of a description of that?

MR CARLTON: So to give you a geographical description, Dutton Park Station sits underneath the Annerley Road bridge overpass. On the Cope Street side of that overpass, there is a small park where there's sort of large trees, opposite the PA Hospital. In that park arrived dozens of personnel, many of which were on
15 motorcycles. When that happened, we were approximately 30, 40 metres away, where we observed their arrival, and one of the personnel I noticed was wearing a jacket which I believed to be an insignia of an outlaw motorcycle group.

20 **MS MacNICOL:** And which outlaw motorcycle group was that?

MR CARLTON: I believed it to be the Hells Angels at the time.

MS MacNICOL: And how would you able to recognise the Hells Angels logo?

25 **MR CARLTON:** Well, it's a fairly prominent outlaw motorcycle group, as well as, during my time in the military, we were made aware of many outlaw motorcycle groups operating in and around Australia. Due to our operational capacities with transporting weapons and things like that, we were made aware of some of these groups.
30

MS MacNICOL: And when you saw these individuals arrive, you say there was dozens of personnel. Did you see what they did?

35 **MR CARLTON:** They were largely standing around in a group. From there, they were verbally sort of addressing and I guess you could say assaulting the workers on site, threatening to assault them when they left site, which was largely our concern at the time.

40 **MS MacNICOL:** The word "assault", are you toning it down? Is there a particular word that you remember them saying?

MR CARLTON: I believe they threatened to bash some of the workers, yeah.

45 **MS MacNICOL:** When police did arrive, do you recall how many officers there were?

MR CARLTON: At the time, there was two, when they first arrived, and then once the seriousness of the situation sort of became known to them, many cars came up. I believe there was at least four squad cars sort of positioned in and around the overpass and the entries to site, but the actual individual number of officers I'm
5 unsure of. Could have been close to 10.

MS MacNICOL: And what assistance did the police provide?

MR CARLTON: At first, not a lot, to be honest. Once the seriousness was
10 impressed upon them, they allowed safe passage of the workers from site, trying to de-escalate the situation, to prevent any of our workers being assaulted whilst they were going to their cars to leave to go home for the day.

MS MacNICOL: You state "once they realised the seriousness of the situation".
15 Was there a point in time when they first arrived that you felt like they didn't appreciate how serious the situation was?

MR CARLTON: Yep.

MS MacNICOL: And what changed, at least from your perspective, for them?
20

MR CARLTON: I think a couple of things. Ben Perry, who was the site superintendent, the area superintendent, had a discussion with them, and I think once they observed how many of those individuals arrived at the park across from the PA,
25 they understood that the situation could quite quickly de-escalate or escalate into physical altercations across numerous areas.

MS MacNICOL: And to your knowledge, there was no individual from Dutton Park that made a police complaint?
30

MR CARLTON: Not that I'm aware of. When the females came up to the office, my understanding is that they were hesitant to make a complaint for fear of retribution at the time.

MS MacNICOL: Thank you, Mr Carlton. Commissioner, I have no further questions.
35

COMMISSIONER: Are there any applications to cross-examine Mr Carlton?
Thank you very much for your evidence, Mr Carlton. You're excused.
40

MR CARLTON: Thank you.

<THE WITNESS WAS RELEASED

MS MacNICOL: Before finalising today, Commissioner, I wonder if now is a convenient time for myself to tender Mr Patrick O'Brien's bundle.
45

COMMISSIONER: Yes.

5 **MS MacNICOL:** I tender the bundle of five photographs that were extracted from the Unity notification WhatsApp group, and it should be marked POB-1, and that bundle was provided to the parties yesterday.

10 **COMMISSIONER:** I don't appear to have a copy of them with me, but you've given them to the parties at the bar table and there are no objections. And how many photographs are there?

MS MacNICOL: There's five photographs.

COMMISSIONER: And how do I describe them?

15 **MS MacNICOL:** Five photographs extracted from the Unity notification WhatsApp group.

COMMISSIONER: The Unity - how do I describe it?

20 **MS MacNICOL:** U-n-i-t-y.

COMMISSIONER: WhatsApp group?

25 **MS MacNICOL:** Yes.

COMMISSIONER: Of what? Photos of what?

MS MacNICOL: Of events on 30 April, 1 to 3 May 2024.

30 **COMMISSIONER:** Five photographs from the Unity WhatsApp group of events at Dutton Park site, 30 April to 3 May 2024, will be POB-1.

35 **<EXHIBIT POB-1 FIVE PHOTOGRAPHS FROM UNITY WHATSAPP GROUP OF EVENTS AT DUTTON PARK SITE 30/4/2024 TO 3/5/2024**

MS MacNICOL: Thank you. Yes.

COMMISSIONER: That's it?

40 **MS MacNICOL:** That's it.

COMMISSIONER: What else for this afternoon?

45 **MS MacNICOL:** Nothing further, Commissioner.

MR O'GRADY: Commissioner, I would seek - if you're prepared to hear me, I would seek to tender the fourth biannual report of the administrator that I referred to in cross-examination earlier this morning.

5 **COMMISSIONER:** Very well.

MR O'GRADY: I've discussed this with Mr Gisonda, and he has no objection.

10 **COMMISSIONER:** Very well.

MR O'GRADY: If I could provide a copy to you, Commissioner.

COMMISSIONER: Yes.

15 **MR O'GRADY:** And copies for others at the bar table.

COMMISSIONER: These are every six months, these reports?

20 **MR O'GRADY:** Yes, I think the hint's in the name, Commissioner. And this was tabled in Parliament on 1 October 2026. And if I could very briefly direct you to some parts of it, you'll see in the third paragraph, under the heading Introduction, Mr Crosby refers to the number of - the turnover, in that 27 former leaders were summarily removed; around 150 other staff - organisers have left by one means or another. A new influx of staff, unsullied by the past, has taken up employment with
25 the union.

COMMISSIONER: Yes.

30 **MR O'GRADY:** And then if I could also direct you to what appears on page 8, in respect of cooperation with the industry and the role of regulators, and in paragraph 60, Mr Crosby notes that the administration is well advanced in its efforts to reform the union, and he continues:

35 "Without serious regulation of the industry, the power of money will make it inevitable that bad actors will again rise to power within the union. The administration hopes that the Queensland Commission of Inquiry and the Victorian Royal Commission will address this issue in detail. Regulators already exist. Health and safety regulators are present in each State."

40 And then in 64, he continues:

45 "It is critical to the rights and safety of construction workers that regulators do not see the period of administration or the actions of the previous leadership as a hurdle to being involved in prosecutions of those in conflict with the union. The task of the administration is to persuade our members that a law-abiding union can defend the interests of members. To do that, we need the help of every regulator."

And then, lastly, Commissioner, you will see at page 10, under the heading Demarcation Dispute, Mr Crosby says:

5 "There is a longstanding conflict with the Australian Workers' Union over the right
to cover particular classes of worker. The CFMEU in the past has behaved
appallingly in relation to the AWU. No matter the merits of the demarcation
argument, there can be no excuse for the physical and mental intimidation of officers
of another union. The issue is important to the industry as a whole, because conflict
10 on work sites leads to a loss of productivity and an increase in the cost of
construction. The union has entered into an agreement with the AWU aimed at
settling once and for all the demarcation of work between the two unions. The
administration and the AWU have jointly appointed former commissioner Julius Roe
to arbitrate on competing claims. The administration wants to thank the Fair Work
Commission for their support of this process. The two sides are making submissions
15 to Mr Roe, and the CFMEU will be bound by his decision."

I believe we're up to exhibit COG-5, Commissioner.

20 **COMMISSIONER:** You asked Mr - who was it - Mr Raguse about whether there
was a joint appointment and whether the AWU would be bound by his decision, and
I don't think he agreed, or my recollection was he didn't think that was right. Is that
fair?

25 **MR O'GRADY:** Well, I don't think he was intimately familiar with the process.

COMMISSIONER: Fair enough.

MR O'GRADY: He knew there was a process, and I think he referred to it as being
a process involving the ACTU.

30 **COMMISSIONER:** Yes, he did, yeah.

MR O'GRADY: But as I understand it, he was aware of this report but hadn't had an
opportunity to read it. But this is what the administrator is reporting to Parliament,
35 Commissioner.

COMMISSIONER: There are no objections? Did you say it was COG-5?

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

COMMISSIONER: Biannual report to Parliament from Michael Crosby,
administrator of the CFMEU, provided under cover of letter 24 August 2026 to the
Honourable Amanda Rishworth MP, Minister for Employment and Workplace
Relations, will be COG-5.

45 **<EXHIBIT COG-5 BIENNIAL REPORT TO PARLIAMENT FROM
MICHAEL CROSBY, ADMINISTRATOR OF THE CFMEU, PROVIDED**

**UNDER COVER OF LETTER 24/8/2026 TO THE HONOURABLE AMANDA
RISHWORTH MP, MINISTER FOR EMPLOYMENT AND WORKPLACE
RELATIONS**

5 **MR O'GRADY:** Thank you, Commissioner.

COMMISSIONER: Anything else for this afternoon? We'll adjourn till 10 am tomorrow.

10 **<THE HEARING ADJOURNED AT 3.56 PM**