



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

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

**PUBLIC HEARING
BRISBANE MAGISTRATES COURT**

**WEDNESDAY, 19 NOVEMBER 2025
AT 10.00 AM**

DAY 2

APPEARANCES

**Mr S Wood AM KC, Commissioner
Mr G Watson SC, Witness
Mr M Costello KC with Ms S Harburg, Counsel Assisting
Mr C Mandy SC and Ms E O'Brien, Counsel for Ms Jade Ingham
Ms R O'Gorman KC, Counsel for Mr Michael Ravbar and Mr Kane Lowth
Ms S Hedge, Counsel for Mr Timothy Ellis
Mr C O'Grady KC, Counsel for Mr Mark Irving KC
Mr D de Jersey KC, with Mr M. Hickey KC and Mr D. Wilson, and Ms M.
Brooks for the State of Queensland**

<THE HEARING COMMENCED AT 10.02 AM

(Audio drop)

5 **COMMISSIONER:** Thank you, Mr Watson. Do I take it that you partly answered my question also in that correction that Incolink does not operate in Queensland, but another entity by the name of the Building Employee Redundancy Trust does what Incolink does in other states?

10 **MR WATSON:** I didn't believe that Incolink operates here, it's just that the CFMEU prefers (indistinct).

COMMISSIONER: I see. Mr Costello.

15 **MR COSTELLO:** Thank you, Commissioner. Before I continue with the examination of Mr Watson, there's the outstanding matter of public and private reports produced by Mr Watson for the administrator. My learned friends for the union, myself and my junior have had useful discussions or correspondence, at least, overnight that has narrowed the scope of the dispute significantly. There has been
20 further discussions just before court this morning which has further narrowed it out to, I think, one or two only. It's probably best, I think, if that can be dealt with now if you are content to do so, Commissioner, that way that issue can be resolved at some point. Depending on the redactions necessary, I will then be in a position to tender and we will at least have that cleared away. Probably, if you are content to proceed in
25 that way, probably for me to hand to my learned friend to make his application.

COMMISSIONER: I'm content to proceed in that way. Mr Watson, it might be necessary to ask you a question about some of these objections, so would you mind remaining in the witness box while this process occurs?

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MR WATSON: Not at all.

COMMISSIONER: Thank you. Thank you, Mr O'Grady.

35 **MR O'GRADY:** Thank you, Commissioner. As Mr Costello indicated, the issue has been narrowed down just to the one paragraph. You might have noticed there was a series of objections taken in respect of various persons who were employed by the union, they were pressing those. The only objection that remains is concerning identification of a victim and that itself is at paragraph 97.

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COMMISSIONER: Of the public report?

MR O'GRADY: Of the public report. There were, in effect, three - well, there were three outstanding objections in respect to redactions concerning identification of
45 victims. Two of those -

COMMISSIONER: Can we just bring that up. The last exhibit that was tendered was the one that was published on your client's website.

MR O'GRADY: Yes.

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COMMISSIONER: Just so everyone can follow it.

MR COSTELLO: EW4.

10 **COMMISSIONER:** Thank you, Mr Costello.

MR COSTELLO: Paragraph 97.

COMMISSIONER: Paragraph 97.

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MR O'GRADY: And in particular, the footnote to that paragraph. The proposition is this -

20 **COMMISSIONER:** Let me have a look at that footnote. Footnote 19. Is someone bringing it up the way they did yesterday? Thank you. Thank you.

MR O'GRADY: The proposition is this, Commissioner: If one reads paragraph 97 without reference to the person identified in footnote 19, then it is not clear who is the person who was the victim. If one reads paragraph 97, with the benefit of the person identified in footnote 19, then we submit that it becomes easier to identify a victim, and in circumstances where there is obviously a premium to be placed on those who were subjected to improper behaviour at hand and their safety, we submit that this actually should be maintained in order to protect, as best as is possible, the identity of the victim and it really is no more sophisticated or complicated than that.

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We went into some detail in our written submissions as to why the safety of alleged victims should be placed at a premium, but I don't think I need to take you to that because it's pretty obvious, with the greatest respect. And in respect to other matters that we had previously pressed, what's become apparent is that the identity of the person making the complaint could be ascertained from what was already there in the unredacted report and therefore there was no point having a fight, but here we say it's not apparent who is the individual who was subjected to the conduct and not redacting the name at 19 makes it easier to identify.

40 **COMMISSIONER:** And what do you say - who's dealing with this? Is it -

MR COSTELLO: I'll ask Ms Harburg.

COMMISSIONER: Thank you, Ms Harburg.

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MS HARBURG: Thank you, Commissioner. Commissioner, the position is that the report - or the submission is that the report should be tendered and received by the

Commission in the form removing that redaction. Redacting the name of the person who is said to have said those words doesn't further the identification of any informant or any victim of the conduct. The conduct itself is already identified in sufficient detail that naming the person who is said to have said those words doesn't
5 further the identification of anyone to any substantial extent.

COMMISSIONER: Mr Watson, you might not be able to assist on this issue, but insofar as you can, and insofar as you can without revealing the - at this stage - the identity of the person who you spoke to, what do you say, if anything, about the
10 concern expressed by Mr O'Grady?

MR WATSON: I've got to say this, that virtually all of the Work Health and Safety inspectors told me similar stories. I only offered it as one example. Certainly, I don't think the identity of the particular person who said it to the inspector is important. It's
15 the fact that it was just something which was repeatedly said. I don't think, incidentally, in its redacted form it will identify the person who said it (indistinct).

COMMISSIONER: What do you say about that, Mr O'Grady?

MR O'GRADY: Well, (indistinct) but that's the very point, Commissioner, that as opposed to some of the other paragraphs where the circumstances were sufficiently unique that not naming the person who perpetrated the conduct would have provided any real protection. As Mr Watson has said, in circumstances where this is ridiculous
20 behaviour, we do identify the person who was alleged to have engaged in the behaviour, you can enabling that the person who was subjected to it to be more readily -
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COMMISSIONER: We've got a difficulty, haven't we, that the person - the CFMEU organiser will not then be identified and that that person might have engaged in similar conduct and that evidence would be unavailable to the
30 Commission, would it not?

MR O'GRADY: No, with respect, we don't see it as operating that way. We're not suggesting that the Commission cannot, as part of its inquiries, have regard to this
35 material. What, as I understand it, we're dealing with is whether or not the report should be published in an unredacted form and then made available to the broader community. We would not be suggesting that the Commission could not have regard to the material contained in that - in the unredacted report to pursue its inquiries.

COMMISSIONER: But how could you possibly be fair to the organiser in circumstances where the organiser is not put on notice by the publication through
40 tender of this unredacted report that an allegation has been made against him?

MR O'GRADY: Well, as I understand the position as explained by Mr Watson, this was a pattern of behaviour. The Commission of Inquiry is able to ascertain who were
45 the relevant organisers at the time, who were the relevant Workplace Health inspectors at the time. It can require people to attend and give evidence.

COMMISSIONER: I can't make a finding about Mr Jones as having done this in circumstances where Mr Jones is not aware that an allegation has been made against him and hasn't got the opportunity to come forward and say, "This is not - this is not true, I didn't say this."

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MR O'GRADY: Yes, in fact, in our submission, you've got the ability to make a non-publication order and you can have that allegation in a private session if necessary. You can have it dealt with. The distinction we received at all is between matters which are published and are not subject to non-publication order and that are dealt with in public session where, before any steps are taken to provide protection to the alleged victim, the person who is the alleged proprietor is on notice that an allegation has been made.

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COMMISSIONER: All right. Well, I will rule in your favour on this occasion, Mr O'Grady and maintain the redaction, but that's without prejudice to anyone's rights, including your client, Ms O'Gorman, and your client, Mr Mandy, to re-agitate this issue if you feel it's necessary to do so, because it may be necessary to do so. So I will take the conservative position at this stage but without prejudice to anyone's rights to come forward and argue for the non-redaction of that name.

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MR O'GRADY: As the Commission pleases.

COMMISSIONER: What should we then do with the public report of 17 June 2025, which has - you propose to tender in the form that you provided to the parties a couple of days ago, Mr Costello?

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MR COSTELLO: We -

COMMISSIONER: Sorry, on go.

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MR COSTELLO: Solicitors assisting will have the redaction you just ruled on made and we'll have that done relatively quickly, uploaded into the system and I'll be told when that's done. If that's done at an appropriate time, I will seek to tender the report that you just ruled and I will tender the private report in respect of no controversy at the convenient time if that's a convenient course. I just can't do it now because I don't have the document in that form that I can put on the screen for you.

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COMMISSIONER: But the private report we could tender, could we not?

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MR COSTELLO: Yes, I could. If you would like me to tender that now, I can.

COMMISSIONER: Mr O'Grady, there's no objection to the tender of the private report? Has this got a date, the private report?

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MR COSTELLO: I don't believe it does.

MR O'GRADY: 17 June, it's the same date as the public one.

COMMISSIONER: And it will be tendered in evidence in the form that you provided to the parties who have been granted leave to appear.

5 **MR COSTELLO:** That's right. Would you like me to have it put on the screen, Commissioner?

COMMISSIONER: Perhaps that would be convenient.

10 **MR COSTELLO:** It's document 2.

COMMISSIONER: Can you just go through it for me.

15 **MR COSTELLO:** So this contains the redactions proposed by counsel assisting, as notified to the parties.

COMMISSIONER: Can we just stop there at paragraph 16 to 49. This tender in this form, again, is without prejudice to your rights, Ms O'Gorman, or your rights, Mr Mandy, or indeed anyone else who comes forward to seek to reveal what is in paragraph 16 to 49, because that information is the information which reveals who
20 Mr Watson spoke to in order to produce his public report, and there might be a - an application that you wish to make to get access to that material and if you wish to do so, you will have the opportunity to do so. And you're not, by this tender, prevented from re-agitating those applications.

25 And can we go to appendix B. What's appendix B?

MR COSTELLO: Appendix B is just a list of the witnesses. Those people who whom Mr Watson spoke during the course of his inquiry.

30 **COMMISSIONER:** Well, that - this tender is accepted on the same basis, Ms O'Gorman and Mr Mandy, without prejudice to your rights to have that information revealed at some future time. And anyone's rights (crosstalk).

35 **MR COSTELLO:** Yes, I'm saying in that regard, Commissioner, that although these are the redactions that counsel assisting think are appropriate at this time, there's every prospect that in the course of the work of the inquiry the redactions will no longer be sustainable and we will, ourselves, seek to have you bury the order that you just made. But for present purposes, at least, we think it's the right balance, at least for now.

40 **COMMISSIONER:** So how should I describe this private report for the purposes of receiving it in evidence?

45 **MR COSTELLO:** It is the private report referred to in the public report authored by Mr Watson SC, with redactions as ordered.

COMMISSIONER: And do I have make any order under section 16 of the Act? Or is it enough that it's in this form? Will that deal with that issue?

5 **MR COSTELLO:** I think that the view that we took, Commissioner, was that if you needed to make a formal form of order that could be done out of the hearing room -

COMMISSIONER: I see.

10 **MR COSTELLO:** And then made available to the parties.

COMMISSIONER: So I might, at a later stage, make an order that this exhibit - doesn't make sense, doesn't it, this exhibit shall not be published because there's nothing to publish in terms have the bits that shouldn't be published.

15 **MR COSTELLO:** That's right.

COMMISSIONER: Unless you want to prevent people from publishing a black page.

20 **MR COSTELLO:** No, there was an interim non-publication order which was made, you will recall, Commissioner, such that the parties could be informed of the intention of counsel assisting without the document entering the public. Now that the document has been formally tendered, that non-publication order, at least, lapses and the document in the form that it's now being tendered is a publicly available
25 document.

COMMISSIONER: Thank you. Well, I accept the tender of the private report in the form that it is proposed and has been circulated to the parties who have been given leave to appear. And that private report is dated 17 June 2025. It runs to some 14
30 pages and has two appendices, appendix A and appendix B and that shall be exhibit GW.

MR COSTELLO: 5.

35 **COMMISSIONER:** 5.

<EXHIBIT GW5 PRIVATE REPORT OF GEOFFREY WATSON DATED 17/06/2025

40 **COMMISSIONER:** Thank you, Mr Costello, and you will tell me as soon as the other document that we've just had a discussion about, the public report, is in a form that it can be tendered?

MR COSTELLO: Yes.
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COMMISSIONER: Thank you.

MR COSTELLO: Thank you, Commissioner. I don't think there's any other preliminary matters.

COMMISSIONER: Thank you, Mr Costello.

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MR COSTELLO: Mr Watson, thank you for your patience. Let me just reorientate things here. Yesterday, we had got to the point in my examination of you where I was working my way through questions concerning the five categories of violence or hostility that you have identified in your report. The first was violence or hostility towards government. The second was violence or hostility towards the Work Health and Safety inspectorate and staff thereof. And the third, which is where we were at at the close of play yesterday, was hostility towards members of the Australian Workers Union.

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15 **MR WATSON:** Good.

MR COSTELLO: And you will recall that shortly before the adjournment, you had been giving some evidence about an event in March 2023 at the Brisbane Metro site where there was a confrontation between CFMEU members and AWU officials who were seeking access to the site and you will recall the videos that were played?

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MR WATSON: Yes.

MR COSTELLO: I want to move from that but staying on the theme of violence or hostility directed towards members of the Australian Workers Union to another event that you describe in your report. I might just ask if document 0, which was GW4, just be left on the screen, please. It's going to continue for now, Mr Watson, working from the publicly available version of your report that was placed on the CFMEU website. This incident is detailed, commencing at paragraph 147 of your report. It's an incident, to remind you, that occur at the Gabba Station site of the Cross River Rail. Do you have a general recollection of this event.

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MR WATSON: I have a very, very clear recollection of being told this story.

35 **MR COSTELLO:** All right. Now -

MR WATSON: I personally found it actually quite moving.

MR COSTELLO: All right. Let me ask you a few preliminary questions about it and then I will give you an opportunity to say anything further that you want.

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COMMISSIONER: Is Mr Watson free to refer to the names that are blanked out there, given what has just been discussed in terms of the tender of the public report? Because I don't believe -

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MR COSTELLO: There's no relevant redactions in respect of the names.

MR WATSON: Yes. Well, I've got a copy of the report with an unredacted version so I know who they are.

5 **MR COSTELLO:** Yes. At least for now you don't need to feel constrained anyway. Now, you heard accounts of a number of confrontations. Was this one of the more serious confrontations that you have an account of?

10 **MR WATSON:** Yes. When I heard this story, the whole environment was quite emotional because of what's repeated in paragraph 154.

MR COSTELLO: All right. Well, we will come to that. Before we get into the detailed can you just perhaps describe in general terms what you understood the Cross River Rail project to be and the relevant union representation on it?

15 **MR WATSON:** I wish I could. I - I'm not from Brisbane, so the geography was all a little bit crazy for me. The Cross River Rail and the other rail projects all became a little bit confusing for me.

20 **MR COSTELLO:** In any event, you understood it to be a large public infrastructure project?

MR WATSON: Yes, huge. With multiple railway stops.

25 **MR COSTELLO:** And you understood that, at least in respect of some of the workers, there was AWU representation?

MR WATSON: Yes. Anything which was occurring underground should have been AWU, I would have thought.

30 **MR COSTELLO:** And you say, commencing at about 148 that:

35 "On 20 June you were told two AWU organisers attended the Gabba Station site to speak to workers during their lunchbreak about progress towards new enterprise bargaining agreements."

MR WATSON: Yes, that's a very typical thing which an organiser will do.

MR COSTELLO: Okay.

40 **MR WATSON:** And which the employer encourages and which is provided for - these stoppages are provided for in the EBAs to allow this kind of organising. And this was happening at lunchtime.

45 **MR COSTELLO:** And utterly orthodox event.

MR WATSON: Totally, ordinary, solid industrial relations.

MR COSTELLO: And no doubt as to the entitlement of the AWU organisers to be attending for the purpose they were attending for.

MR WATSON: That's correct.

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MR COSTELLO: The meeting was immediately disrupted by CFMEU representatives?

MR WATSON: Yes.

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MR COSTELLO: And they became abusive and started chanting a slogan that receives a bit of airplay in your report which is "Australia's weakest union".

MR WATSON: Yes, that silly idea.

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MR COSTELLO: The meeting had to be suspended because of disruption.

MR WATSON: There was - the meeting blew up, as I understand it. The particular fellow from the CFMEU is a fellow called Richie Atutolu. He was so disruptive there was no point going on, so they attempted to leave. Now, there were two people from the AWU, I think, I'm not allowed to mention them, I won't name them but they were going to leave and the contractor grabbed them, took them aside and said, "Don't go out there, there's a crowd waiting for you." So there was a separate way they could get off the Gabba site, so they snuck around to it, trying to avoid the crowd and what do you know, there were a number of CFMEU people there. Now, this is something which I never got to the bottom of which I urge you to follow up: I do not know how the CFMEU people knew they would be at a particular place at that particular time and why they were there - why they weren't on their own jobs doing the work for which they should have been paid. The point is that they tried to get out by those means -

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MR COSTELLO: Okay.

MR WATSON: And they were still met with a group.

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MR COSTELLO: And so it was it was told to you, the contractor was actually concerned for the safety of the AWU representatives here?

MR WATSON: Yes. I mean, obviously the contractor's got an overriding duty to provide a workplace which is safe and they wouldn't be pushing them out into an unsafe condition.

40

MR COSTELLO: You say there at paragraph 152 that:

45 "After the contractor tried to help the organisers through the side entrance, the AWU organisers were surrounded and unable to move for about five minutes."

5 **MR WATSON:** Yes, they were surrounded and then they tried to make their way - they were parked in the car park of a local shopping centre. I don't know Brisbane well enough but some people may be able to picture it and so they were trying to make their way and during the course of that, there was pushing and shoving and one of the AWU organisers had his backpack ripped off and thrown away.

10 **MR COSTELLO:** And during the period the AWU representatives were surrounded, abuse of the type you've set out at 152 there was being yelled at them?

MR WATSON: Yes. Well, that's what I was told.

15 **MR COSTELLO:** And one of the things that you were told was that something along the lines of, "Are you scared now?" was said.

20 **MR WATSON:** Yes. Look, this - one of these AWU organisers was relatively new to the job, okay? It became very, very apparent they were singling him out because they thought "He's a weak link, we'll take him out." Well, I've got to say this. He proved not to be a weak link.

MR COSTELLO: He stood up to the abuse?

MR WATSON: Yes.

25 **MR COSTELLO:** You've said that the two organisers - the two AWU organisers were separated in some way, you say that at 153 and this is where you recounted a backpack being ripped off that you just gave evidence about.

30 **MR WATSON:** Yes.

MR COSTELLO: You say that you were told that two men then shoulder charged the organiser, forcing him out onto the road in the path of traffic?

35 **MR WATSON:** Well, this is what I was told that it was them - sorry, that it was some CFMEU men forcing them out onto the road. Now, they, the AWU organisers did not know the names of the men and what I've done is pieced two and two together when one of them said he was around about seven foot tall. I thought it might be my friend Desmond Savage.

40 **MR COSTELLO:** I see. You haven't seen footage of this event; you just heard a recount of it.

45 **MR WATSON:** To the best of my knowledge there's no footage of what we've got now, but there was footage of the end of it from within the shopping centre.

MR COSTELLO: I see.

COMMISSIONER: Is that the person you identified in paragraph 153? Is that identified as Desmond Savage?

5 **MR WATSON:** Yes. Now, I've got to say, Mr Savage won't deny it and say it was some other fellow that was seven foot tall but he was unusual in that he did tend to stand out in a crowd.

COMMISSIONER: And Mr Savage was the man we saw - very tall man we saw on the videos of the Brisbane Metro incident. Three months earlier, March 2023?

10 **MR WATSON:** Exactly. The big one here for me is that they said to one of the AWU organisers, "We know where live."

15 **MR COSTELLO:** Yes. Could we have paragraphs 153 and 154 enlarged on the screen, please.

MR WATSON: Yes. Now, the point about that is that wasn't an idle comment. They did. What had happened was, the man had gone to collect his garbage bins one morning and found them plastered with CFMEU stickers.

20 **MR COSTELLO:** The AWU man had?

MR WATSON: Yes, the AWU man found the CFMEU stickers all over his garbage bin, sure sign we know where you live.

25 **MR COSTELLO:** I see.

MR WATSON: That was followed up with the next sign which was - well, the impact of it was great.

30 **MR COSTELLO:** We will come to that. Do you know whether this incident with the garbage bins that you've just mentioned was after this event - after he had been told "We know where you live"?

35 **MR WATSON:** I think it was after -

MR COSTELLO: I see.

40 **MR WATSON:** But there's really guesswork in that.

MR COSTELLO: And you mention what you describe as an especially chilling remark, "We know you have two young sons."

45 **MR WATSON:** Yes, because he had two young sons. So they'd done their homework; they knew where he lived, they knew about his family.

MR COSTELLO: Were the people that you spoke to in connection with this event affected by it?

5 **MR WATSON:** The AWU people? Yes. That was a very emotional moment when he told me that story.

MR COSTELLO: Notwithstanding that some years had passed?

10 **MR WATSON:** He was still affected by it.

MR COSTELLO: Quite a bit of the abuse that the AWU representatives were subjected to in the course of this event was in a public space?

15 **MR WATSON:** It was all in a public space. As soon as they leave the site they're out on a public thoroughfare, pedestrian walkway, and they were walking toward a shopping centre. They went across a major road, I think, to a shopping centre, and I think in the report I included a photograph taken from the CCTV from within the shopping centre.

20 **MR COSTELLO:** The shopping centre CCTV?

MR WATSON: Well, I suppose that, to me, is a public space as well.

25 **MR COSTELLO:** Okay. If we go over the page of the report, I think the photograph that Mr Watson is speaking of will be at the top of the page. If that can just be brought up. Mr Watson, this is the photograph you've just referred to.

MR WATSON: Sure is.

30 **MR COSTELLO:** This is something that had been taken from the CCTV installed at the shopping centre.

MR WATSON: Yes, you can see they're just coming into the airconditioned component of the shopping centre.

35 **MR COSTELLO:** How did you obtain this?

40 **MR WATSON:** I think the AWU had obtained the CCTV from the shopping centre. I think it was them. Whatever it was, I got it and I can't do this sort of thing myself but my paralegal extracted a photo just to give an account of it.

MR COSTELLO: I see and just -

45 **MR WATSON:** Can I tell you who's who?

MR COSTELLO: If you explain what you understand to be going on here and who's who, so far as you're aware.

MR WATSON: In the foreground there's a man in a yellow top. I do not know who he is. My guess is he's from the CFMEU. The man to his left who doesn't have a helmet who has a black backpack is an AWU organiser. He was always treated separately and not the subject of abuse.

5

MR COSTELLO: I will just remind you, you haven't done it yet but to the extent you're identifying people, don't identify the AWU people on here.

MR WATSON: No, I'm being careful. And so he actually - I hope he comes along to this Commission - is a very impressive man, but he used to be a CFMEU organiser, so they always laid off him, if you know what I mean. Everybody else is from the CFMEU except if you look in the middle you will see a couple of yellow shirts and they're two AWU organisers. Must have been that there were three of them that went to the site. I think - there's a couple of other yellow shirts floating around but amongst those yellow shirts are two AWU organisers.

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MR COSTELLO: Thank you. And so this is another example, as is the video footage that I showed you yesterday, of the fact that people are in a public space not being an impediment to the continuation of the abuse?

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MR WATSON: That's absolutely correct. I mean, the next thing you know, you might get a lady with a pram trying to go in and do her grocery shopping and she's got to get past this crew and you've heard the kind of language which was commonly used.

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MR COSTELLO: Did you have any success in speaking to anybody from the CFMEU about this incident?

MR WATSON: Well, I spoke to some who were there but they could not recall.

30

MR COSTELLO: You had identified a number of CFMEU officials and delegates that were involved in the incident at the time you did your report. That's clear from, I think, paragraph 156 of your report, if we could just put that up in place of the photograph, please.

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MR WATSON: I did, but I had a lot of help in doing that because, I mean, I don't know what it is but a fellow with a helmet on and high-vis, they all looked alike to me. For example, I can't remember which one was which now.

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MR COSTELLO: That's fine. Could we just go down, please, in the document.

COMMISSIONER: I just wonder whether the unredacted version of this public report is ready for tender, Mr Costello?

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MR COSTELLO: I'm told it's five minutes away.

COMMISSIONER: Thank you. Can you just identify for us and tell me, I think I'm working from the right document, that there are no redactions in the report to be tendered in paragraph 157, 158.

5 **MR WATSON:** I can.

MR COSTELLO: If it's not, I can -

10 **MR WATSON:** It's Brodie Wood and these people were organisers at the CFMEU - Brodie Wood, Dean Reilly and Matt Clarke. They were organisers. Then there were delegates there, Richie Atutolu, A-t-u-t-o-l-u, and Steve Amies, A-m-i-e-s. Now, I've just - it took ages for me to get the information because people at the AWU obviously didn't know the identity of some of these people and it's especially difficult when you're talking about delegates because they could be from
15 another site.

COMMISSIONER: And who's who in the photo?

20 **MR WATSON:** I can't remember Commissioner. I wish I could.

MR COSTELLO: If we just scroll down to 158, the first name at 158 there is Reilly.

25 **MR WATSON:** Dean Reilly.

MR COSTELLO: And you say that Reilly was asked the incident but he claimed he had a defective memory which prevented him from commenting.

30 **MR WATSON:** Yes.

MR COSTELLO: You had intended to ask Mr Wood but it had become apparent that he was not assisting the investigation.

35 **MR WATSON:** And the other ones are Clarke, Atutolu and Amies. I contacted them but they declined.

MR COSTELLO: Do you recall why you say that you had intended to ask it but it had become apparent he was not assisting the investigation?

40 **MR WATSON:** That's because, through my oversight, when I met him during his interview at the Pullman Hotel, I forgot to ask him about this and I've given an account about how he did respond to what he did. And when I sat down and was finalising this report I've got a clear recollection now that I thought "No, I'm not going to go through this farce of contacting him because it was just holding up the
45 report." I was never going to get a straight answer, in my view.

MR COSTELLO: And that was a view you formed because of how unsatisfactory the interview that you had had with him at the Pullman Hotel was?

MR WATSON: Yes.

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MR COSTELLO: Now, obviously apart from those who you've just identified and who you've previously identified at paragraph 157, there were a number of other people from the CFMEU that were involved in this particular incident whose names are not known to you?

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MR WATSON: Well, you can see from the photograph. I believe that except for three people they are all CFMEU, so you could do a head count.

MR COSTELLO: Yes.

15

MR WATSON: Now, that's not all of them. They're the ones who continued all the way into the shopping centre, which is a fairly bold step, really.

MR COSTELLO: Now before I move on, is there anything else that you wanted to say about this incident or the manner in which it was recounted to you?

20

MR WATSON: No. It was of particular excitement to me because I'm a cricket fan so it was occurring at the Gabba Station at the Stanley Street end.

COMMISSIONER: Can I just ask a question.

25

MR COSTELLO: Yes.

COMMISSIONER: You identified three organisers, Mr Brodie Wood, Mr Dean Reilly and Mr Matt Clarke, who were involved in this incident. Did you ask any questions as to why there were three organisers at this site?

30

MR WATSON: No, I can't remember asking that. Clarke had left the union before I started this investigation but I did question Wood and Reilly. I believe I asked them why were they there but that was always brushed aside with either "We were doing our industrial work" or - et cetera et cetera. Doesn't seem to be to be a very good reason to be inside a shopping - a suburban shopping centre, but that's what I was being told.

35

COMMISSIONER: And what about the two delegates you describe as Richie Atutolu and Steve Amies; were they delegates of building companies that were working at the site or -

40

MR WATSON: I think Atutolu was. I - I say that partly because, if you recall, at the original meeting he was in the shed when the AWU organisers tried to speak and for him to be on the site as a delegate suggests he must have been working for a contractor on the site, but you can see I'm drawing inference upon inference.

45

COMMISSIONER: And what about Amies?

MR WATSON: Don't know. I don't know much about him at all.

5 **MR COSTELLO:** Thank you. I want to move to another incident that you describe
in your report. This one occurred in July 2023, 26 or 27 July at the Cross River Rail
site that's known as the Northern Portal, and this again is targeting of AWU officials
by members of the Queensland CFMEU. So could we perhaps move the document
10 down to paragraph 165, please. Now, Mr Watson, you say that an AWU organiser
attended at the northern portal site to address AWU members on the progress of the
investigation into an accident that had closed the wider project?

MR WATSON: This was a big thing. There was a bad accident at the Cross River
Rail and because of that, the site was closed for a period of time. I think it was two
15 weeks while it was investigated and precautions were taken. Now, I - the person who
was injured was not a member of the AWU, not a member of the CFMEU, from
recollection. But still, there was a lot of industrial action around this site and this is
where there was this famous picket line. But this isn't the picket line incident. This is
something which just happened one day. Work was stopped on the site and an AW
20 organiser - I won't mention his name - went down there and he was surrounded by
CFMEU people. Now, it's - you can see there, I don't suppose we should say out loud
what they were saying to him. All I can say is he seems to be an amount of a very
attractive build.

25 **MR COSTELLO:** Perhaps paragraph 167 could be loaded on the screen, please.

MR WATSON: I mean, it's just appalling, so he was subjected to that. Somebody
tried to let down one of his tyres. I don't think that went very far; he was able to drive
away anyway. But the point about this is, this is the gentleman who had previously
30 been the CFMEU organiser himself, or at least a BLF organiser. BLF amalgamated
with the CFMEU, of course, and so this is the man who they treated better than most.

MR COSTELLO: They treated him better (crosstalk).

35 **MR WATSON:** They treated him better than most.

MR COSTELLO: Thank you. Now, perhaps paragraph 167 can be taken down for
now, please. So let me just see if I understand the effect of what you've just said. The
AW organiser attends for the purpose of giving an update about the investigation into
40 the accident. The accident had been a relatively serious event; it had caused the
closure of the project for a period.

MR WATSON: Yes.

45 **MR COSTELLO:** Upon the - upon the investigator arriving, immediately
surrounded -

MR WATSON: Sorry, it wasn't an investigator.

MR COSTELLO: Sorry, I meant to say upon the AWU official arriving, surrounded by about 10 CFMEU members?

5

MR WATSON: Yes.

MR COSTELLO: He's backed up against his car. He is subjected to significant verbal abuse and somebody starts letting the air out of one of his tyres, and you then say at 169 that:

10

"Mr Ingham arrived a little later."

MR WATSON: Yes.

15

MR COSTELLO: And he spoke to the AWU organiser and the hostilities then subside.

MR WATSON: That's right.

20

MR COSTELLO: So Mr Ingham was a calming influence?

MR WATSON: Yes, full credit to him.

MR COSTELLO: Eventually the organiser was allowed to leave by getting back into his car but -

25

MR WATSON: Yes.

MR COSTELLO: He had to drive off with a deflated tyre.

30

MR WATSON: Yes.

MR COSTELLO: And did you taxpayer attempt to speak with members of the CFMEU about this incident.

35

MR WATSON: Yes, that's recorded in my report. You can read it there. I was trying to speak to a couple of the fellows who had been identified as being there, but it went nowhere again. It was, again, massive widespread memory loss.

40

MR COSTELLO: You say at 171 of your report that Mr Ingham who was praised for his actions in connection with this, declined to attend an interview but he did deny knowledge of this incident?

MR WATSON: Yes.

45

MR COSTELLO: All right.

MR WATSON: I had some minor correspondence with Mr Ingham or with his lawyer.

5 **MR COSTELLO:** All right. If we could just move, paragraph 172 now, please. This intimidation of AWU officials by - and delegates by CFMEU officials and delegates was highly recurrent theme in the course of your investigation?

10 **MR WATSON:** Yes. And I think you'll find this is actually early in time. I didn't do it in chronological order.

MR COSTELLO: Yes, you're right.

15 **MR WATSON:** Because this was the first time that one of the AWU organisers had turned up. He was being introduced to his own workers, brand new organisers, and that's where they thought "Here's a chance" and it's Richie Atutolu again and I've said there "childish personal abuse". Look, I mean, it's so dumb. He was saying to the new organiser repeatedly, "Hey you, googly eyes" and throughout this period in the shed, kept calling him "googly eyes." That's what I'm being - I didn't want to put it in the report, I feel embarrassed repeating it now, because it's quite serious. That's
20 not schoolyard stuff, that's primary schoolyard stuff.

MR COSTELLO: I -

25 **MR WATSON:** By the way, don't brush it aside as though it means little because that's just how this works - and they find out who's weak, who capitulates to it, who will get upset. But if he had his way, Atutolu would have incited the fellow, the organiser from the AWU, he would have incited him to throw the first punch, because have a look at Mr Atutolu's record as a boxer. So that's what you're facing, you're going on to sites, you don't even know it, the fellow who's calling you googly
30 eyes is just trying to get you wound up because if you get too upset. Consequences could be bad.

35 **MR COSTELLO:** Your assessment of some of the childish abuse and name calling was intended to be deliberately provocative?

MR WATSON: Yes.

MR COSTELLO: So that matters might escalate?

40 **MR WATSON:** Yes.

MR COSTELLO: Could we move down to paragraph 179, please.

45 **COMMISSIONER:** Just before you do, Mr Costello, Mr - those paragraphs 172 to 174 is just, that's Mr Atutolu is the person referred to in every occasion at paragraphs 172 to 174; is that right?

MR WATSON: That's correct, Commissioner and can I just point out it again happened on the Gabba Cross River Rail site, the fact that Atutolu was on the inside at the gate, as it were, almost certainly means he was working for a contractor on that site and he was a delegate on that site.

5

COMMISSIONER: And did you make any inquiry into why - I think you answered that. Forgive me.

MR COSTELLO: Now, Commissioner, if the technology fairies are with us, I might be able to move to the tenderable version of the report. That document could be brought down and could we have document 1 on the screen in its place, please. I might just ask because - I might just ask the operator, without displaying it on the screen, if you can just check if in footnote 19 which is on page 15 there is a redaction in the first sentence.

15

COMMISSIONER: Without showing it on the screen.

MR COSTELLO: Yes. Footnote 19, part 1, page 15, there should be two words redacted. Yes. Thank you. All right. Thank you. If that could be brought onto the screen, please. And Commissioner, this is the version of the report that accords the order that you have made, the redaction that I just asked the operator to check was the redaction that you ruled on. I'm sufficiently confident to not check the other redactions that were there because they ought to have remained unaffected. So that being the case, if I could tender this document, please.

25

COMMISSIONER: So this is the public report of Geoffrey Watson, 17 June 2025, 45 pages including appendix A tendered in the form that was provided to the parties who have been given leave to appear on Monday?

MR COSTELLO: Yes.

30

COMMISSIONER: On Monday -

MR COSTELLO: 17th.

35

COMMISSIONER: 17 November 2025 with one additional redaction at paragraph -

MR COSTELLO: Footnote 19.

COMMISSIONER: Footnote 19 where the name of the CFMEU organiser has been redacted. That will be exhibit GW.

40

MR COSTELLO: 6.

COMMISSIONER: 6.

45

**<EXHIBIT GW6 PUBLIC REPORT OF GEOFFREY WATSON DATED
17/06/2025**

5 **MR COSTELLO:** Thank you, Commissioner and I will just work from this document now rather than the publicly more heavily redacted version. If we could perhaps go to paragraph 179. Before I come to this, Mr Watson, you just mentioned that Mr - you understood Mr Atutolu to be a boxer?

10 **MR WATSON:** Yes, I believe so.

MR COSTELLO: That's something that was told to you in the course of your investigation, was it?

15 **MR WATSON:** No, I did a Google search.

MR COSTELLO: I see.

MR WATSON: I've got all the skills.

20 **MR COSTELLO:** Or at least a good paralegal.

MR WATSON: No, I did that one myself.

25 **MR COSTELLO:** This is another earlier event concerning the AWU. You outline that:

30 "Three AWU organisers were encircled by six or seven CFMEU members and subjected to threats and personal abuse after they attended a scheduled meeting at the Albert Street Mall site of the Cross River Rail."

MR WATSON: Yes.

35 **MR COSTELLO:** Do you recall that? Now, you mentioned stickers before. I don't think we had, in fact, got to the point of discussing - discussing the stickering which becomes a fairly prevalent theme in the latter part of your - this part of your report. Here, stickers were, in fact, placed, you say at paragraph 180, on the bodies of AWU workers by CFMEU members?

40 **MR WATSON:** Yes. Look, the Albert Street Mall site isn't too far from the AWU offices, and so they were on foot. And walking along the street while they're being touched, these stickers being planted on them. These are strong men. They're not going to be worried about the touching but it's just the absurdity. But again, this is happening on a public footpath in the CBD.

45 **MR COSTELLO:** Yes. And the stickers that were being placed on the AWU reps said "AWU Australia's Worst Union".

MR WATSON: Yes, that's one of them.

MR COSTELLO: And you say at 182 there that:

5 "The organisers attempted to leave but the CFMEU members remained ringed around them for a distance of several hundred metres."

MR WATSON: Yes, as they made their way back to their offices.

10 **MR COSTELLO:** Just flagrant intimidation in a public place.

MR WATSON: Yes.

15 **MR COSTELLO:** And the chanting then begun and the CFMEU members - you were told the CFMEU members were granting, "When I say AWU, you say grub. "

MR WATSON: That sort of thing.

20 **MR COSTELLO:** We saw a bit of that.

MR WATSON: Yes.

25 **MR COSTELLO:** Something similar in the video footage I showed you yesterday. And this all done in view of members of the public. In fact, you were told as you report at the foot of 182 that:

"Members of the public were pushed out of the way so that the abuse could be continued against the AWU members."

30 **MR WATSON:** Yes.

35 **MR COSTELLO:** If we could just go back to paragraph 159 for the moment, please, this is another event in 2023. It seems that there was a lot of this going on in 2023; the CFMEU, AWU conflict?

MR WATSON: Yes, that's when it really heated up.

MR COSTELLO: I see.

40 **MR WATSON:** You can track it from the joke by Stacey Schinnerl going through this, and this period.

MR COSTELLO: This -

45 **MR WATSON:** What this was was that - I mean, I know the background to this but I've left out details just to try and protect the AWU organiser from being identified, but I do know the background. It was at an off-site meeting.

MR COSTELLO: All right.

5 **MR WATSON:** Because the unions not only cover people who are actually on the site. There are off site operations where things are manufactured, for example, precast cement panels are made off-site and then transported to the sites, well, there are organisers who organise the workers who are working at the place which makes the precast panels. This is one of those sort of operations. I won't go into any more detail than that for the moment.

10 **MR COSTELLO:** All right. Perhaps we can have on the screen this page and the next, it would be just useful to have paragraph 159 through to 164, if we can. I take it you can read that on your screen Mr Watson. I should have asked you before now.

15 **MR WATSON:** No, I can read it quite easily.

MR COSTELLO: Could you just explain this incident to the Commissioner.

20 **MR WATSON:** What it was is that the CFMEU turned up uninvited to enterprise bargaining negotiations between the AWU and this particular manufacturer. They weren't wanted there, there was a discussion. The AWU person said "You just don't have coverage" and so wouldn't talk to them and the particular fellow, Blake Hines, said to him, "Shut up, little boy" and referred back to one of the earlier incidents, but they knew who he was. And he rolled up his sleeve and said "You don't know who I run with." Now, I didn't see the tattoo, I don't know whether Blake Hines runs with
25 somebody; he said he didn't.

MR COSTELLO: He said to you -

30 **MR WATSON:** He said he runs with. Yes, he sent me a message, I take runs with this - you're a member or an associate of a bikie gang and that's normally partly demonstrated by a tattoo, so it sort of hung together but he denied it. But I didn't take it very far. I didn't regard this as one of the worst incidents.

35 **MR COSTELLO:** In Mr Hines' denial, was it specifically that he didn't run with a bikie gang?

MR WATSON: I had heard from multiple sources that he was a member of the Bandidos, I've got no idea whether that's true.

40 **MR COSTELLO:** But did you -

MR WATSON: What I did, I wrote to him and asked him, "Are you a - do you remember this incident?" Described it, "Are you a member of the Bandidos?" He denied both.
45

MR COSTELLO: He denied the fact of the incident.

MR WATSON: Yes.

MR COSTELLO: And he denied that -

5 **MR WATSON:** And he denied being a Bandido. Now, I've got no reason to doubt him about that and the words weren't particularly clear. You can run with bikie gangs, by the way. They will let you join in. I think the term is a "prospector". I've never been a bikie myself but you pick these things up.

10 **MR COSTELLO:** And what do you understand a prospector to be?

MR WATSON: Just a person who runs along - they can go along on a ride with the bikie gang but they're not a -

15 **MR COSTELLO:** Not an initiated member.

MR WATSON: An initiated member is called "patched".

20 **MR COSTELLO:** So this point we've been discussing events from 2023. I want to skip forward to February 2024.

COMMISSIONER: Can I just ask a question before you move from that, Mr Costello. Did you make any inquiry, Mr Watson, into the proposition that the CFMEU had no coverage in relation to work at a manufacturing site of this type?
25

MR WATSON: I didn't get into it industrial law side of it, but it did seem to me that it was probably correct and I won't say the organisation, very well-known in Queensland, is one which has EBAs with the AWU and it traditionally has, which seemed to me - I should say this: this manufacturer has got two big factories opposite
30 each other, different sides of a road and they're big operations and one is CFMEU because of the nature of the things there. On this particular site where they were this day is AWU. It seemed to me as though it was a legitimate statement, "You've got no coverage here".

35 **MR COSTELLO:** Let me skip forward to 2024. You've detailed in your report an incident at the Centenary Bridge site in Jindalee.

MR WATSON: Yes, I remember this one well. I thought it was caught on video.

40 **MR COSTELLO:** I'm going to show you the video. Before I do, this is another instance of a site in respect of which the AWU have coverage?

MR WATSON: It's a bridge.

45 **MR COSTELLO:** And AWU organisers are seeking to attend at the site?

MR WATSON: They'd been on there doing their legitimate work.

MR COSTELLO: And you outline that more than 10 CFMEU members surrounded the car of an AWU organiser and shouted at the driver and rocked his car?

5 **MR WATSON:** There were two AWU organisers and they were there in two vehicles and where it happened was just as they were leaving the site. So, again, it's just on the order of a public area. When you see the video, it looks to me like the CFMEU had intruded and come onto the actual building site but nevertheless it's right there at the gate. So once you're at the gate, you're into the public area and, in fact, onto what looked like a fairly major public road. I did not go to this site to have
10 a look at where it's happening.

MR COSTELLO: There's two videos I want to show you. I'll show you the first, which looks to me, at least, as if's come from dash cam footage of the-

15 **MR WATSON:** What it was - it was two organisers of the AWU. I spoke to one who was the driver of the second vehicle who had turned on a dash cam and filmed the event from behind.

MR COSTELLO: Yes. Could I have media 4 on the screen, please. I'll play it and
20 then Mr Watson, you can make any explanation of it that you see fit.

MR WATSON: Yes, by the way, it's got sound from memory.

25 **<RECORDING PLAYED**

<RECORDING PAUSED

30 **MR WATSON:** I will get everybody to watch on the right-hand side - at some stage, you'll see a comical incident where one of the CFMEU fellows pretends he's hit by the car. I will just explain who people are. We're looking at this from the second vehicle, the AWU organiser's vehicle with dash cam. Everybody standing on the road there is a CFMEU worker. Have a look at some of them are not in work clothes. I think nearly all the ones you will see there are in work boots but they - some of them won't be what you regard as work clothes. They're not from this site, this was
35 not a CFMEU site, they came - I did not find out how they knew to be there at this time, but they did.

MR COSTELLO: Before the video is recommenced, I will just indicate,
40 Commissioner that in the course of this video, the name of one of the AWU people is mentioned and I will seek a non-publication order in respect of that name. Yes, that can be resumed.

<RECORDING PLAYED

45 **<RECORDING PAUSED**

MR WATSON: If you stop there for a second, I will explain something to you as I understand it. The reason why we could hear everyone calling out driver of the second vehicle was actually on his phone to the driver of the first vehicle and that's when he said: "I'm going to hang up, name" and that's why they've gone quiet. Sorry to interrupt.

<RECORDING PLAYED

<RECORDING CONCLUDED

MR COSTELLO: Commissioner, as I foreshadowed, it might not have been clear but there was a name said by the gentleman in the car who called his colleague and I would seek a non-publication order in respect of that name. I'm sure the fact that I've now sought it will mean that it won't be said, in any event, and you can formalise the order. The name is also used as - in the course of the chanting by the CFMEU members.

COMMISSIONER: Is there any objection to that course? Very well. Well, what's the form of the order you want me to make, Mr Costello?

MR COSTELLO: Your Honour, if you like, we will provide your chambers with a formal form of order that you can sign but for now, the form of order you need make is that there be no publication of the name of either of the AWU officials in that video clip which I will now tender.

COMMISSIONER: Well, I will make that order pursuant to section 16.

MR COSTELLO: Thank you.

COMMISSIONER: That there be no publication of the names of the two AWU organisers in - referred to in the video clip that you will seek to tender now.

MR COSTELLO: Thank you, Commissioner. And I tender that video. It is 23 February 2024 incident at Centenary Bridge site at Jindalee.

COMMISSIONER: Is there any objection to the tender of the video? So this video will be described as -

MR COSTELLO: This is media 4, incident at Centenary Bridge site at Jindalee.

COMMISSIONER: - video of AWU vehicle being blocked from exit at Centenary Bridge site at Jindalee on 23 February 2024 will be exhibit GW -

MR COSTELLO: 7.

COMMISSIONER: - 7.

**<EXHIBIT GW7 VIDEO OF INCIDENT AT CENTENARY BRIDGE
JINDALEE DATED 23/02/2024**

COMMISSIONER: Thank you.

5

MR COSTELLO: Thank you, Commissioner. Just before the short break, perhaps if I could have media 5 on the screen, please. I will play this video and then, Mr Watson, if it's convenient to the Commission, we will take the short morning break and then I will ask you some further questions about this incident when we resume. I will also need the same order for this video for the same reasons I have identified.

10

MR WATSON: I should point out I did not have access to this video at the time I wrote my report but I have seen it after and it's very plainly taken by one of the site superintendents on a mobile phone or the like.

15

MR COSTELLO: When you viewed this video, did you see it to be corroborative of what you have been told?

MR WATSON, sees, this is one of the things - and I was hearing stories about these violent events where somebody is calling you googly eyes and you tend to be a little dismissive, yes, yes, but there is enough video evidence to show that these things were real and they were pretty aggressive, pretty hostile. I don't know what you thought about the last one but when they're standing at the windows, I think in this one, you will hear even more clearly they're swearing at the driver of the first vehicle. It's pretty bad. It was all fitting together. It just showed me. The stories I'm hearing, they're real and it's bad.

20

25

MR COSTELLO: And so just to put my question to you again, when you saw this after writing your report, did you consider it to be corroborative of what you had been told in respect of this incident?

30

MR WATSON: Yes, of course I did, but not only that, this incident is mainly told through video. I did meet the driver of the second car. I did not meet the driver of the first car. I could have pursued it and got in touch with him, but when I was doing it, I was thinking "Why should I?" I mean, it's on video. Anyway.

35

MR COSTELLO: If that video could be played please.

<RECORDING PLAYED

40

<RECORDING CONCLUDED

MR COSTELLO: Commissioner, I seek the same non-publication order in the same terms in respect of that video.

45

COMMISSIONER: Is there any objection? I make the same order in relation to this video that I made in the previous video.

MR COSTELLO: I seek to tender that video.

COMMISSIONER: Is there any objection? No. This will be second video of AWU vehicle being blocked from exit at Centenary Bridge site on 23 February - Centenary
5 Bridge site at Jindalee on 23 February 2024 and will be exhibit GW8.

**<EXHIBIT GW8 SECOND VIDEO OF INCIDENT AT CENTENARY
BRIDGE JINDALEE DATED 23/02/2024**

10 **MR COSTELLO:** Thank you, Commissioner.

COMMISSIONER: Do you want to ask this witness a few questions before we have the morning tea break?

15 **MR COSTELLO:** I'm content to do it after the break.

COMMISSIONER: Very well. We will adjourn until 11.30.

20 **<THE HEARING ADJOURNED AT 11.18 AM**

<THE HEARING RESUMED AT 11.30 AM

COMMISSIONER: Mr Costello.

25 **MR COSTELLO:** Thank you, Commissioner. Can I just ask that media 5 be put back on the screen, that's GW8, and if we could just replay until we get down to the vehicle. I will tell you when to pause it.

30 **<RECORDING PLAYED**

<RECORDING PAUSED

MR COSTELLO: Here, Mr Watson, they just start walking off - and if you could please continue playing, please

35

<RECORDING PLAYED

<RECORDING PAUSED

40 **MR COSTELLO:** Just pause there. There's a gentleman there that's facing the car while everybody else has their back turned - I don't know if you can even see it clearly.

MR WATSON: I know. Union power - the fellow who faked falling over.

45

MR COSTELLO: Yes, exactly, the yellow car, as you described it. Do you know who that person is?

MR WATSON: No.

MR COSTELLO: Thank you. Now -

5 **MR WATSON:** But do you mind me saying, I do know what is going on here. If
you look at him and some of the other chaps, they don't look to me to be in work
clothes. That's just not what you see, people on work sites dressed like that. Some of
them are in high-vis, some of them might have come from a work site. They look
like they're on time off and they've been arranged to be brought there. As I've said
10 too many times now, I couldn't get to the bottom of it. I really wanted to know if you
want to attribute what's going on here to somebody, wouldn't it be good to know
who's the person who sent the message to say, "Be at the Centenary Bridge Jindalee
exit at this time."

15 **MR COSTELLO:** Yes, but the absence of cooperation from those within the
CFMEU that you sought to speak with prevented you from finding out any
information to that effect?

MR WATSON: People told me that these sorts of gatherings, these were the group
20 of people that you would call the Youth Crew.

MR COSTELLO: Yes, I was about to ask you about that.

MR WATSON: There were three - but you said you would come to that so I will let
25 you -

MR COSTELLO: No, it's convenient now, because you did mention the Youth
Crew in the course of your evidence yesterday and that is not a description that
would be known to many people outside the union movement. What did you
30 understand the Youth Crew to be?

MR WATSON: I gathered a very incomplete understanding of it. I mean, you get
one thing from its title. I interviewed two of the convenors of the Youth Crew. The
third convenor of the Youth Crew had left and didn't come back to talk to me. But
35 when I asked them, they didn't have a clear picture as to what the age group which
was affected or within the Youth Crew, and the answers I got - I asked questions,
"How do you communicate, do you have a Facebook page, do you have a chat
group?" And none of the answers were forthcoming. It's just all evasive.

40 **MR COSTELLO:** But you understood the Youth Crew to be some sort of internal
entity or branch of the CFMEU?

MR WATSON: It was an internal organisation which is completely legitimate in
there, the younger members, encouraging them, fostering their talents, et cetera, et
45 cetera, except it seemed to operate a little bit differently. I heard people calling it a
hit squad. I heard people calling it a flying column. I heard people describing it in all
wonderful ways. I couldn't get a clear picture, except it did seem to be, as best I

could tell, a group which if it did any good, I didn't find out about it, but it was available to attend occasions like this and, in effect, lead trouble making.

5 **MR COSTELLO:** Thank you. If that video could be brought down. If we could go back to the report, please, which I think is GW6, document 1. Could we just go to paragraph 285, please. 42 - 285 could be enlarged. This is in some paragraphs at the end of your report where you are making recommendations, Mr Watson. And you say that:

10 "Numerous witnesses said that the Youth Crew was a particular problem. Many witnesses described how the Youth Crew was critically involved in many of the violent episodes catalogued above. One witness described the Youth Crew as a wrecking crew and a hit squad."

15 **MR WATSON:** Yes.

MR COSTELLO: Now, presumably you weren't told this by people in the CFMEU?

20 **MR WATSON:** No. I mean, I think I probably included who was the source of that information in the private report.

MR COSTELLO: Thank you.

25 **MR WATSON:** I can't remember.

MR COSTELLO: Is it - but you say numerous witnesses raised the issue of the Youth Crew with you?

30 **MR WATSON:** Lots of people spoke about it being a particular problem.

MR COSTELLO: This was an internal part of the CFMEU that seemed to be known more broadly?

35 **MR WATSON:** Look, there are all sorts of organisations within the larger union. I'm not too sure about Queensland but, for example, in Victoria they've got Koori
40 Constructions which is the First Nations people together, I believe there would be Women in Construction in Queensland - there are all sorts of groups where people gather with a similar background or interest. And there's nothing in wrong in theory
40 about a youth group. It it's just that this one seemed to be being used in the wrong way. Now, I would have loved to have found that out. I did, in my report, detail that I spoke to two of the people who are in charge of it, but it was really hard to the get to the bottom of it, or it proved impossible for me. I hope you can.

45 **MR COSTELLO:** Did you ever -

MR WATSON: I told the administrator it probably should suspend its operations - it should just stop until people got control of it.

5 **MR COSTELLO:** Did you ever understand anything about whether the Youth Crew existed within the formal structures of the union or whether they were more informal -

10 **MR WATSON:** No, it's not formal. I did ask about that and nobody seemed to know about it being as, it were, something with a separate constitution or even a charter or whatever might be given to create a body.

MR COSTELLO: And you didn't know -

15 **MR WATSON:** It didn't have formal voting rights. It wasn't represented on the branch Committee of Management. It just seemed to exist.

MR COSTELLO: And you didn't know who, if anybody, was the leader of it.

20 **MR WATSON:** Yes. Well, I thought I did. I spoke to, I'm sure I put it in the report, but just - I think it's a paragraph or two just above where 285 which is on the screen.

MR COSTELLO: Perhaps 24.

25 **MR WATSON:** Yes, 284, Dylan Howard and Brodie Wood. There had been a person previously engaged with it but their name has gone out of my head, but they were somebody who was gone and I didn't get to interview them. I got no decent information. Have a look at that. I'll call it a group or a sub-branch, I didn't even know how to label it.

30 **MR COSTELLO:** I see. I might have misunderstood the import of paragraph 284. Was it your understanding that either or in combination Mr Howard and Mr Wood were the leaders of the Youth Crew?

35 **MR WATSON:** Yes. I got some information from them to suggest that in an informal sense, they sort of had charge over it. And I got that because there was a photograph in the CFMEU - they have a glossy magazine which comes out every month and I had seen a photograph in there of something to do with a Youth Crew Award and perhaps I should have put it in the report. The magazine is really professionally produced. It's very good high quality magazine and I remember seeing
40 some photos in it.

MR COSTELLO: I see. And I know that this is a somewhat repetitious question but it's important: did you raise questions in connection with the Youth Crew with Mr Howard and Mr Wood?
45

MR WATSON: Yes. I mean, I'm recording there some of their answers.

MR COSTELLO: Did you - do you recall whether you asked them whether they were in charge of it?

5 **MR WATSON:** Even that was the - or I did, I asked "Who's in charge, who's the convenor?" And there was sort of a broad discussion where you got an impression that if the Youth Crew met face-to-face, it would be one of these fellows who got up and addressed them. That sort of thing. It was as informal as that.

10 **MR COSTELLO:** Thank you. I want to come now to what you describe as the sticker and poster campaign. You've given some evidence about this already and we've discussed one of the incidents where stickers were actually placed on the person of AWU officials in a public place. If those paragraphs could be taken down, please, and if we could go to 183 of the report. So this is part of the - what I described and you accepted as an accurate description yesterday of the turf war
15 between CFMEU and the AWU. There was a campaign in place run by the CFMEU that involved a range of stickers and posters being used in various locations and on various times.

20 **MR WATSON:** Yes.

MR COSTELLO: If we can go over the page, please, to 26 and just enlarge the picture, this is but one example of many.

25 **MR WATSON:** Look, I had, originally, in the report - it's put out a lot and I said there's no point in us wasting all that paper on these sort of things. This is one of the posters, you saw another one of the posters in the videos, it was put under the gentleman's windscreen wiper on the rear screen of his car and you can see it. But this is one, I included this one only because I thought there was tremendous irony in this. Have a look at the second bullet point. They're being critical of the AWU.
30 They're saying that the AWU was, in effect, a union where the officials refused to turn up. Who was driving them away? Who was stopping them from entering the site? It seemed to me it was an odd complaint to make.

35 **MR COSTELLO:** Now, at a general level, a number of the claims in a poster like this would be highly debatable, but would you agree at least that there's nothing inappropriate or untoward about two unions having a disagreement as to coverage?

MR WATSON: Of course not.

40 **MR COSTELLO:** And -

MR WATSON: That's the nature of the game.

45 **MR COSTELLO:** And -

MR WATSON: That's healthy.

MR COSTELLO: Yes, and a communication like this, while perhaps not to everybody's taste, is a perfectly valid way of one union expressing a view about another?

5 **MR WATSON:** No, I just think it's so stupid and such a waste of members' money. I would say no. If you want to advance a debate, you don't advance it with this rubbish.

MR COSTELLO: I see.

10

MR WATSON: I went to some trouble, or I didn't - this is a matter, Commissioner, where I was very highly dependent upon the work of the people who work at the administration, but I got them to dig through the account to find out how much this cost and I can assure you the accounts of the Queensland branch, financial accounts, 15 are not a model of clarity and the figure which I've inserted in the report was the absolute deadset bottom figure that could be attributed to a cost of this campaign. There were some other figures which it wasn't clear whether they should be added to this or not. The cost - it's members' money after all. This costs money. Anyway.

20 **MR COSTELLO:** The figure in your report, which comes in at paragraph 187, was you thought it was at least \$40,000.

MR WATSON: It's at least 40,000. I can tell you there's some sort of reason to think it was a fair bit more than that.

25

MR COSTELLO: Thank you. If the pictures that are on screen now at page 27 could also be enlarged, these are further examples of what you described as the campaign.

30 **MR WATSON:** Yes.

MR COSTELLO: "Submissive Together", "Australia's Weakest Union", "A Weak Union" and "Bosses Love A Weak Union".

35 **MR WATSON:** Yes, this is the sort of thing that they did, I didn't included it in the report, from memory, but they also had a similar campaign against one of the contractors. BMD is a contractor, they do civil work. They are long-term aligned with the AWU. For that reason they were perceived as enemies. Well, they suffered a campaign against them which were these same sorts of things, but they would have 40 "BMD: Bad, Mad and Dangerous" and I'm not sure, did I include that in the report? There were these silly posters with that on it but also these hand bills and somebody gave to me a copy of one of these hand bills that they had received it as an AFL badge. The CFMEU had people handing out hand bills denigrating a contractor, BMD and saying that they were unsafe and giving a specific incident where 45 somebody was said to have died due to heat stroke, it had something like that on - it's being passed out at a football game. Of course, that wouldn't be free either. This is members' money.

MR COSTELLO: And you don't consider it a legitimate use?

MR WATSON: Of course not. With a complaint like that, you know who you would go to? The Work Health and Safety inspectorate.

5

MR COSTELLO: Aside from the signs that there were stickers and the stickers, you say, were applied to private property on occasion, and at paragraph 189 of your report and over the page you start - you detail an event where CFMEU organisers entered a secured car park beneath the AWU offices?

10

MR WATSON: Yes. I've included a couple of photos which were taken there but again, I tell you I could have put up more. They also put them all down the walls of the building out on the lane.

15 **MR COSTELLO:** Well, let me just employ up the photograph there and perhaps you can explain your understanding of this particular incident.

MR WATSON: Well, I remember this one vividly. One of the really respected fellows at the AWU came out and found these two fellows. They snuck in under that gate that you can see there. See in the top photo, just above the front of the car, there's one of those typical security gates. Somebody had gone out, they snuck in under that and got in and started stickering the cars. This is at the AWU offices. So he came in and told them to stop it. And he filmed it. I think these particular images were taken from CCTV from within the car park. The two fellows are Matthew
20 Clarke and Dean Mattas, M-a-t-t-a-s. Don't ask me which one is which but I
25 remember the two, they were people who knew who they were and identified them. And they were doing this to the car, and they wouldn't stop even though they were being filmed and they knew they were being filmed.

30 **MR COSTELLO:** There was no other reason that you were aware of why the CFMEU representatives were at that location at that time?

MR WATSON: No. I know of no other reason why two CFMEU employees were scooted under a gate into a car park, a private car park, and started applying these
35 silly stickers to AWU vehicles. There's no legitimate reason for it.

MR COSTELLO: You say in your report at 193 that there was some instances reported to you where AWU officials returned to their cars and were unable to drive away (crosstalk).

40

MR WATSON: Well, I think - I think there were photos in the report.

MR COSTELLO: Yes. And your investigation into those incidents was, again, hampered by a lack of cooperation by Queensland CFMEU members?

45

MR WATSON: Well, Matthew Clarke had left the union. So he didn't come back for an interview and Dean Mattas was there and he was the awful fellow, I think, who had got hereditary memory loss.

5 **MR COSTELLO:** I see. If those pictures could be brought down please. I'm going to move on to another topic now, Mr Watson: Hostility towards employers and employer organisations, but before I do I just want to give you an opportunity to make any further comment, give any further evidence that you would like to give in connection with the CFMEU's campaign against the AWU. Is there anything else
10 that you consider it important the Commissioner understands?

MR WATSON: Yes, but it's a bit repetitive, but I think the point has to be made and underlined that this was just emulating Setka's effective campaign in Victoria. When I say Setka, it was mainly Joe Myles down in Victoria, he himself had been in
15 Queensland, had Myles and they were just looking at what happened in Victoria and thought "Well, we'll have a piece of that action too" and maybe the administration came along just at the right time.

Because the net effect of it, Commissioner, is really bad because if you knock
20 out - this is what's happened in Victoria - if you knock out the AWU, you know what you're knocking out? The competition. So all of a sudden there's one union with all the power and all of the negotiating tools and skills in an environment where labour is scarce because of the big build in Victoria, all of the massive infrastructure projects here. If you've only got one union covering all of these areas, they're given
25 far, far too much power in those negotiations. You can imagine the pressure that's about to be placed on scarce labour resources here with the Olympics coming along.

So if you're looking at this, this is not a matter of abuse between unions, it's a matter of economic significance to the people of Queensland. I'll go a step further and say
30 the people of Australia. The fact is, there are massive infrastructure projects at the moment in South Australia, Victoria, New South Wales, Queensland and my joke is this: if they ever start building that stadium in Hobart, the politicians are going to have to get out with the hammer and nails themselves because all the labour will be scattered over the mainland and there won't be anyone left to do it.

35 Can you imagine what the cost of labour will be in Queensland if there was no competition with the CFMEU?

40 **MR COSTELLO:** We touched on this yesterday, your thesis, if I can describe in that way, without intending to be in any way offensive -

MR WATSON: Just the opposite.

45 **MR COSTELLO:** That this was an importation of a method of industrial practice that was developed in Victoria and brought into Queensland.

MR WATSON: It's long ceased being a thesis in my mind. That is exactly what has happened.

5 **MR COSTELLO:** And you have come to that view, no doubt, through a variety of different routes that have coalesced. One is that you have been engaged by the administrator to do work in Victoria?

MR WATSON: Well, and New South Wales.

10 **MR COSTELLO:** And -

MR WATSON: And I've also looked at their work in South Australia. I didn't do it myself. It was done by a barrister over there who did a very good job.

15 **MR COSTELLO:** And is this thesis, the importation of a Victorian model into Queensland, is that something that you have had expressed to you by others?

20 **MR WATSON:** Yes. I think I told you yesterday that somebody who said to me something which I thought was taking it too far, that they felt that the Queensland branch may have been driven to do it because they feared Setka and his operatives may move into Queensland. Now, that sounds a little farfetched to me, but it should be said that's what Setka did with South Australia. So it's - yes, other people have expressed it to me. If your point is that I stole the idea, yes, you're right. But I've also since, having it firm in my mind, run it past people. I may - most people will who
25 work in this area, think there's something to that.

MR COSTELLO: I see. And do you have any recollection of raising this, for example, with national employers that might have had some experience of Victoria and interstate?

30

MR WATSON: Yes, I have.

MR COSTELLO: And do you have a recollection of whether or not any of the national employers that have experience in Victoria considered that the approach of
35 the - the more recent approach of the CFMEU in Queensland was an adoption of that model?

MR WATSON: Yes. And I'll tell you something else, you can look at it for yourself. If you have a look around the Brisbane CBD - while I was up here doing the
40 investigation, I was going from place to place and you walk around and you will see the building sites in the CBD here and you will see a limited number of companies engaged in construction work. Have a look around and you won't see the same names that you see in the other CBDs. Why? Because John Holland, I believe, is one, but other big name builders can see what was happening and they've been burnt in
45 Victoria and you will find that a lot of them are still heavily represented as major construction companies on projects on the Gold Coast, in civil work - and have avoided the Brisbane CBD construction market because of IT. I have got to tell you,

I was asked to look at violence in Queensland so I didn't dig deeply into that and probably the digging I was doing fell outside my terms of reference but you can't help but notice these things and it also tells you something about the effectiveness of these campaigns.

5

MR COSTELLO: All right. Just to close off on this, you made some comments earlier about the consequence of the AWU being driven out in Victoria is a lack of competition between -

10 **MR WATSON:** That's one of the consequences.

MR COSTELLO: One of the consequences. Do you consider that that consequence alone is detrimental for any particular reason? Is there something wrong with that?

15 **MR WATSON:** I've already spelt them out. I mean, it's like any market, if there's no competition you're going to get higher prices. Now, that's very good for the workers, the individual workers who are collecting it. By the way, I respect them. They're working in hard, hot environments but the point is it's whether or not it is economically sustainable. I accept there might be people listening in on this, will say
20 "That's easy for him, fat cat barrister - overpaid." I agree with you that I'm overpaid for the work that I do and that that's not fair but I guess that's the way the system has been running. Question is whether you're going to have a sustainable construction sector if you don't have competition.

25 **MR COSTELLO:** There's a real limit to the extent to which I can agree with your evidence at the moment, Mr Watson. I will move on.

COMMISSIONER: I will just ask you a couple of questions about -

30 **MR WATSON:** By the way, that fellow, (indistinct) of expert evidence that I was telling you about. Sorry, Commissioner.

COMMISSIONER: Who is Joe Myles?

35 **MR WATSON:** Joe Myles is the - sorry, before the administration came along was the senior vice-president of the Victorian branch. In Victoria Setka was the secretary and ultimately powerful person. Down in Victoria, Myles came down and he moved into the civil side. Now, (crosstalk).

40 **COMMISSIONER:** Came down from?

MR WATSON: From Queensland.

COMMISSIONER: What was he in Queensland?

45

MR WATSON: In Queensland he had been a high official in the BLF and the BLF isn't registered in Queensland like it was around the rest of Australia and it

amalgamated around about 2014. What happened was Dave Hanna, secretary of the BLF, became the president of the CFMEU and Michael Ravbar remained the secretary of the CFMEU. That meant that Ravbar had a whole bunch of officials who were previous BLF members who perhaps were unwelcome and some arrangements were made and they were moved to Victoria. I could probably name them, but the fact is that they went down there. Ralph Edwards had been a long-term head of the civil part of the union down in Victoria but when Joe Myles came down he assumed control over that.

10 **COMMISSIONER:** Who did - Joe Myles did?

MR WATSON: Joe Myles did and that's another story, but the point is what he did in Victoria to civil work is what was being related. So when I use the word "Setka", Setka himself, he was formerly BLF which, of course, is a construction union and he wasn't all that interested in civil, I believe.

COMMISSIONER: And when did Mr Myles move to Victoria?

20 **MR WATSON:** About 2014.

COMMISSIONER: I thought you said that's when the merger occurred between BLF and -

25 **MR WATSON:** Yes, it wasn't long after the merger but there were a number of people who went down to Victoria. Nick Myles was another. That's Joe's older brother. Marty Albert. There's a group of them who went down.

30 **COMMISSIONER:** You just gave some evidence in response to Mr Costello's question about the so-called Setka model or the Victorian model and an aspect of that model being the removal of the AWU from construction sites.

MR WATSON: From civil sites.

35 **COMMISSIONER:** From civil sites. I beg your pardon. Is there more to that model?

40 **MR WATSON:** Well, of course, there is. There's the consequence of having achieved it. First of all, you do it. In Victoria it was done I think with a combination of pressure placed upon the AWU and pressure placed upon the contractors. Up here, it was just starting, if you like, and what we were seeing is, through this violence inflicted by some people in the CFMEU on the AWU, you were seeing the first steps of it.

45 Now, I've got to - again, Mr Costello would call it a thesis, I'd call it an idea. I've got an idea in mind that this was all quite a conscious plan. Others won't disagree with me, but I just saw it going the same way as Victoria. Now, then what happens as a result of it, is that you have all the power. You don't have anybody against you. In

Victoria, it seemed to me that the AWU may have capitulated, went down with a
whimper rather than a bang. I've spoken to people down there and they say they just
don't understand it. The cases were not taken to the Commission. Now, I don't know
exactly this, but I think that only 10 per cent of the Victorian AWU membership was
5 in building because they cover a lot of workers, famously shearers - I think that was
one of their famous areas of coverage, but the point is they may well have thought
"This just isn't worth the fight."

MR COSTELLO: Thank you. Mr Watson, let me move then to hostility towards
10 employers and employer organisations. Now, that's an area that one might more
readily have expected you to find incidents rather than the union-on-union examples
that we've been going through to this point, in the sense that the touch point between
employers and unions is often vexed. But you found a number of incidents, or you
were told of a number of incidents where, to your mind, the behaviour of the
15 Queensland CFMEU towards employers crossed the line?

MR WATSON: Yes. Look, this is something which I came to it. You won't recall,
getting a bit boring if I repeat myself, but I was coming up here thinking so what that
there's tension between a union employer groups, that's not just to be tolerated. In
20 some ways it's to be encouraged. That's the system. Not violence, but you appreciate
that there would be tension. But some of the things here were just cross the line or
just plain silly and they also showed conduct which got beyond control.

MR COSTELLO: You say in your report that the Cross River Rail project was a
25 hot spot for CFMEU violence?

MR WATSON: Yes.

MR COSTELLO: You were told by an Industrial Relations representative, for one
30 of the contractors on that project, that he suffered three years of constant abuse -

MR WATSON: Yes, he left.

MR COSTELLO: From CFMEU officials.
35

MR WATSON: Yes, he left. He was a very nice man. I spoke to him at some length
and he left the job. He said he didn't want to go to work and put up with that every
day.

MR COSTELLO: Did that gentleman have an understanding of why it was the
40 abuse was being directed to him?

MR WATSON: I can't remember asking him that specifically. It may well have
been that I even overlooked to do it because I just assumed it was obvious, it's
45 because of this hostility between the - or attempt by the CFMEU to intimidate the
AWU on those sites.

MR COSTELLO: But this was - actually sorry, could I have document 1 back on the screen as well. This gentleman is reported at 211 of your report as saying that they would attack anyone with Industrial Relations in their title?

5 **MR WATSON:** Yes.

MR COSTELLO: And as you say, the sustained abuse of that particular person led to the representative moving on to another project? You've set out other incidents of violence that occurred in connection with the Cross River Rail.

10

MR WATSON: That wasn't the same man.

MR COSTELLO: No. But the same project. At 212 you say:

15 "In one instance it led to a death threat."

MR WATSON: Yes, that's if you put these things together and imagine sending somebody a bullet is a death threat. I would.

20 **MR COSTELLO:** Could you explain what you recall about that particular incident in.

MR WATSON: My recollection about that is quite clear. The fellow received - that's right, yes, I do remember it now. I think he either received a bullet or was told there was a bullet with his name on it but that was something about I was a little bit reticent to put in the report. Could you show the next paragraph?

25

MR COSTELLO: I think paragraph 214 is the paragraph you have in mind?

30 **MR WATSON:** Yes. Could I just correct it? It was the same man.

MR COSTELLO: Thank you.

MR WATSON: It was - I think I might have expressed it that way so it wasn't really apparent to others. But there it is. He was told "There's a bullet with your name on it." I mean - well, that could only mean one thing. Of course, it could just be silly.

35

MR COSTELLO: You think there's a prospect that someone saying, "There's a bullet with your name on it, we're going to get you" could just be silly?

40

MR WATSON: It's not silly, but it could be talking it up.

MR COSTELLO: Yes. That could be brought down and if we could go back to 213, please. You recount an incident at the Boggo Road site of the Cross River Rail here.

45

MR WATSON: Yes, that's the one where - that's the next incident.

MR COSTELLO: Yes.

MR WATSON: Where they told the fellow - but I was a little bit worried about this because I thought violence could follow. I mean, I don't want to identify a man.

5

COMMISSIONER: Mr Costello, I want to go back to the previous page. I just wonder whether the correct version of this document has been accepted as exhibit GW - is this GW6 that we're looking at?

10 **MR COSTELLO:** Yes, it should be GW6.

COMMISSIONER: Because I just looked at the previous page, I don't want you to go back to it, but that is in a slightly different form in terms of the blacking out to the version that I understood was to be tendered.

15

MR COSTELLO: Well, if that's the case, I can only apologise. I will have it checked over lunch but I don't want to take a risk, so I think what I will do is revert back to the public form named document 0, which will be sufficient for the extent as is necessary for Mr Watson's evidence.

20

COMMISSIONER: The point was that the CFMEU thought that the redaction of the identity of the persons in the photos wasn't sufficiently complete by one black line and they wanted it to be the full face blacked out.

25 **MR COSTELLO:** Yes.

COMMISSIONER: And that was agreed.

MR COSTELLO: Quite so.

30

COMMISSIONER: And I think the version we've got is the version with just one black line.

MR COSTELLO: I apologise.

35

COMMISSIONER: That's okay. These things happen.

MR COSTELLO: We'll have that attended to over the lunch break.

40 The Boggo Road incident that you were just mentioning, Mr Watson, this was again about an asserted right of entry to a site, which is what started it off.

MR WATSON: This is one of these classic things, I mentioned it yesterday about the ABCC. This - people told me this wasn't happening just every day, it was happening several times a day. There were these right of entry disputes all the time around Cross River Rail.

45

MR COSTELLO: And you have been protective of the identity of the person there but you say the identity of all people, including the CFMEU people, and including because you say that what follows clearly constitutes a crime -

5 **MR WATSON:** Yes.

MR COSTELLO: In your mind, and when you're speaking about that you're speaking about the bullet?

10 **MR WATSON:** No, not just that. I think that if I was to get into a really hostile dispute with you and you said to me, "I know where you live", I actually think that's a classic assault.

MR COSTELLO: If we could move to the next page, please - thank you.

15

COMMISSIONER: Is that the right version there?

MR COSTELLO: Yes. I think I've seen one that's even slightly different to that, but in any event that's better. You - under the heading there A Convicted Woman
20 Basher, you outline what you describe as a target of campaign against an Industrial Relations adviser on the Cross River Rail.

MR WATSON: Yes, they were really after this guy.

25 **MR COSTELLO:** Do you know what prompted that campaign?

MR WATSON: No. The way it was explained to me by somebody - look, I should tell you, the person that was the subject of this campaign, I spoke to for a while. He was very open with me. And then I was contacted by a private law firm. I've
30 forgotten their name but were acting for CPB who were the contractors and all of a sudden they all clammed up. I was - I wanted to talk to CPB. I had spoken to their legal counsel and she was really very good but they engaged private lawyers and they just clammed up and I was told that I could have an interview with a barrister and a solicitor. Considering I was investigating facts, I thought that was a waste of
35 my time. This fellow, he sent to me a photograph of - I'd better not say who it was. I've got to get his permission before I do because he could get into trouble. He sent me a photograph. I had a photograph of these two.

MR COSTELLO: Please don't identify.

40

MR WATSON: Sorry?

MR COSTELLO: Don't identify.

45 **MR WATSON:** I had a much better photograph and the fellow said "I can't talk to you anymore," and I just assumed that was because private lawyers became engaged and they took that classic idea, don't stick your head above the trench line. As I said

to you yesterday, I got a lot of that from the major contractors, they just will whinge from the sidelines but they will not assist in finding a solution.

5 **MR COSTELLO:** The nature of -

MR WATSON: I'm dragging everybody down with that but I have in the back of my mind, there have been some who have been helpful to me but -

10 **MR COSTELLO:** When you say "some" you mean some contractors?

MR WATSON: Yes, some big ones, I mean, really only big one that has been very help follow to me, but you point is they don't want to be named because they don't want to be seen as the standouts but at least they've given me the help.

15 **MR COSTELLO:** The - what actually happened in connection with this event, you say in your report, was that the CFMEU produced or someone within the CFMEU, rather, produced crude hand-painted placards.

20 **MR WATSON:** Look, they're there, and can I tell you something, this is something I feel uncomfortable about. When I did this, I spoke to the man briefly.

MR COSTELLO: Yes.

25 **MR WATSON:** I put it what I could get from him and also I did a double check by going and looking for newspaper accounts to see whether this was true about him being a convicted woman basher and it wasn't true. So I was able to verify that much, but really because he stopped talking to me, I don't know anything more than this is there.

30 **MR COSTELLO:** But what you do know is that the allegation was made in a document with a photograph of the person on the poster in a public place?

35 **MR WATSON:** Sorry, these are on the street just out here, these are on Roma Street, one of the busiest streets in the CBD.

MR COSTELLO: And the allegations included - you can see from the poster, "a convicted woman basher and general degenerate".

40 **MR WATSON:** Yes.

MR COSTELLO: All right. Let me move off that and go forward to April 2024. This is again Cross River Rail and the - there was industrial compute of some kind which led to the CFMEU organising a member picket line at various sites on the Cross River Rail project. Your recollection of this?

45 **MR WATSON:** I got distracted because I just remembered what I wanted to tell you. Those two photographs there, I didn't get them from the man, I got that from

another source and that's why I was saying I had another photo from the man but he was reluctant to continue helping me.

MR COSTELLO: Yes.

5

MR WATSON: These things were out on the street and I think I got them from somebody else, but anyway, sorry, could you ask me your question again?

MR COSTELLO: Yes, I will. Before I do that, can we just go two pages back in the report, please. Can I just have page 30 on the screen for now, I'll come to particular paragraphs. I was moving to April 2024, Mr Watson, another Cross River Rail dispute, this time with CFMEU organised and led picket lines at various sites of the Cross River Rail project.

10
15 **MR WATSON:** Yes.

MR COSTELLO: Have a recollection of that. Now -

MR WATSON: I'll never forget this one, good film of it.

20

MR COSTELLO: On 30 April 2024 you say a picket line was formed at the Dutton Park site -

MR WATSON: Yes.

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MR COSTELLO: Of Cross River Rail and a violent brawl broke out between non-CFMEU workers and those CFMEU workers who were manning the picket line.

MR WATSON: Yes.

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MR COSTELLO: And there was - there were at least non-CFMEU workers who were manhandled, pushed and shoved.

MR WATSON: Yes.

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MR COSTELLO: And -

MR WATSON: I think everyone can see the photo.

MR COSTELLO: - one had his shirt torn off, which you can see on the photograph which is there.

MR WATSON: Look, I just want to say this because people might not understand: I had an understanding of what a picket line was supposed to do and could do and I went to some effort to try and check it up. These aren't matters of - just matters of law, they're matters of practice. A picket line is a legitimate tactic, but it's not a block. What it is, is that somebody has to pass through the picket line. That's your

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opportunity, if it was a really civilised picket line, to persuade them not to pass through the picket line and, you know, an ideal world, a dream world, it would be reasonable language but it's never supposed to be violent. That's never supposed to be an actual block to people entering.

5

MR COSTELLO: Right. Well, let me show you some footage of it, before I ask you some further questions. Could I have media 6 on the screen, please.

<RECORDING PLAYED

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<RECORDING PAUSED

MR WATSON: Yes, this is a picket line - it's not what I a picket line is supposed to do.

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<RECORDING PLAYED

<RECORDING CONCLUDED

20 **MR COSTELLO:** As you understand it, Mr Watson, what was going on there was some of the people in the hi-vis were seeking to move through the picket line -

MR WATSON: Yes.

25 **MR COSTELLO:** And were being prevented from doing so?

MR WATSON: Yes.

MR COSTELLO: I will show you another video.

30

MR WATSON: Could I just -

MR COSTELLO: Yes, please.

35 **MR WATSON:** - say to you people will have noticed this is incredibly dangerous, there were cars speeding down the road around, what, about five metres from where that brawl was occurring. This could have been - led to a loss of life. It was quite mad.

40 **MR COSTELLO:** Not a safe workplace.

MR WATSON: No.

45 **MR COSTELLO:** Could I have media 7 now, please. Mr Watson, I think this is the same picket line at the Dutton Park site of the Cross River Rail, if that could be played.

<RECORDING PLAYED

<RECORDING PAUSED

5 **MR WATSON:** I think yesterday, Mr Costello, you were telling me that this represented reasoned industrial debate in an overly robust fashion or something.

MR COSTELLO: I'm not sure I'm prepared to -

10 **MR WATSON:** He and I (crosstalk).

MR COSTELLO: My question - this is about a different incident.

MR WATSON: All right.

15

MR COSTELLO: But in any event, I will accept your evidence being that you don't consider this to be an example of that?

MR WATSON: That would be my evidence.

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MR COSTELLO: All right. I will let the video continue.

<RECORDING PLAYED

25 **<RECORDING CONCLUDED**

MR COSTELLO: Can I just have that rewind to the start and I'm going to pause it on the spot. Yes, can you just play it for a moment, please. Just pause it there.

30 **<RECORDING PLAYED**

<RECORDING PAUSED

35 **MR COSTELLO:** Now, just to make sure we understand what's going on here, do you understand that this is non-union workers seeking to cross the picket line?

MR WATSON: Correct.

MR COSTELLO: And you would accept -

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MR WATSON: This is something to do with the AWU, for example.

MR COSTELLO: Just so.

45 **MR WATSON:** These are non-EBA, non-union employees.

MR COSTELLO: And without, in any sense, seeking to excuse any conduct, you would accept that that is a particularly acute flashpoint on a picket line, non-union workers going across?

5 **MR WATSON:** Yes.

MR COSTELLO: And as you understand it, although it's a little hard to see on the screen here, there's a person who is falling over. Maybe if it could just be played for a couple of seconds.

10

MR WATSON: We do know who he is, his name is Fou, F-o-u, Alam, A-l-a-m.

MR COSTELLO: Yes. He's one of the non-union workers.

15 **MR WATSON:** He's a non-union worker. You can watch him on YouTube as well, he was interviewed about the incident, about the incident later where people came to his home. Have a look at the man, there were only two of them and they only had baseball bats and that wasn't good enough to take him down. Pretty solid.

20 **MR COSTELLO:** That's a subsequent incident involving that man -

MR WATSON: Yes.

25 **MR COSTELLO:** That was reported in the media involving people attending at his home one morning and the people attending getting rather more than they bargained for when they encountered him?

MR WATSON: Yes, he fought them off.

30 **MR COSTELLO:** All right. But this incident -

MR WATSON: And then he invited them to come back the next morning.

MR COSTELLO: So -

35

MR WATSON: I tried to speak to Mr Alam but he didn't return my calls.

MR COSTELLO: Okay.

40 **MR WATSON:** I left the details and said who I was.

MR COSTELLO: In any event he who is in the thick of it here, he is not a CFMEU person.

45 **MR WATSON:** He is I think actually in the short interview I saw he was sort of a non-union person at the time.

MR COSTELLO: Thank you. And in respect of this incident, you concluded in your report, and I'm interested to know if it's still your view, that there was some shared responsibility for the outbreak of the brawl?

5 **MR WATSON:** Sure. If you watch that fight, it's two sided.

MR COSTELLO: But you thought the principal fault was the fault of the CFMEU?

10 **MR WATSON:** It's partly because they obviously do not understand what a picket line is.

MR COSTELLO: What you mean by that is you apprehend that at least some elements of the CFMEU considered a picket line to be -

15 **MR WATSON:** A blockade

MR COSTELLO: A wall.

20 **MR WATSON:** Yes, a wall. They said that. If there's anyone here who lived through Thatcher and Scargill will know what I'm talking about. It was horrible.

MR COSTELLO: Are you aware of whether or not there were any criminal charges pressed as a consequence of this incident?

25 **MR WATSON:** No and I was hampered in looking into this because at one stage I did find one source of information I was told of legal proceedings, it may not have been criminal. I think it might have been damages cases or something.

30 **MR COSTELLO:** I see. Is there anything else that you would like to say to the Commissioner about this particular incident?

35 **MR WATSON:** If you - if you created an atmosphere in which violence and threats, intolerance, is always present in the atmosphere, it's always going to erupt at moments and it's going to erupt at moments like these. This might seem perverse to some of the people here but I was just thinking to myself as I watched the film myself again, I was thinking, "I wonder how I would feel if I was one of those drivers going to work and a man was pushed out in front of me, and I ran over him in my car and killed him." It's this sort of thing spirals around the entire community. I mean, people want to feel safe.

40 **MR COSTELLO:** Commissioner, before I move on, I should tender both of those videos. The first is -

45 **COMMISSIONER:** Just before I do, can I ask a question so I understand. Do the two videos show, is this what you're saying, that Mr Alam and his colleague were trying to get to their place of work? They were prevented from doing so by a group

of people apparently associated with the CFMEU and they fought their way in. Is that - is that what I take?

5 **MR WATSON:** Yes. Now, Commissioner, ideally, I think Mr Alam and his - I think there was more than one, his offsiders should have taken a step back and said well, we'll bring the police but, of course, that's another issue which I haven't really touched on in the report all that much, but the unusual relationship between the police and the boundaries of these industrial disputes is something I hope that you will be looking at.

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COMMISSIONER: But do I take it that he was simply, simply might be too pejorative, that he was simply trying to get to work?

MR WATSON: Exactly. He was simply trying to get to work.

15

COMMISSIONER: And you say he should have called the police in order to try to get to work.

20 **MR WATSON:** Well no, of course, I'm not really saying that, he shouldn't have to. What I'm saying is once there was a threat of violence to him, in an ideal world, you call the police, but I think it's well-known if you call the police to the edge of an industrial dispute they would say, "This is an industrial matter, we're not getting involved. "

25

MR COSTELLO: In that connection do you recall in one of the earlier videos that I showed you involving the AWU representative in the car - the cars, one was calling the police about that incident as they were trying to leave the site. Did you ever find out if the police attended?

30

MR WATSON: No, even in the phone call itself, I think you can hear the second car, the driver of the second car call the police officer, "It's all right, they're letting us out."

35

MR COSTELLO: Okay. I want to leave the Cross River Rail project now. Sorry, I was going to tender those two.

COMMISSIONER: I interrupted your tender, Mr Costello, I'm sorry.

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MR COSTELLO: That's okay. The first, Commissioner, is 30 April 2025, incident at the Dutton Park site of the Cross River Rail project.

COMMISSIONER: Is there any objection?

MR COSTELLO: I said 2025. It's 2024, in fact. Thank you.

45

COMMISSIONER: Is there any objection? No? Video of picket line brawl at Dutton Park site on 30 April 2024 will be exhibit GW.

MR COSTELLO: 9.

COMMISSIONER: 9.

5 <**EXHIBIT GW9 VIDEO OF PICKET LINE BRAWL AT DUTTON PARK
SITE ON 30/04/2024**

MR COSTELLO: The second is the same date, 30 April 2024, second video
10 incident at Dutton Park Cross River Rail project.

COMMISSIONER: Second video of picket line brawl at Dutton Park site on 30
April 2024 will be exhibit GW -

MR COSTELLO: 10.

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COMMISSIONER: 10.

<**EXHIBIT GW10 SECOND VIDEO OF PICKET LINE BRAWL AT
DUTTON PARK SITE ON 30/04/2024**

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COMMISSIONER: Thank you.

MR COSTELLO: Thank you, Commissioner. Mr Watson, as I said I'm going to
25 leave Cross River Rail project for now and I want to ask you some other - some
questions in connection with an in any event earlier in time that - involving the
Master Builders Association. This -

MR WATSON: This was silly. This was a manufactured dispute. What it was is
30 that -

30

MR COSTELLO: But first, before we get -

MR WATSON: Sorry. (Crosstalk).

35 **MR COSTELLO:** Yes. All right.

COMMISSIONER: Mr Costello, you can take your time on this. I would be
40 interested in you following up Mr Watson's opinion about the attitude of police to
those sorts of things. You're probably going to do it in due course.

40

MR COSTELLO: I'm going to come to it at the end, if I may. Thank you.

MR WATSON: It wasn't just their attitude, Commissioner. They signed a
45 memorandum of understanding which I saw which was, in effect, to mean that they
had no jurisdiction once it became an industrial dispute. I'm sure that document is
floating around somewhere. It wasn't really within my remit but it was of great

interest to me if they saw this going on, why the police weren't engaged. It seems like the Police Association and the CFMEU had struck some sort of agreement.

5 **MR COSTELLO:** Is that - I said I will do it later but why don't I deal with it right now.

MR WATSON: It's really central -

10 **MR COSTELLO:** Is that -

MR WATSON: To your work.

15 **MR COSTELLO:** Yes, thank you. Is that something that you have seen to be the case in other jurisdictions or is that a Queensland specific comment that you just made?

20 **MR WATSON:** Well, let's put it this way: I said it had arisen in other jurisdictions, so I imagine it's not a problem. But it was almost as though the police would stop at the boundary and that was something to do with the, as I say, a memorandum of understanding with the Police Association. I didn't understand that. I thought that the criminal law was across, up and down and everywhere in had Australia.

MR COSTELLO: You were -

25 **MR WATSON:** But not on the industrial sites.

MR COSTELLO: You were told that there a memorandum of association existed.

30 **MR WATSON:** No, it's a memorandum of understanding.

MR COSTELLO: Sorry, you were told a memorandum of understanding existed.

MR WATSON: I saw it.

35 **MR COSTELLO:** You saw it in the course of your investigation?

40 **MR WATSON:** I'm sure I saw it in the course of my investigation. I think there was more than one and I've forgotten actually who the parties to it were but it was some sort of understanding that they wouldn't go in and really -

MR COSTELLO: Is that likely to be a document still in your possession?

MR WATSON: Me, personally?

45 **MR COSTELLO:** Yes.

MR WATSON: I've begin you every single thing I kept. May never have been in my possession, I might have been shown it. There will be people who are watching this on live stream saying, "I've got one", so please send it in.

5 **MR COSTELLO:** Yes, I'm sure we will get one. In any event, you saw it. You don't have a firm recollection of who the parties to it were?

MR WATSON: No. I'm sure I saw it. I'm confident that it involves the Police Association.

10

MR COSTELLO: And the CFMEU?

MR WATSON: I believe so.

15 **MR COSTELLO:** Was it limited to the CFMEU or did it involve unions generally?

MR WATSON: I think it was just industrial sites. And what would happen is with respect to some of the IR managers, police would be called and they would say, "This is an industrial matter" and leave. Now, where it was popping up was because
20 of these, to me, quite bizarre excessive rights of entry disputes which kept popping up, coming up, here and there, and leading to little bits of scuffles, that sort of thing, at the entry point. A lot of the entry points have got, in effect, a turnstile because you need a pass to get in to the site to prove that you've been inducted, et cetera. And so they were happening at turnstiles and the like. I noted at some stage or other, I saw
25 video or film of it, somewhere on YouTube.

MR COSTELLO: Thank you. Your view, then, is irrespective of the terms of any memorandum that might exist, your view is that policing ought to extend into workplace disputes where those - what I call industrial disputes where those
30 industrial disputes devolved to violence?

MR WATSON: Plainly.

MR COSTELLO: And when you -
35

MR WATSON: And it's not just my view. I'm talking about the IR people. I spoke to a couple of IR people about this and they were saying that they just feared that they wouldn't get any support from police. I think the gentleman we spoke about before was one of them and in the end he just thought, well, "I'm leaving this
40 particular job which I would otherwise like to have, but you can't get any support from the police." I'm saying that probably the police should be coming in any time there's, on a site, something which you might call a crime, police will investigate. I just do not see why they would be stopped outside.

45 **MR COSTELLO:** Let me come to that -

MR WATSON: It would be a terrible thing if you could sign up a memorandum of understanding which meant that the criminal law didn't apply. I just do not see how that works. Whole thing came as a real shock to me. I'm easily shocked.

5 **MR COSTELLO:** Commissioner, do you have any further questions with respect to that matter before I move on?

COMMISSIONER: No, I'm sorry for disrupting your train of inquiry.

10 **MR COSTELLO:** Not at all.

MR WATSON: You were going to ask me about the Master Builders.

15 **MR COSTELLO:** I was. Now, perhaps you can set the scene. You've said this was a confected dispute. Can you give some background to what this was about?

MR WATSON: Yes. Cbus and BUSSQ are two massive superannuation funds associated with the building sector. Cbus is a lot bigger than BUSSQ. It does not mean that BUSSQ doesn't do a good job in its own right, it just means that one is bigger than the other and people can decide to contribute to one in preference to the other.

25 Mr Ravbar, he may have had good reasons for this, preferred BUSSQ. Not saying there's anything illegitimate and I'm certainly not saying there's anything corrupt about it but he was wanted BUSSQ. So there was some sort of discussions between the Master Builders, or within the Master Builders Association, where they wanted to have an amalgamation between BUSSQ and Cbus. What the Master Builders wants in that respect is pretty irrelevant. As you can appreciate, APRA controls whether or not there will be an amalgamation of two massive superannuation funds.

30 So this wasn't a matter for the Master Builders. In any event you should call some of them. My understanding is the Master Builders had something like six directors and three were in favour of an amalgamation, or suggesting an amalgamation, and three were opposed to it. It wasn't their policy. It wasn't fixed. That was taken somehow to be waving some sort of red rag with great vigour at the Queensland CFMEU and so this protest was to protest the Master Builders' attitude towards the amalgamation much Cbus and BUSSQ.

40 **MR COSTELLO:** And so a protest march was arranged and you say in your report that the CEO of the Master Builders Association was contacted by the riot squad and warned the CFMEU protest was coming.

45 **MR WATSON:** Yes, I think a lot of the people were taken out of the building and the building was locked down.

MR COSTELLO: The CFMEU members gathered at Emma Miller Place in the CBD with the intention of them marching on the building that housed the offices of the Master Builders Association.

5 **MR WATSON:** Yes, and they did. They went on a march. There was a speech at first. You can see this because there was some - the CFMEU published some pictures of it, where Mr Ravbar spoke, Mr Ingham spoke and the grim reaper spoke and there's a coffin. I mean, it's just ridiculous. What's the grim reaper doing in a fight
10 So it seemed to me as though you would ask this basic question: do you think this is a valid way for these men to be working - sorry, spending their working day rather than being on their jobs. No, they're taken out of work, they do go on a protest, a silly protest, and they go down there to the Master Builders and what happened at the Master Builders was quite out of control.

15 **MR COSTELLO:** If I could have document 1 on the screen, please, and just perhaps to begin with at least page 32 on the screen. Whether or not the basis of the protest was confected or legitimate, whether there were strongly-held views on the potential of amalgamation, what would appear to be unarguable is that the behaviour
20 upon arrival at the Master Builders' office was outside any bounds of acceptable protest behaviour?

MR WATSON: What happened at the Master Builders was really quite awful. I mean, I don't know how you would feel about it. They got a coffin, I put it up in the
25 tree outside the CEO's office.

MR COSTELLO: There's a picture in your report at page 33. That's what you're talking about there? You describe it as figure 14, a coffin hoisted outside the window of the CEO just after the CFMEU promised to end him.

30 **MR WATSON:** Yes, they were calling out that they were going to end him.

MR COSTELLO: And you referred to the grim reaper earlier. If we go back to page 32, you have said, place figure 13 there, which is a photo of the grim reaper even
35 you've described it as:

"The grim reaper expresses his disquiet with the proposed superannuation reform."

40 **MR WATSON:** Yes, I suppose - I suppose everybody's entitled to their view. I mean, what's that about? I mean, how silly is that? I mean, this is a thing about violence but if you've got people who are saying they're going to end you, and you've got the grim reaper coming along, it's just the wrong attitude.

MR COSTELLO: At paragraph 207 of your report, you say that:

45 "By the time the protestors reached the Master Builders Association offices, they were described as being in a frenzy."

MR WATSON: Yes, somebody said that. It would be in my private report, who sent that to me.

5 **MR COSTELLO:** The building was placed into lockdown and the riot squad positioned themselves on the ground floor.

MR WATSON: Yes.

10 **MR COSTELLO:** And it was at that point that the protestors or at least some of them sought to force entry?

MR WATSON: Yes. This was going to be another 1 Eagle Street event where they were beating on glass doors and windows.

15 **MR COSTELLO:** No windows or doors were broken on this occasion?

MR WATSON: That's correct.

20 **MR COSTELLO:** And entry wasn't gained to the building?

MR WATSON: Entry was not gained by them to the building but there were people still in there.

25 **MR COSTELLO:** There were people still in there, including some Master Builders Association staff?

MR WATSON: Yes.

30 **MR COSTELLO:** Who you say were very distressed by what took place?

MR WATSON: Well, I was told they were very distressed. I spoke to two people from the Master Builders about this incident.

35 **MR COSTELLO:** I see. If -

MR WATSON: But they weren't distressed about the grim reaper being there. It wasn't that. The women were distressed because of something else which was being shouted at them.

40 **MR COSTELLO:** Could we please go to paragraph 264 to 266. I think what you have in mind is actually much later in the report.

45 **MR WATSON:** Yes, I - I have got it in mind. I think I included it in the section on women. There it is, 264 to 266.

MR COSTELLO: If that could just be brought up, please. This is what you had in mind when you said that the female staff, or at least one of them, was particularly distressed by this event?

5 **MR WATSON:** Yes.

MR COSTELLO: In particular it's the words at the conclusion of paragraph 265?

MR WATSON: Of course.

10

MR COSTELLO: And you say that the riot squad stepped in and shepherded the women away to a safer place in the building.

MR WATSON: I think I was also told but I wasn't too sure about it, sorry, I'm not too sure about it now. I've got a feeling they may - they may have passed a few pubs on the long march from Emma Miller Place to the MMA. So this could, if you imagine, 5 000 young men, some with grog on board, gathered in a - this sort of manner, getting worked up over what? The possible position taken by the MBA on the amalgamation of two superannuation funds? Anyway, I'm sorry, by this stage when I was writing the report, I can just remember the feeling, overwhelming feeling that I was getting, this has lost control. Anyway, I'm sorry, I'm editorialising.

MR COSTELLO: Commissioner, it's probably a convenient time for me to suggest the adjournment because I'm about to move on to another topic. Before I do I just note -

MR WATSON: Could I tell you I'm off to Melbourne. I've got a flight home to Sydney tonight and I've got a flight - I'm on a 7 o'clock flight to Melbourne tomorrow, so if there's any chance we could use up some of the luncheon adjournment making sure I'm finished, I would appreciate it.

MR COSTELLO: What I was about to say was relevant to that. I'll certainly finish with Mr Watson today. Of course, there is an extant application for leave to cross-examine on the part of my learned friend and we had some communications about that overnight, of course, leave to cross-examine is in your hands, Commissioner, but at least at the close of play yesterday, Mr O'Grady thought that there were some questions that he would need to put and that might take up half an hour. That might have expanded or contracted, depending on how things have gone today. I'm confident that I can finish in sufficient time for the application for leave to be dealt with and for questions to be put. That, of course, assumes that if there is to be an application for leave on the part of Ms O'Gorman or Mr Mandy, that that will be either dealt with on a subsequent occasion or perhaps in writing.

What that all means for Mr Watson, if he can be comfortable that -

45 **MR WATSON:** I haven't booked an airfare but can I just ask you to keep this in mind: It's all very well for you, you'll pack up at whatever time it is, 4.15. I'm going

to go and get on a flight, whatever flight I can get on to Sydney, I'll get home around about 9 pm, go to bed, get up and go to Melbourne. So the earlier we finish, I would appreciate it.

5 **MR COSTELLO:** You've heard that submission. I don't oppose it, I'm just trying to deal with some logistics that don't concern Mr Watson for a minute but I'm coming to yours. There are two other witnesses that have been foreshadowed, Mr Ellis and Ms Wise. I had a brief conversation with Mr de Jersey for the State in respect of Ms Wise. I think realistically we will not reach her and we certainly won't
10 reach - will not reach her today and we will not reach Mr Ellis. If everything goes swimmingly, it may mean that Mr Watson is out of the box a little earlier and we have a gap but I'd prefer not to start Ms Wise because it's important that Mr Irving's evidence commence in the morning because he does need to be away in the afternoon by the end of the day and I wouldn't want to interpose him.

15 So I think in those circumstances, the most sensible logistical approach is for Mr Ellis and Ms Wise to be notified that they are not required for this hearing block, but their evidence will be required for a future hearing block and the solicitors assisting the Commission can inform them as to what decisions are made in
20 connection with their evidence. But it doesn't seem to me fair to have people sitting around waiting to get on when there's not really a prospect that they will be called.

COMMISSIONER: And if leave was granted in the form for which you have applied to cross-examine, Mr O'Grady, is your estimate still half an hour?

25 **MR O'GRADY:** Half an hour to 45 minutes.

COMMISSIONER: And Ms O'Gorman and Mr Mandy, I imagine that you will want to apply for leave to cross-examine Mr Watson, and without foreshadowing what the response to that would be, I would think there would be good reason for you to hope that you would get that leave, at least in some respect. And I imagine you would also say that you're not in a position to cross-examine today and can I imagine, without foreshadowing the answer to that application, that application would be - have some very solid ground to support it. In those circumstances, would
30 there be any difficulty in doing what Mr Costello has suggested, put your application in for leave to cross-examination Mr Watson in writing and have discussions with Mr Costello over the course of this afternoon or tomorrow, and -

40 **MS O'GORMAN:** No difficulty at all, save for one matter and I'm obviously content to discuss this with Mr Costello over the luncheon break. There may be a matter about which I will seek to question Mr Watson this afternoon on a very discrete topic because it will be relevant to our future application to cross-examine.

COMMISSIONER: Can you say what that topic is?

45 **MS O'GORMAN:** It will be with respect to understanding what source material was available.

COMMISSIONER: I see. And how long do you think you will be?

MS O’GORMAN: Five minutes.

5 **MR WATSON:** I think that will be 30 seconds because I'll tell you I don't have anything. I've packed up everything I've got and produced it under a summons. So I can't really answer it anymore. The Commission could.

COMMISSIONER: I'll let Ms O’Gorman ask her questions.

10

MS O’GORMAN: Thank you.

COMMISSIONER: In due course. Mr Costello if we came back at, say, quarter to 2 rather than 2 o'clock, how long do you think you would be in finishing your examination-in-chief?

15

MR COSTELLO: I will give an undertaking not to be more than 45 minutes and if I can do it in half an hour, I will. I think I can do it in half an hour, so I will endeavour to do it in half an hour and that will allow sufficient time for all else that has been foreshadowed.

20

COMMISSIONER: All right. That might get you out of here between 3.30 and 4.

MR WATSON: Thank you. I would - I mean, I may have seemed that I was being a bit demanding, but Commissioner, you're not getting text messages from my wife saying, "What time flight do you want booked?" and I've got to give answers.

25

COMMISSIONER: Mr Mandy, what did you want to say?

30 **MR MANDY:** Getting ready to stand up and go to lunch.

COMMISSIONER: All right. We will adjourn till 1.45.

<THE HEARING ADJOURNED AT 12.51 PM

35

<THE HEARING RESUMED AT 1.45 PM

MR COSTELLO: Commissioner, I was going to continue with Mr Watson.

40 **COMMISSIONER:** Just before you do, I think I partly mis-described exhibit GW6 which is why it wasn't in the form it should have been. I understand that's been corrected because the tender was not a tender of - not the tender of the document that you distributed, Mr Costello, with one additional redaction, but, in fact, with three additional redactions, one of which was ordered in court, and two of which have been agreed between the two of you. So I mis-described it.

45

MR COSTELLO: I apologise, Commissioner, that's my fault.

COMMISSIONER: I should have described it properly. Anyway it's been corrected and it's been accepted into evidence. So please continue.

5 **MR COSTELLO:** Thank you. In that case, I might ask that GW6 be put on the screen. Mr Watson, I've made statements that are something less than I promised but something more than an ambition of about how long I'm going to be with you, so I'm going to move on from the questions connected with violence and hostility towards employers, but before I do there's just one topic I wanted to touch on. There's within
10 incident in your report in connection with the stopping of a concrete pour, which is something that you came to through a reported judgment.

MR WATSON: Yes. It's not an isolated incident.

15 **MR COSTELLO:** No, I think - that's the point I wanted to make. Did you hear from people in the course of your investigation that concrete pours were a particular circumstance where inappropriate industrial behaviour occurred?

20 **MR WATSON:** Concrete pours are one of the moments when the workers who have got the whip handle. There are obvious reasons, I mean, you've got concrete trucks setting out in the Queensland sun, and once started, if they're stopped halfway through, you have to start again, which means jackhammering the portion that was poured out. It's a very common, I'm afraid, tactic of - well, I was going to say of building unions, but I just can't think of anybody else who does it except for the CFMEU.
25

MR COSTELLO: And aside from reported decision about it, this was a matter that came to your attention in the course of your investigation?

30 **MR WATSON:** Yes, I don't know which one you're talking about. If you want to tell me it's the one down at the Gold Coast.

35 **MR COSTELLO:** Yes, I think it is. Paragraph - it's at the bridge 22 of Pacific Highway upgrade, paragraph 237 of Mr Watson's report. I think you get this from a judgment, trial went on (indistinct) year.

MR WATSON: Yes, and I've listed all the judgments I looked at in these things. I was quite selective with what I put in because I didn't want to go too far back in time and 2019 was one of the earlier ones. Yes, that's a common tactic. It was not alone.

40 **MR COSTELLO:** All right. Thank you. I now want to move to another area of violence and hostility identified in your report, which is hostility towards women. You describe in your report violence towards women as a single worst aspect of the violence perpetrated by the CFMEU.

45 **MR WATSON:** Yes.

MR COSTELLO: You didn't consider that violence against women was, in any way, isolated to particular CFMEU members?

5 **MR WATSON:** No. I thought that, unfortunately, there was a mindset that whatever it takes would apply and that if women got in the way of that, well then, they would be treated like others. Perhaps that's demonstrating a wrongful sense of equality but not the way that it came out.

10 **MR COSTELLO:** You say at paragraph 248 of your report that the material that was available to you demonstrated that the Queensland CFMEU had a focus on attacking women.

15 **MR WATSON:** Yes, I've got to tell you right now, this is an area of the report where I have left out a considerable amount of what I was told and there was a reason for that. There was an account by a young woman which is so horrible she wouldn't talk to me directly. We spoke through a third party and in the end she asked - she said I don't want to see it repeated even if my name is disguised, et cetera, et cetera. There was an account of another woman but because of where it was I decided I couldn't include it without identifying her. It would have been
20 impossible me to disguise it without changing facts, so I had to take it out. And then there's a third one which is especially disgusting. That came to me right at the end. I spoke to the woman. Let me make it clear, it was horrible the way she was treated, including the CFMEU official spitting in her face. I didn't put them in because I didn't - I didn't want to take the risk that they could be identified, and also, in some
25 ways, and I haven't told you about one of them, in some ways I didn't want to see it reprinted, something that was going out under my name, to repeat this, these perverts got some pleasure out of reading what they'd done. It was awful.

30 **MR COSTELLO:** And in fairness to you, you have said at paragraph 249 of your report that:

"Some of the women who came forward with their stories were so traumatised that they wouldn't permit those stories to be reproduced."

35 In your public report.

MR WATSON: Yes.

40 **MR COSTELLO:** And that was at least in part because they feared retribution.

MR WATSON: Yes, I didn't want them - any possibility they were identified.

45 **MR COSTELLO:** The incidents that you do identify in your report span the period 2020 to 2023, which is relatively recently. On - at paragraph 250 to 253 you recount an incident where a CFMEU member verbally attacked a female Health and Safety adviser in - at a site on Marine Parade in Labrador.

MR WATSON: Yes, and by the way, the woman involved in this gave me expressly her permission to tell the story. Naturally I've kept her identity secret, but unfortunately those involved will know exactly who it is, because women are rare in her role. She's a very courageous person.

5

MR COSTELLO: And so the verbal attack again - she told the CFMEU member that she intended to call the police.

MR WATSON: Incidentally, I think this incident was stopping a concrete pour, just by coincidence, but anyway, go on.

10

MR COSTELLO: And having been told that she intended to call the police, the response from the CFMEU member was to say, "You fucking cunt dog" and to then begin barking at her?

15

MR WATSON: Yes, although that doesn't convey what it was like. He didn't do it once. He did it time after time after time. He stood by the truck. Now, do you blame this on the CFMEU or do you blame it on the degenerate who did it? That's a question you've got to ask. I just recounted the stories at this stage and there were just too many for me to think there wasn't some connection.

20

MR COSTELLO: Did you have an understanding from your discussion with the Health and Safety adviser who was being abused, what it was that gave rise to that reaction?

25

MR WATSON: I think it was because it was a woman. Look, there would have been hostility on the site in any event, but I mean, obviously if you're saying words like that and if you are - I don't want to repeat it - if you behave like that, it's because it's a woman. Have a look at that man, by the way, Google him some time. He has convictions for offences. So maybe that's a good example of him being an individual degenerate, rather than a systemic problem which can be attached back to the CFMEU, but it wasn't a very enjoyable part of my job to listen to the stories. Although the woman was resilient; she was superb.

30

COMMISSIONER: I thought you gave evidence that Mr Gibson was an organiser; is that right?

35

MR WATSON: Yes.

COMMISSIONER: And your evidence yesterday was that although you didn't know which entity of the CFMEU, the State-based entity or the federally-registered entity, which one of those was the employer, he wasn't an elected representative. On your evidence, he was employed?

40

MR WATSON: Yes. There is sometimes thought to be a component in the selection of organisers which should go through a democratic process as well but I didn't see it. But he was an employee of the union. He's gone.

45

MR COSTELLO: There's a particularly serious incident recounted in your report from 2020 that involved what could probably be likely described as intimidation of female public servants during a meeting that I think was at the CFMEU offices?

5 **MR WATSON:** It was at the CFMEU offices in Bowen Hills and, well, the story as it was recounted to me was that the woman came in as part of a delegation. She was separated by Royce Kupsch and then moments later, Ravbar came in, closed the door behind them. Now I've taken down there that that Ravbar locked the door. Later he
10 said, there we are, it's all a lie because you can't lock the doors, this is how they operate.

But actually maybe it was my poor recounting, but what he described as to how the doors work was exactly what was told to me, that is you could close it from the inside and lock it, so that it would be locked to any outsider coming into the room,
15 but a person already in the room could just turn the handle and get out. But it was that kind of locking. It was still a gesture of taking this woman, separating her, closing the door, doing something with the door. That's all by the by, it's the language that he used and the abuse that he heaped on her. Now, that is something which is pretty awful. It was pretty direct.

20 **MR COSTELLO:** Do you recall why the female public servant was attending at the CFMEU offices?

MR WATSON: I've just forgotten. I think it could have been for a stakeholders' meeting.
25

MR COSTELLO: Okay.

MR WATSON: I think that's actually rather - having been to a few stakeholders meeting, normally they bring you in to meet them, the senior public servants, rather
30 than to see you, so the fact that she was already at Bowen Hills was a concession of the CFMEU. They weren't content with only that.

MR COSTELLO: This incident which is set out in really paragraphs 254 to 257 or
35 so of your report is a particularly serious incident for a number of reasons, including because there are direct allegations made against Mr Ravbar in respect of this incident?

MR WATSON: Yes.
40

MR COSTELLO: Now, I'm going to come to your attempts to raise this incident with Mr Ravbar in a minute, but before I do, I want to make sure that the import of the incident is clear. Female public servant as part of a delegation, was not travelling
45 alone, presumably.

MR WATSON: She wasn't travelling alone. She was there with another public servant who I asked about it, he was excluded from the room. When I say that her

account was partially corroborated by him, he wasn't in the room to hear what was said. What he saw was she came out and said "Let's get out of here", they got a cab as quickly as they could from Bowen Hills to their office which was in the centre of the city and when she was back in the city she made a report about it. So that's what I was talking about.

5
10 **MR COSTELLO:** So the essence of the allegation is that a female public servant was separated from her colleague, taken into a room, a large man stood over her while Mr Ravbar entered the room and began yelling at her.

MR WATSON: Yes.

MR COSTELLO: That's the allegation?

15 **MR WATSON:** Yes.

MR COSTELLO: And you have now explained what it is you mean in your report by the fact that it was partly corroborated. You mean that the other public servant who was not in the room was capable of corroborating at least parts of it.

20 **MR WATSON:** Yes, that's right.

MR COSTELLO: For example, the (crosstalk) separation.

25 **MR WATSON:** Also the fact that they went, that they were separated, that they left and the woman was distressed.

MR COSTELLO: And what she had said to him after (crosstalk).

30 **MR WATSON:** I'm not even sure that she said anything, I think she just sat, said "We've got to get out of here", I'm not even sure whether he was told exactly what had occurred.

MR COSTELLO: The allegation isn't that it was just shouting. It's that there was abusive and denigrating language used, and that at times it was done from very close to her face?

MR WATSON: Yes.

40 **MR COSTELLO:** And that the public servant was told she was being watched by the CFMEU?

MR WATSON: Yes.

45 **MR COSTELLO:** And that she was told that she should be dragged out of here?

MR WATSON: Yes.

MR COSTELLO: And that, "We're after you"?

MR WATSON: Yes.

5 **MR COSTELLO:** And this went on for 15 minutes?

MR WATSON: Yes. That was what she said to me, in my experience, when people say 15 minutes, it might have been over in a few minutes, but it felt like 15.

10 **MR COSTELLO:** 15 seems an extraordinarily long time.

MR WATSON: No, I agree with you. I'm recording what I was told.

MR COSTELLO: Yes.

15

MR WATSON: In my own mind I had it that it would have gone for a few minutes but no more.

20 **MR COSTELLO:** But you spoke directly to the woman and you spoke directly to her colleague.

MR WATSON: Well, I spoke to the woman twice.

25 **MR COSTELLO:** And her evidence to you was that she felt frightened during the incident?

MR WATSON: Yes.

30 **MR COSTELLO:** And that she was concerned she might be physically attacked?

35 **MR WATSON:** I hope she doesn't mind me saying this, but I really had - I liked and admired her. When I first met her, it did remind me of stakeholder meetings I've been to because she was a typical senior public servant with that kind of cold look, yeah, I've heard it all before, sort of thing, but as we got going it was quite an effective meeting. And I heard this story and I took notes of it, and then about a month or so later, I realised when I was writing the report, I need to confirm a detail with her. This happened quite a bit, so I just rang her on that occasion

40

MR COSTELLO: You mentioned the fact that -

45 **MR WATSON:** Or I should say dragged her back into that meeting, you know.

MR COSTELLO: You mentioned the fact that a report was made. Do you know to whom the report was made?

5 **MR WATSON:** No. But I think that's what I was ringing her about and I didn't think it was appropriate to take any further.

MR COSTELLO: You invited Mr Ravbar to respond to these allegations?

10 **MR WATSON:** And Mr Kupsch.

MR COSTELLO: Did you put these allegations to them in writing or did you just invite them to an interview?

15 **MR WATSON:** I've never spoken to either of them, so I must have put it to them in writing.

MR COSTELLO: Did you put the allegations in writing or did you simply invite -

20 **MR WATSON:** No, these ones were sufficiently serious for me to give details. I didn't usually give, I don't give a lot of details, mind you I teach administrative law, a large part of it is procedural fairness and that's not part of procedural fairness to give, chapter and verse, but I think that I put sufficient details in writing. I could be corrected on that. I did speak - strange text messages with a lawyer representing Mr Ravbar and Mr Ingham some time, I did want to actually put this fairly specifically.

25 **MR COSTELLO:** But to be clear, though, there's no suggestion Mr Ingham was involved in this, is there?

30 **MR WATSON:** No, sorry, I just meant the lawyer (indistinct) for instance, Mr Ingham wasn't mentioned in this incident.

MR COSTELLO: Thank you. There was another CFMEU member in the room, the large fellow?

35 **MR WATSON:** That's Mr Kupsch, he was the president.

MR COSTELLO: And he did respond in writing?

40 **MR WATSON:** Yes, he denied it.

MR COSTELLO: Vehemently?

MR WATSON: Yes.

45 **MR COSTELLO:** Now, in that circumstance you were faced with an account from the public servant, aspects of which but not the core of which was capable of being

corroborated by her colleague, and you were faced with violence on the part of Mr Ravbar and a vehement response in the form of a denial from Mr Kupsch.

5 **MR WATSON:** It was, hold on, just a denial. It wasn't I couldn't because at that time I was in Bali. It wasn't an alibi defence or something.

MR COSTELLO: No.

10 **MR WATSON:** It was just that's rubbish, and I think it was fairly strong, from memory, "And I would never speak that way to a woman." Well, actually that's not what I was hearing from other women, but anyway so -

15 **MR COSTELLO:** So that was the state of the evidence as it came to you, and it was then a matter for you to form some view about it for the purpose of your report.

MR WATSON: Really. So I'm just reporting on facts. To say that I (crosstalk).

20 **MR COSTELLO:** Yes, it does, just hold on a moment. You did form a conclusion about it and you expressed the view that you had no doubt that the woman's account was true.

MR WATSON: That's true. I mean, I met her.

25 **MR COSTELLO:** And so that was the view that you formed at the time you wrote your report and is there any reason why your view may have changed about that matter?

30 **MR WATSON:** Not at all. I met that woman. I heard that complaint. Just seemed so palpably honest and true. It had that partial corroboration from a person who I met personally who I thought was very reliable and I didn't get to meet the other two chaps, unfortunately, to see whether or not they were as convincing. So you've got to ask yourself that question. It's not a criminal trial so I'm allowed to ask it, say it out loud: Why would you make that up?

35 **MR COSTELLO:** You outline another incident that occurred during a Labour Day celebration in 2023. This was a family event of some kind.

40 **MR WATSON:** Labour Day in Queensland is different. If people in the room don't know it, in New South Wales it goes by without people noticing, similarly in Melbourne, I believe. In Queensland it's remained a big thing and so it's turned by the unions into a kind of family day, to be barbecue and a picnic, there's a big march. By the way, I didn't put this in the report. Somebody had got out of bed early at the CFMEU and they put their silly Australia's Worst Union stickers all up and down the area where there was marching going on, and there was kind of union solidarity. As
45 other unions joined the AWU in laughing and pulling the stickers off as the march proceeded. I didn't bother putting it in there, by the time I got to that, I was sick of

the sticker war, but that's the sort of day it is, where there's a march and it's supposed to be fun.

5 **MR COSTELLO:** You recount an incident where late in the day a female AWU official who was with her 13-year-old child were confronted by someone described as being heavily built and wearing a CFMEU T-shirt.

10 **MR WATSON:** She was never identified. He was wearing CFMEU clothing, but you do that kind of thing on Labour Day. You wear your union clothing. The woman had not only been there with her 13-year-old child, she had been there with her husband and other, I can't remember how many before but these two remained I think it was in a kind of giant marquee and the man came in - a heavily built fellow in a CFMEU T-shirt. That's not the key to it. There was face painting as you do at
15 event where children were involved and he had one of those silly things on his forehead you've got on the screen and he's faced with that slogan, Australia's Worst Union and got somebody to do it for him.

MR COSTELLO: On his forehead?

20 **MR WATSON:** Yes.

MR COSTELLO: And then you've set out an exchange which is there at 261 of the report, which was recounted to you as occurring between the female AWU official and the chap with the CFMEU T-shirt on?
25

MR WATSON: Yes. That's what I was told occurred.

MR COSTELLO: And -

30 **MR WATSON:** Now, there's something else that I should tell you which I haven't included there. But I was also told that the woman was, in effect, stalked by another person as she left the tent and was going back to her car. I - I didn't include that.

35 **MR COSTELLO:** That's separate to this incident?

MR WATSON: That's separate to this because whoever is doing the following didn't have the same CFMEU markings on them -

40 **MR COSTELLO:** I see.

MR WATSON: And I couldn't be sure that they were involved, and so I left it out. But there was other matters which surrounded this.

45 **MR COSTELLO:** The exchange that's set out there at 261, which opens with the man saying words to the effect of, "How do you like this?", is that a reference to the painting on the forehead (crosstalk).

MR WATSON: Yes, he was pointing to his forehead when he said it.

5 **MR COSTELLO:** And the AWU official says, "Just leave", which is met with the response, "You're nothing, you're a grub, you're a sellout, you're sellout workers" and she says, "Don't do this in front of my kids".

MR WATSON: Yes.

10 **MR COSTELLO:** This is all happening with the 13-year-old next to her mother and the response of the man then as having been told, "Don't do this in front of my kid" is to say, "How does it feel to know that your mum is a fucking grub that sells out workers?"

MR WATSON: Yes.

15

MR COSTELLO: Now, this man was never identified?

MR WATSON: Never identified.

20 **MR COSTELLO:** Could this just be an isolated or rogue incident by one individual acting out?

25 **MR WATSON:** Might be. Might not be. There was another incident that Jade Ingham was not too far away but I can't say from the fact that he happened to be in the tent that he'd encouraged it or anything and he denied any knowledge of this incident. That was one of the responses that I got from him.

30 **MR COSTELLO:** Yes, I think the conflict in the evidence to you here was the AWU official said that she had seen Mr Ingham standing within 15 metres of the incident and she thought he would have been able to hear it.

MR WATSON: Yes.

35 **MR COSTELLO:** But he denied any knowledge of the particular incident.

MR WATSON: Yes, he may not have been there. He may have been there and not heard it.

40 **MR COSTELLO:** Yes.

MR WATSON: My guess is that it would have to be pretty loud to be heard from 15 metres away but people are pretty rough with those estimates.

45 **MR COSTELLO:** Yes, but in any event Mr Ingham declined to attend an interview about the matter but you did get a written denial from him?

MR WATSON: Yes.

MR COSTELLO: And as you say, there's at least reason to believe, even on the account of the AWU official that Mr Ingham just may not have been involved in any way?

5 **MR WATSON:** Yes, I've just included the account there on the story that's told to me.

MR COSTELLO: From mid-2022 at a Brisbane gym that involved the daughter of a WHS inspector.

10

MR WATSON: Yes.

MR COSTELLO: This is, I think the daughter was 21 years old. I think this isn't a young child.

15

MR WATSON: Yes.

MR COSTELLO: But she was approached by a man who asked her, "Is that your old man on the video? He's a fucking cunt".

20

MR WATSON: Yes, this is just somebody at the gym.

MR COSTELLO: This is another one of the Facebook videos.

25 **MR WATSON:** Look, how this all joined together, I don't know. You may probably have formed your own view about this by looking at me but I don't often go to gyms. The point is I don't know whether you do know the name of the person, whatever you do with weights, whether you know their name or not, but I don't know how he found out the name. I was just told this by one of the witnesses. I just thought it was
30 a pretty remarkable story but he told it to me. Of course, it's double hearsay, I'm talking about the dad.

MR COSTELLO: Yes.

35 **MR WATSON:** Mind you, by the time I was getting to talk to him, I was finding these stories inherently believable, I'm afraid.

MR COSTELLO: Yes. Well, the incidents that I've just raised with you that concern violence towards women are by no means the only incidents that you
40 recounted in your report. Do you agree with that?

MR WATSON: Absolutely.

45 **MR COSTELLO:** And is it the case that there were other incidents that, aside from those where you were concerned about the potential repercussion or re-traumatisation that you heard of, you didn't include because they would be duplicative of the type of behaviour that was already (crosstalk).

MR WATSON: Yes.

5 **MR COSTELLO:** But all of it led you to form a view that there was a problem within the CFMEU in terms of how officials, delegates and perhaps members treated women?

MR WATSON: Yes.

10 **MR COSTELLO:** And you, in your report, made seven recommendations to the administrator as to the action that he ought to take, and two of them were connected with this issue?

15 **MR WATSON:** Well, yes. That's actually something, I'm not sure whether I put this in the report, about which I felt very uncomfortable. I mean, I'm not skilled in this area and there would be people who provide (crosstalk).

MR COSTELLO: Which area are we talking about there?

20 **MR WATSON:** Making the recommendations about what should be done. I felt like a bit of a sham offering them, because I've got inexperienced views which are probably those of a dinosaur at my age and they're out of touch. What I really wanted them to do was engage with properly qualified experts.

25 **MR COSTELLO:** And that's reflected in recommendation 6, that was that:

"The CFMEU should appoint staff as soon as possible to advise on the design and implementation of a framework to address the gendered issues which currently dominate the CFMEU."

30 **MR WATSON:** Yes, I feel like I'd be a fool if shared my views about how it would be done. There are experts.

35 **MR COSTELLO:** The other recommendation that you made in this connection are that:

"Employees, delegates and members at CFMEU be advised of any conduct of the kind that is abusive or threatening or is sexual harassment is a ground for immediate termination of employment and immediate termination of membership."

40 **MR WATSON:** That's the only way you're going to get change is if you sack people because they are breaching these things, you have got to change the mindset. I might just tell you something, that when I was doing this, when I was looking into the issue, how do they approach women, I, again, in-depth analysis via Google, found a video on Facebook of Royce Kupsch speaking about the treatment of women. That
45 was after I was sitting there with the paperwork in front of me that two women had given me these accounts of abusive conduct by him. You know, it's the old saying, say one thing and do another.

MR COSTELLO: That was two of your seven recommendations. Have you had any communications with the administrator about your recommendations since you provided him with your report?

5 **MR WATSON:** A little.

MR COSTELLO: Are you -

MR WATSON: Sorry?

10

MR COSTELLO: Are you aware of whether or not your recommendations have been accepted by the administrator?

MR WATSON: I think they were accepted 100 per cent.

15

MR COSTELLO: And are you aware whether steps everybody taken to implemented those recommendations?

20

MR WATSON: I know steps were taken. They didn't follow exactly what I had suggested in respect of the termination because there are some of the private reports, those who have it will know, because there was actually a sit down and meet with some of these people because at least two of the organisers came forward and said, "I know what we were doing was wrong." And they abandoned their adherence to the ways of, well, frankly, Mr Ravbar and Mr Ingham, and said that they were willing to come on board with change. That's when the administrator does something which I can't do, which is apply decades of industrial skills to the management of the union, because if you've got a union with no organisers, you don't have a union at all, and you've got to keep some people there.

25

30

MR COSTELLO: And so -

MR WATSON: And so I did have a discussion with him because he did tell me he hadn't acted on some of them and he gave the reasons and you know what I thought, he was absolutely correct to do so.

35

MR COSTELLO: And perhaps what you're speaking about here is your third recommendation which was the immediate dismissal of several current CFMEU officials and the removal of seven more as delegates, where appropriate steps should be taken to determine whether their CFMEU membership should be terminated."

40

And in response to that, your understanding from the administrator is that a number of the people you identified as warranting dismissal were dismissed, about the not all.

45

MR WATSON: I'm not sure they were dismissed I think they came forward and said, "I remember you were offering redundancies recently." Bear in mind this is a trade union after all. They don't turn their back on what ordinary employees are

entitled to, protection through redundancy programs, and I believe they were given redundancies. That, again, too, is not an inappropriate way to respond to what is essentially an industrial problem.

5 **COMMISSIONER:** You say not an inappropriate?

MR WATSON: I agree. I thought they took the right course.

10 **MR COSTELLO:** Commissioner, in the light of the time, I have no further questions at this stage for Mr Watson.

MR WATSON: I'm very grateful. Thank you.

15 **COMMISSIONER:** Thank you, Mr Costello. Mr O'Grady, you've made an application to cross-examine Mr Watson. I'm inclined to grant that application and not put any restrictions upon your cross-examination in terms of topics. But on the basis that you adhere to the estimate that you gave before lunch. If it turns out that you need to further cross-examine Mr Watson at some stage in the future, then you will have to reconsider the basis upon which you might be allowed to further
20 cross-examine.

MR O'GRADY: Thank you, Commissioner. I'm grateful for that indication.

25 Mr Watson, your terms of reference for this report went back for 10 years.

MR WATSON: They did, yes.

30 **MR O'GRADY:** And I put it to you that a number of them - a number of them precede the administration by almost a decade.

MR WATSON: Of course.

35 **MR O'GRADY:** And indeed the administrator was appointed in respect of the federal union on 23 August 2024.

MR WATSON: I guess so.

MR O'GRADY: I guess.

40 **MR WATSON:** I know where it was when it happened.

COMMISSIONER: What was that date, Mr O'Grady?

45 **MR O'GRADY:** 23 August 2024, Commissioner.

MR WATSON: I was questioning somebody in Melbourne and Zach Smith came into the room and said we're in administration. I told the witness, don't bother answering that question.

5 **MR O'GRADY:** And in respect of the Queensland union, it was - he was appointed on 24 August 2024?

MR WATSON: If you say so.

10 **MR O'GRADY:** Yes, all right. And as you said, initially you were engaged by Mr Smith.

MR WATSON: Yes.

15 **MR O'GRADY:** And that was in respect of a report concerning Victoria?

MR WATSON: Yes.

20 **MR O'GRADY:** But in respect of -

MR WATSON: It wasn't really in terms of Victoria. It was in terms of the Building Bad series and a little bit of the Building Bad went outside of Victoria but most of it was Victoria.

25 **MR O'GRADY:** I understand. But in respect of the report focus, you go on Queensland it was Mr Irving who engaged you.

MR WATSON: Wholly and solely.

30 **MR O'GRADY:** Yes. Thank you. And in respect of Mr Irving's administration, can you tell the Commissioner what you think of what he's been doing (crosstalk).

35 **MR WATSON:** I can't believe it. It's - sorry, this gets my goat because I saw something stupid in the Federal Parliament about a suggestion that pressure should be placed on Mark Irving for doing this or doing that or failing in this respect. It was by a particular politician who I don't much respect but when I read it I was sickened by it. I thought to myself I wonder how you would operate where you are if you were under 24 hour guard because of credible, real death threats. These weren't ordinary death threats. I can't even tell you the detail of it because it's an operational matter,
40 but these are serious. Mark Irving has to do his work with somebody always in his eye line.

MR O'GRADY: Yes. And -

45 **MR WATSON:** And then from that, there's a lot of wisdom that he brings to bear in this job, actually. They're wise. It's not just him. You asked me about the administration.

MR O'GRADY: Yes.

MR WATSON: Some of the people that worked with him, I've been stunned at how good they are.

5

MR O'GRADY: Yes.

MR WATSON: There's Michael anyone, again a person who I would regard better than really just an experienced operator, he as wise. There's Peter Keogh, he is superb, I've really enjoyed working with him and he would want me to say this out loud and possibly repeat it, because I notice he's sitting up the back, but anyway.

10

MR O'GRADY: Putting to one side the calibre of the people involved in the administration, as far as the steps they have taken can you inform the Commissioner what you think of the various steps that have been taken by those conducting the administration to try and address some of the matters that you've raised in your report.

15

MR WATSON: I think they're doing incredibly well, if you want to ask me what I would have done in Queensland, it's a little bit different to what they've done in New South Wales, it's a little bit different to what they've done in Victoria, but the problems they were confronting in different places are different.

20

MR O'GRADY: Yes.

25

MR WATSON: But they've got to run a union. It's not - I think in the public imagination it's this. The Building Bad series comes out, put in an administrator, he's got one issue to deal with: Corruption. Rubbish, he's got to run a union. It's actually a huge union.

30

MR O'GRADY: Yes.

MR WATSON: There are 30,000 members in Victoria alone, the fact is that they've got to stay in their position, they've got to be organised, they've got to have things happening. It's - corruption is a tiny bit of it.

35

MR O'GRADY: I understand. I want to come to that issue in just a moment, but perhaps what I aid like to do if I can is take you through GW6, your report, just to deal with some of the features which you've reported. So if GW6 could be brought up and if we can brings up the first of the instances of described misconduct which is the you're working for us now" that commences at paragraph 79 and if you could enlarge paragraph 80 for me - 80 and 81. All right. So this is an incident that describes what happened when Labor recovered government in February 2015. So it predates the administration by some nine years.

40

45

MR WATSON: Yes.

MR O'GRADY: Yes. And it's an incident concerning Mr Kupsch?

MR WATSON: Yes.

5 **MR O'GRADY:** And, of course, Mr Kupsch is no longer involved with -

MR WATSON: He resigned of his own accord before the administration.

10 **MR O'GRADY:** Yes, I understand. And then if we could turn to paragraph 91, Workers Just Wanting to Have a Say. Now, this is an incident occurred in August 2022, so again we're dealing with something that's in effect two years prior to the appointment of the administration.

MR WATSON: Exactly.

15 **MR O'GRADY:** Yes. And then if we could turn to paragraph 97 and perhaps go down to the footnote to that paragraph where there hasn't been a redaction. But again, this is an incident that occurred in - if you could enlarge footnote 19, it's an incident that occurred in about 2021, some three years before the appointment of the
20 administrator.

MR WATSON: Yes.

25 **MR O'GRADY:** And it concerns an organiser -

MR WATSON: Everything, by the way, in this report, I think, is before the appointment of the administrator.

30 **MR O'GRADY:** I think it is.

MR WATSON: I'm pretty sure there hadn't been anything happening after the administrator.

35 **MR WATSON:** Indeed. And that's the point I'm seeking to, I suppose, bring home.

MR WATSON: Come on. I've got to get a flight.

40 **MR O'GRADY:** I'll keep my questions to the point if you keep your answers (indistinct).

MR WATSON: All right.

45 **MR O'GRADY:** But the individual whose name has been redacted, that was an individual who is no longer employed by the CFMEU and you may not know the answer to that -

MR WATSON: Yes.

MR O'GRADY: But they are my instructions.

MR WATSON: He's gone.

5 **MR O'GRADY:** And then if we could turn to paragraph 103. Now, this is the bomb threat. Now again, that's some three years prior to the administration.

MR WATSON: Yes.

10 **MR O'GRADY:** And if we go down to paragraph 4, this concerns Mr Gibson and Mr Gibson has gone as well, has he?

MR WATSON: He has.

15 **COMMISSIONER:** When you say he's gone, was he terminated or did he resign before the administration?

MR WATSON: I think he was terminated prior to the administration because of misconduct. There was some pretty sad parts to Mr Gibson's life.

20 **MR O'GRADY:** I will find that out for you. No, he resigned. He resigned on the - in November 2024.

MR WATSON: That was after the administration.

25 **MR O'GRADY:** He resigned after the administration on 8 November 2024. And then if we could go to paragraph 111, again, the - your (indistinct) comes from the video predates the administration by some two years?

30 **MR WATSON:** Yes.

MR O'GRADY: And then paragraph 118, "You're a fucking dog, you're a fucking dog, you're a fucking dog", that's - if you can enlarge paragraph 118.

35 **MR WATSON:** That's a good example where there was a judgment made. In my view, whether or not Mr Cummins was terminated was border line.

MR O'GRADY: Yes.

40 **MR WATSON:** But there were judgments made there and he was terminated. What's more, when that was explained to me, I thought that's a good decision.

MR O'GRADY: Yes. Yes. So Mr Cummins was, as you indicated in your earlier evidence, offered a redundancy and his employment came to an end on 4 July 2025.
45 And then if we could go to paragraph 136. Now, this is - and, again, an incident that occurred in March 2023. So prior to the administration, but it concerned a Mr Wood. Now, are you aware of the fact that Mr Wood is no longer an organiser?

MR WATSON: I am.

5 **MR O'GRADY:** And then if we go down to paragraph 138, which concerns a Mr Reilly and are you aware of the fact that Mr Reilly is no longer employed in Queensland by the CFMEU?

MR WATSON: Yes, that troubles me. He's employed in New South Wales by the CFMEU.

10 **MR O'GRADY:** I understand that, but given the focus of this inquiry is Queensland -

MR WATSON: Yes. I was just a little bit surprised when I heard it, and I only heard it a couple of months ago.

15 **MR O'GRADY:** Yes. And then yesterday, we spend some time -

MR WATSON: I understand that he's been doing a good job.

20 **MR O'GRADY:** Yes. Yesterday, we spent some time with the - where the CFMEU where -

COMMISSIONER: Mr O'Grady, I won't interrupt, but Mr Costello, are you going to ask Mr Irving tomorrow about when these individuals were terminated on him, because if you are, I won't bother asking -

25 **MR COSTELLO:** I will take it up.

MR O'GRADY: I can indicate, Commissioner, that the details are appended to one of the annexures of one of Mr Irving's statements.

COMMISSIONER: Thank you.

35 **MR WATSON:** The "We're here for a blue" incident, that occurred in March 2023?

MR WATSON: Yes.

MR O'GRADY: And we saw the videos, including the videos of Mr Des Savage.

40 **MR WATSON:** Yes.

MR O'GRADY: And Mr Savage has gone as well, hasn't he?

45 **MR WATSON:** That's my understanding, yes, but you see, there's two levels - he was a delegate. You can cancel, as I understand it, his recognition as a delegate of the union, but you can't sack him.

MR O'GRADY: No. Indeed.

MR WATSON: He's gone entirely, that's a matter for the contractor.

5 **MR O'GRADY:** Yes. I accept that, we can't sack him because he's not employed by the CFMEU but we can stop him from being a delegate and that's happened.

MR WATSON: Yes.

10 **MR O'GRADY:** And if we go down to paragraph 144 -

MR WATSON: I had recommended that his credentials be removed and I believe that they acted on those recommendations.

15 **MR O'GRADY:** Yes. We have a number of individuals mentioned there, some of whom we've already touched on but in respect of Mr Mattas, Mr Amies, Mr Atutolu and again Mr Savage, they're either no longer employed or no longer have the status of delegates within the union?

20 **MR WATSON:** Correct.

MR O'GRADY: And these names - names features in respect of a number of subsequent incidents, so to the extent of which their names crop up subsequently, action has been taken by the administrator -

25

MR WATSON: Absolutely.

MR O'GRADY: To bring them to an end. If we can go to paragraph 159 we have - "you don't know who I run with" scenario.

30

MR WATSON: Yes.

MR O'GRADY: Again, that predates the administration by over a year.

35 **MR WATSON:** It does.

MR O'GRADY: And that concerns a Mr Hines?

MR WATSON: Yes.

40

MR O'GRADY: And he's no longer employed by the CFMEU?

MR WATSON: Correct.

45 **MR O'GRADY:** And when we come then to the sticker and poster campaign, and if I could ask you to go to paragraph 189, we've got there Mr Mattas again, but we also have a Mr Clarke. Mr Clarke no longer has an association with the CFMEU?

MR WATSON: Correct.

5 **MR O'GRADY:** If we go then to the film that we saw this morning, which is - "it's a picket line, you fucking cunt", commencing at paragraph 199 and following, and if we can go directly to paragraph 202, two individuals are named there, a Mr Mitchell and a Hayden Turner Davey, those individuals are no longer associated with the CFMEU?

10 **MR WATSON:** Again, I think they were offered redundancy packages.

MR O'GRADY: Yes, which as I understood it you accepted was not an inappropriate solution to a difficult industrial situation?

15 **MR WATSON:** I suggested they be sacked. On reflection, I was wrong, the administration was right.

MR O'GRADY: Yes. Thank you. And then if we could turn to what appears at paragraph 120, if I can enlarge that. Now, we've already dealt with Mr Gibson. Mr Blakely, he no longer has a role with the CFMEU, does he?

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

MR O'GRADY: Yes. Now, in respect of paragraph 226, you're dealing with a Mr Fissendon, my instructions are, and I don't know whether I should put them to you in fairness, is that Mr Fissendon was never employed by the CFMEU as an organiser or an official.

30 **MR WATSON:** If you knew me better, you would have realised that that's the weasel words that I've used - see how I've said official? I didn't know whether he was an organiser or a delegate and I was having trouble finding out, so I've weaseled out of it.

MR O'GRADY: I understand. Thank you. And then -

35 **COMMISSIONER:** And can you provide any evidence as to whether he has ceased to be accredited a delegate of the CFMEU?

MR O'GRADY: My instructions are that he's a current delegate.

40 Now, this afternoon you dealt with the incident concerning the female senior public servant. That, of course, was a matter that concerned Mr Kupsch and he, of course, was not employed by the CFMEU even prior to the appointment of the administrator?

45 **MR WATSON:** Correct. He's gone.

COMMISSIONER: Was he ever employed by CFMEU? Wasn't he the person that in an elected position.

5 **MR O'GRADY:** I apologise, yes, but he did not have an association with the CFMEU even prior to the appointment of the position.

MR WATSON: Yes. I mean, he's still paid by the CFMEU as a president but elected position.

10 **MR O'GRADY:** And in respect of the individuals that you say were involved in the, we know where you live incident that commences at paragraph 272, none of those are employed by the CFMEU in Queensland? 274.

15 **MR WATSON:** I'll just have a look at it if I may.

MR O'GRADY: Of course.

MR WATSON: 274, did you say?

20 **MR O'GRADY:** And I think we've dealt with them all already, Mr Mattas, Mr Reilly, Mr Wood, Mr Savage and Mr Atutolu. All right, and so to the extent which you gave evidence this afternoon that to get change you sometimes have to sack people, would you accept that the administration has sought to address that through the mechanism that you put forward this afternoon?

25 **MR WATSON:** I'll take it further than that. The administration has changed things.

MR O'GRADY: Yes.

30 **MR WATSON:** It's changed things. Queensland is under control. I think that the new CEO, Jared Abbott, a really experienced trade union official has come in from the outside, he's got a calm and cool manner. He has just given a different feel to the whole place. A number of problematical people have gone. The influence of Mr Ravbar, Mr Ingham, has gone. And it's getting back on its feet. I think I should tell
35 you about a conversation I had only this morning when I spoke to the very nice man from BUSSQ, in a senior role at BUSSQ and he tried to be nice to me, that's why I'm saying he's nice, he was trying to be kind to me and said "It's important work you're doing" I said, "Thank you" and he said "You know, I don't recognise the old CFMEU here in all. The beast has gone."

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

MR WATSON: That's the way I put it. I think that it's under control in Queensland. I think that New South Wales is under control. Victoria's a problematic case -

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

MR WATSON: But it always was. It's going to be harder there.

5 **MR O'GRADY:** Yes. Thank you, Mr Watson. Now, you gave some evidence this morning and also yesterday about personal payment orders and as I understood your evidence was that that A) was an incident, preceded the appointment of the administrator?

MR WATSON: Certainly.

10 **MR O'GRADY:** And B), there was some legal advice that was acted upon by the former governing people in the CFMEU?

15 **MR WATSON:** I presume it was acted upon, but bear in mind I did express some restrictions on what I knew about that legal advice, but that's what I believe.

MR O'GRADY: Now, notwithstanding that advice, whatever that may perhaps have been, whatever that may have said, are you aware of the current administrator's practice in respect of personal payment orders?

20 **MR WATSON:** Never been made.

MR O'GRADY: Yes. Thank you. Now -

25 **MR WATSON:** Mind you, I should say this: it would be worthwhile compiling the statistics to see how many breaches have been alleged since the administration changed.

30 **MR O'GRADY:** Yes, well indeed, the administer gives evidence to that effect to say there everybody none, in respect of conduct engaged in on his watch.

MR WATSON: Right.

35 **MR O'GRADY:** And indeed it goes further. There have not been any prosecutions that everybody initiated in respect of conduct on his watch. Now, you gave evidence yesterday that a problem that you confronted in your inquiry was, in effect, the dampening/suppressing effect of the fact that the Ravbar High Court litigation was still pending.

40 **MR WATSON:** That was terrible.

45 **MR O'GRADY:** Yes. And as I understood, the effect of your evidence it was that people were concerned about cooperating with your investigation and indeed the administration more generally because they were afraid that if the High Court challenge was successful, the old guard would move back in.

MR WATSON: That's exactly what I was trying to say.

MR O'GRADY: Yes. And in addition, you gave evidence that in respect of some of the persons who were still employed by the CFMEU, who Mr Irving directed to the interview by you, they attended with a tape recorder which they put on.

5 **MR WATSON:** Yes.

MR O'GRADY: And that you had heard that there was a suggestion that they had been accompanied by somebody who was currently charged with murder?

10 **MR WATSON:** Yes, he had it at the time. That was more recent that the charges were laid.

MR O'GRADY: Yes. This is the matter where people were, a man was missing and cable ties were found at his former residence.

15

MR WATSON: Yes.

MR O'GRADY: And you would agree with me that if that is what happened, then that obviously would act as a significant suppressing effect in respect of somebody's
20 willingness to engage with you as part of your inquiry?

MR WATSON: Well, he will have to be asked about it but my understanding was the travel transport arrangements were made by Mr Ingham, that too.

25 **MR O'GRADY:** Yes, thank you.

MR WATSON: And don't think that the tape recording was being made of these events to keep me in check. It was to check up on the fellow who were speaking to them to make sure they didn't tell me anything of value.

30

MR O'GRADY: Yes, thank you.

COMMISSIONER: Can you just remind me, I've finish gotten your evidence yesterday, what was the relation of this man to Mr Ingham?

35

MR WATSON: Not sure, but I think he was either a step brother or a half brother.

MR O'GRADY: Thank you, Commissioner. Now, you mentioned yesterday or indeed maybe I think this morning, the former BLF and would you accept this as a
40 general proposition that just as in physics, that in organisation and unions, nature abhors a vacuum?

MR WATSON: I guess so.

45 **MR O'GRADY:** Yes. And that if there is not an effective organisation in respect of construction in Queensland, then that there is a potential that somebody else will move into that space?

MR WATSON: Absolutely, yes.

5 **MR O'GRADY:** And that potential may include persons who have been removed from the CFMEU either as part of the act of administration or through the conduct of the administrator subsequent to his appointment?

MR WATSON: Absolutely, yes. This is this nonsense that I heard at the time, this proposal of the CFMEU should be deregistered, is that what you're coming to?

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

15 **MR WATSON:** Because that would be a nightmare. What you do is you take a regulated body which is under the control of the Fair Work Commission and the Fair Work Act and you say you're open slather to set up your own unregistered body to pursue it. Anybody who lived through the deregistration of the BLF in the mid-80s would tell you now, do not do it. I've just forgotten what the expression is, it's either red union or yellow union.

20 **MR O'GRADY:** Red union.

MR WATSON: And what you would do is just create the opportunity for the worst of the worst to come back with their own body, using the same symbols, using a new name.

25 **MR O'GRADY:** Yes. And I think you also said in your evidence today that if the union doesn't have the organisers then you've got no union at all?

MR WATSON: You've got to have some organisers.

30 **MR O'GRADY:** Yes. Thank you. And it flows from that consistent with what you said when I asked you about it a few minutes ago that from the administrator's point, he needs to have an effective union and that means he has to have people who are capable of discharging the function of organise -

35 **MR WATSON:** I will say something that might be a bit controversial because I don't know how many employers will get upset when I say it. From the point of view of the safety of the workers, from the point of view of preserving workers' conditions, the last thing you want to see is no trade union representation at all.

40 **MR O'GRADY:** Thank you. Now, you spoke a couple of times this morning about culture and you said in respect of the picket line incident that you - if you created an atmosphere of violence, threats and intimidation, this is what happens. And in respect of the incidents concerning attitudes to women, you referred to the appalling attitude that you had observed -

45

MR WATSON: Yes.

MR O'GRADY: Generally and also there was some mindset of "whatever it takes."

MR WATSON: That's what it is.

5 **MR O'GRADY:** And are you aware of the various steps taken by the administrator to address those cultural issues within the CFMEU?

10 **MR WATSON:** Not in Queensland because I finished this report. I went to Melbourne to meet with the administrator and the administration team, and that day they said we want to have a private word with you, and they asked me to do the Victorian inquiry.

MR O'GRADY: I understand.

15 **MR WATSON:** And so since then I've been rather tied up.

MR O'GRADY: I understand that. And this is all dealt with in Mr Irving's statement but Mr Irving has put in place a strategic plan, and this is paragraph 21 of his statement, Commissioner, which includes re-training of staff and delegates, better
20 planning in aspects of (crosstalk).

COMMISSIONER: Can Mr Irving deal with this tomorrow?

25 **MR O'GRADY:** Yes, yes, yes. One of your recommendations was that there be an additional restructure and you deal with this in paragraph 295 of your statement.

MR WATSON: Of which aspect?

30 **MR O'GRADY:** This is in respect of changing the culture in respect of women.

MR WATSON: No.

35 **MR O'GRADY:** You note in that paragraph that Mr Irving has invested some \$5.4 million over a period of five years to try and address the cultural issues associated with the general attitudes towards women.

40 **MR WATSON:** Yes. This is when I was feeling guilty about being an expert over the hill white male talking about women, that I went down there and said this is a problem, what are you going to do about it, and Irving placed all of that on the table.

45 **MR O'GRADY:** Yes, I understand. And is it fair to say from what you observed even though you're not au fait with everything that happened, the administrator is actively taking steps to address the cultural issues that you identified in your evidence over the course of this morning and yesterday.

MR WATSON: I'm not over the top of what's happening in Queensland. I think I'm over the top of what's happening in Victoria and I'm going to answer that question with an emphatic yes. It's not wait for something to happen, it's proactive.

5 **MR O'GRADY:** Yes. Thank you, Mr Watson. I have no further questions, Commissioner.

COMMISSIONER: Thank you, Mr O'Grady. Ms O'Gorman, I take it that you wish to cross-examine Mr Watson on the topic of the documents that he had or has in order to prepare the reports that have gone into evidence.

10 **MS O'GORMAN:** Thank you, Commissioner, and because as we foreshadowed, I will make an application to ask questions of Mr Watson in due course. That process will be a lot more efficient if I understand now what materials I will be likely to receive between now and that time. I anticipate particularly given Mr Watson's helpful information before lunch that this process won't take long.

COMMISSIONER: Very well.

20 **MS O'GORMAN:** Mr Watson, you've heard what I've indicated to the Commissioner, that my interest right now is to understand what material you gathered during the course of your investigation and what you retained and what you haven't.

25 **MR WATSON:** Yes.

MS O'GORMAN: You said at the commencement of your evidence that during the course of your investigation you spoke to some 56 witnesses -

30 **MR WATSON:** Yes.

MS O'GORMAN: About the incident. Can I ask you this, did you take any written signed statements from any of those persons?

35 **MR WATSON:** I took my handwritten notes.

MS O'GORMAN: I see. But before I get to that -

40 **MR WATSON:** I can't remember producing in the Queensland investigation any statements as it were, but what I did was I took handwritten notes and quite often I'd go back to the hotel room and sit down at my laptop, I'm a two finger typist, and I would actually start in a rudimentary way preparing what it was that I received. So I had handwritten notes. Those things which I put into the laptop would have really reflected those notes, possibly, obviously, altered a little because my handwritten notes would abbreviate quotes, that sort of thing. So that's really what I had. I didn't get statements.

MS O’GORMAN: All right. In addition to your handwritten notes that you've described, do you recall whether, for the purposes of any of your discussions with any of those 56 witnesses, you recorded them electronically?

5 **MR WATSON:** No. No. If you do this job, let me give you a tip, don't put on a recorder, they clam up and they won't talk to you.

MS O’GORMAN: Mr Watson, I do intend to ask you some questions in due course, if I'm given leave, about the investigative process but for present purposes I
10 only need to know what material you have and why -

MR WATSON: Yes. There's no tape recordings.

MS O’GORMAN: Thank you. And then so do I understand that in due course we
15 will leave either from you or through the Commission handwritten notes taken from each of your discussions with the witnesses?

MR WATSON: That's why I was yelling out before lunch because what I do was I
20 got every single piece of paper that I still had and produced it under a summons to the Commission. They've got the lot. I didn't even keep a copy of it but my wife is delighted to see me go out the front door with this archive box. Doesn't have much in it, it's about half an archive box from memory and it's got things - but when you say
Inspector C, don't ask me about that because I've passed it over to them. Whether you
25 get to see it will be something I have to hammer out with them. I've just passed it to the Commission's lawyers.

MS O’GORMAN: Right. What I'm interested is know is are there handwritten notes from each of your discussions with each of the 56 witnesses?

30 **MR WATSON:** Yes.

MS O’GORMAN: And what about typed notes with respect to those witnesses?

MR WATSON: Yes, there's some of those too, I think.
35

MS O’GORMAN: All right, thank you.

MR WATSON: But it's mainly handwritten notes. What I do is I have a book and I
40 just start at page 1 and I keep going through and you'll probably usually find a date and place and then name of the person and my notes of the conversation. Occasionally I would go and see people, and it was next to useless, there wasn't much information. Occasionally you will get things where there are 10 pages.

MS O’GORMAN: And that particular book was handed over to the Commission?
45

MR WATSON: Every note I had of a conversation was kept in these books. There was separate - there was a little exercise book which I had, you will see here, which I

just brought separately for the interviews which I was having at the Pullman Hotel, but you will find very little use in them.

5 **MS O’GORMAN:** All right. I want to ask you some other things that you mentioned in the course of giving your evidence. You referenced having access to Facebook posts. Did you keep those and provide those to the Commission?

MR WATSON: I didn't keep them and I obviously didn't provide them. There were times when I would - I will let you ask the question.

10 **MS O’GORMAN:** All right. Did you keep a record, then, of the Facebook posts that you had regard to?

MR WATSON: No.

15 **MS O’GORMAN:** Okay. What about with YouTube? You've also mentioned accessing a number of videos with YouTube?

MR WATSON: I continue right now, Facebook, there was nothing apart from what was left on the CFMEU Facebook page and I don't really use Facebook and I'm not very good at it, I'm proud to say, and that's the only thing I would have looked at. But by the time I came to look at it, I was told a lot of the material had been taken down.

25 **MS O’GORMAN:** In any event, we don't have a record of - there won't be a record anywhere of the posts that you did, in fact, see?

MR WATSON: You will have a record of it. Just go to the CFMEU Facebook page, that's what I was looking at.

30 **MS O’GORMAN:** No, Mr Watson, a record that you kept.

MR WATSON: No, I don't keep records of that kind of detail.

35 **MS O’GORMAN:** Okay, moving on to YouTube, you did mention that you accessed YouTube a number of times to watch videos. Did you either present off a record of the videos that you watched?

MR WATSON: No.

40 **MS O’GORMAN:** Did you keep a record anywhere of the videos that you watched and/or the dates?

45 **MR WATSON:** I should have said before about Facebook, of course, they could be there in the handwritten notes occasionally, but it wasn't my practice. I would sit down literally - sort of thing - after dinner and watch Facebook after Facebook thing or YouTube after YouTube thing by putting in crude searches.

MS O’GORMAN: I see.

MR WATSON: And I watch the - occasionally I will make a note if somebody says something of importance.

5

MS O’GORMAN: Of the searches that you did make, did you keep a record of them?

MR WATSON: No.

10

MS O’GORMAN: What about with respect to body cam and dash cam footage that you've seen. You mentioned having seen a lot of footage. Did you keep a record of everything that you saw for the purposes of your investigation?

15

MR WATSON: I think you would find that in the notes, but what you'll see is that I've been watching this, I've been watching that.

20

MS O’GORMAN: Okay. A specific list, you know, did you keep a tally sheet of the things that you were watching as you watched them on the dates that you watched them, that kind of thing, or will they just be throughout the books?

25

MR WATSON: They will be just throughout the books. You will find in one section if passed over, there's a foldout sheet, for example, where I made a note and records in respect of the AW material.

MS O’GORMAN: All right. You mentioned yesterday having read a number of cases. Have you kept a record of the cases that you read during your investigation?

30

MR WATSON: Not a complete record but there's a pretty solid number of them referred to in the report itself.

35

MS O’GORMAN: All right. Beyond the ones which are cited in the report have you kept a record of the cases that you have referenced that formed your investigation?

MR WATSON: No.

MS O’GORMAN: All right.

40

MR WATSON: If they weren't worthy of mention in the report then they weren't worthy of - sorry, I do remember - actually there is in the report, there's a list of a whole bunch of cases and some of them I didn't put in the report. There's one particularly offensive one and I did watch them. It was really pretty - I remember that part of doing this, I really did it through gritted teeth but I thought I have to read these judgments or otherwise I wouldn't have done my job properly. It was pretty boring.

45

MS O’GORMAN: And that particular case that stands out in your mind, have you either cited that in your report or kept a record of it somewhere in your investigative notes.

5 **MR WATSON:** I don't know if I referred to it in the report but it's in the notes. That's the case which nobody's going to forget. It was a decision which originally was by Judge Vasta and people in the room will know what I'm talking about, when I say the Peter, Peter, Pumpkin Eater case. It went right off the rails on appeal and it's pretty awful.

10 **MS O’GORMAN:** You mentioned yesterday that you've recycled a significant amount of material that you had regard to for your investigation. Are you able to recall which of the documents you had regard to you've since recycled?

15 **MR WATSON:** Cases. Look, there was probably also newspaper articles as quite often I would print off newspaper articles. I should say this, yesterday I said something about the press. Actually in this, I was very conscious of the fact that there had been some animosity between the CFMEU and the Courier Mail, so I thought I'm going to try not to use that as a source. But generally speaking in this
20 kind of thing, after all I'm an investigator, I'm not a judge, I think the press is a very, very good source of information because what gets into the paper has been fact checked and also reviewed by lawyers for defamation, so you can generally rely upon it. It's silly to dismiss it out of hand, say it can't be true, because, you know, fake news, sort of brush it aside. It's actually pretty reliable. Now, I would have from
25 time to time printed out articles. They could be amongst the papers I've forgotten but my guess is given a lot of them weren't very useful, they were probably recycled as well.

MS O’GORMAN: Other than the articles which might come to us through the
30 Commission, did you keep a list of any of the articles that you, in fact, read.

MR WATSON: No.

MS O’GORMAN: And what, either received or returned - received summons, that
35 is, from the Commission or returned the material pursuant to it?

MR WATSON: I don't know. I mean, I've got it somewhere on my laptop where I received the summons but I got the summons and it wasn't actually - sorry to be rude but it wasn't effectively drawn when it was sent to me, so I rang up and said, "I think
40 it's just easier if I give you every single thing I've got" because that brings it to an end, so I sort of redrafted their summonses for them. So whatever data it is, and then I'll tell you, then what happened was a week or two later, I found other papers. I've got an organisational system which is very similar to that which a pig has when eating his breakfast. It's terrible and I found a bunch of the pages. Now, I've still got
45 them at home, but I sent onto the Commission the photographs of - from my phone, so they've got them or they've got every single page but they don't have the originals of those which reminds me, I'll send those to you.

MS O’GORMAN: All right. Now inclusive of those documents that you've just said you sent at least photographic evidence of to the Commission, are you quite confident that everything that you've gathered during the course of your investigation and relied upon for the purposes of your report and have not since destroyed has
5 been provided to the Commission?

MR WATSON: I'm confident but I tried to do it. There could be some little pieces of paper lurking on my desk somewhere, but I can tell you anything of any importance has been given over. The key to it, the thing you really want to look at
10 are the black notebooks.

MS O’GORMAN: Thank you. Thank you, Commissioner, those are my questions.

MR WATSON: You won't be able to read my handwriting, however.
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MR MANDY: Can I ask one follow-up question for the same reason.

COMMISSIONER: Of course, yes.

MR MANDY: You said that you went back to your hotel room after speaking to witnesses with your hand written notes and then using two fingers committed some of that to writing into your laptop. Have I got that right?
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MR WATSON: Yes, I tried to do that. I remember coming up here and this is my intention to do it, and I remember coming up here and sitting in the hotel room, poised ready to go and lacking inspiration. I just didn't know where to go, where to start, so I didn't do a lot of that what for what I call the Queensland inquiry, whereas I did a lot of that in my - I've done a few investigations by now but in the Queensland inquiry there's hardly any of that.
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MR MANDY: Sorry, I missed that last bit.
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MR WATSON: There was hardly any.

MR MANDY: Any of that.
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MR WATSON: There was a bit here and there. I don't think much.

MR MANDY: So the only record of conversations that you had with witnesses apart from fragments which might be in a Word document somewhere are the notes that everybody was provided? Is that right?
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MR WATSON: Even if they were in the Word document I've got to tell you right now, that would be absorbed into the report. It was sort of the thing where if at the time I had, I always framework or a heading and I might have given it a heading and I might have inserted them in there, and it might everybody the content of the
45

conversation. So those fragments are no longer fragments, they would be embodied in the final report as it was produced.

5 **MR MANDY:** They found their way into this organic document which is the report

MR WATSON: Exactly, but they're not the notes.

10 **MR MANDY:** And they're not unidentified in that organic document as a contemporaneous note?

MR WATSON: No, but they would be the same. They come from the notes.

MR MANDY: Thank you, Commissioner.

15 **COMMISSIONER:** Can I ask you a couple of questions before we finish, Mr Watson. One is about the status of delegates. You gave some evidence that yesterday that Mr Desmond Savage had been the assistant secretary of the South Australian branch, that is the equivalent position to Mr Ingham in the South Australian branch; is that correct?

20 **MR WATSON:** Yes. Could I just say to Ms O'Gorman, that's a pretty good example because I don't think that case will be in there in the report. But I looked at that case, for example. I saw that Mr Savage would had been punished over a - that's how I found out who he was. I know it sounds crude but it works. Google is the place to start. I Googled their names. So sorry to interrupt your question, Commissioner.

25 **COMMISSIONER:** I think in response to Mr O'Grady's question, you said that the union under the current administration has taken away the authority of Mr Savage to be recognised as a delegate of the union; is that correct? And obviously there are questions about how such a person comes to be employed in Queensland, on what basis they were employed, why they were employed, et cetera, which may or may not be explored by this Commission. But just dealing with that particular issue, what do you do in a policy sense if you're trying to regulate - trying to achieve the sort of aim that you say should be attempted, that is, in your words, civilised behaviour in a workplace where someone has their accreditation removed by the union, so they no longer are formally a delegate but they remain as a employee of the contractor who originally employed them?

30 **MR WATSON:** That's a fantastic question.

35 **COMMISSIONER:** You don't need to answer it today. You can answer it next time.

40 **MR WATSON:** No, but I can tell you something about it which I was worried about but I couldn't get to the bottom of it because I couldn't get enough information. It's different now that the Ravbar case has been resolved; I can talk to people, I can do it again but I fear that a number of the worst of the delegates, I think you'll find that they have been handpicked by some of the organisers and the contractors have been

told to employ them. And I will bet anything that that is the case for Mr Savage and Mr Atutolu, that the organisers would be coming along, telling the employers, put this bloke on. Of course, that carries with it the implicit threat, you don't do this, and you're going to get industrial disruption.

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So that's a little bit of a worry. So you've got to have better quality organisers. I think it would be incredibly rare that a decent employer would be putting on and keeping on with people who are misbehaving as employees. Maybe that's pie in the sky but that's what I believe. But there are occasionally and I did hear of a couple of bad employers up here in Queensland. I didn't know enough about this and I looked into it but only from outside. There was a labour hire firm that they were supplying labour, I think mainly to BMD, and there were reasons to doubt that labour hire firm, but can I just say that was all AWU stuff. I only asked a few questions about it and I got unsatisfactory answers and all I can say is thereby - there is evidence that there is some bad employers here too who may be run by bikies, who may be bringing in bikies. That will be a problem.

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COMMISSIONER: And then secondly, your evidence over the last two days, and forgive me in this rather sort of very broad characterisation, is that under the Ravbar Ingham regime things were bad, but under the administration of Mr Irving, Queensland is under control. Is that a fair -

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MR WATSON: Yes.

25 **COMMISSIONER:** Characterisation?

MR WATSON: That's my belief.

COMMISSIONER: And the current regime, leave aside the State-registered body, but the current regime for electing officials such as Mr Ravbar and Mr Ingham has been in place for 50 years and it came about because Mr Clyde Cameron was the State secretary of the South Australian branch of the AWU, and he wasn't able to - this is on his version in his biography - he wasn't able to arrange free elections within the AWU, because according to him, Mr Tom Doherty, it could be O'Doherty, but I think it's Tom Doherty of the Queensland branch of the AWU refused to have fair elections, and according to Mr Cameron Mr Doherty would refer to the members as the, rather than the rank and file, the crank and vile.

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And he brought in under the Whitlam government a regime of fair elections for trade union officials, for all the federally-registered trade unions that had three aspects, one is you could challenge an election in the Federal Court, two is you could get Commonwealth funding and three is it was a no cost jurisdiction. Now, if your thesis is correct that Mr Ravbar and Mr Ingham were a problem, and if your thesis is correct that Queensland is under control under the administration, if the current regime set up by Clyde Cameron, which has been maintained for the last 50 years is to remain in place, how do you prevent the members in a fair election, re-electing Mr Ravbar and Mr Ingham once the administration is gone?

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MR WATSON: These a really huge question.

5 **COMMISSIONER:** You don't have to answer it today but you can answer it next time if you want but it is - there is a tension between the democratic control of trade unions which is a foundational principle, at least has been for the last 50 years, I'm talking about the federally-registered unions - and civilised behaviour because of the appointment of an administrator.

10 **MR WATSON:** It's quite an extraordinary thing. As I ponder this, all the time because I am looking at Victoria, I hope you don't mind the language but I might as well tell you, I sent a message to Mr Setka to ask him if he would meet with me and he told me that I'd better hope I never cross his path and he called me a "fucking fat ugly cunt." He then gave me some weight loss advice, which I must say my wife does from time to time in slightly different terms but that was the response that I got.
15 And I sat there and thought there's a lot of the membership in Victoria who wanted that, but this is a question we've been pondering when we look at strange people that don't deserve to be the leader of a country get leadership of a country. We've been looking at this for hundreds of years. I don't understand it, Commissioner, but how do you protect against that? By exposing when people are bad? That doesn't seem to
20 have an effect. By educating people? But they still elect bad people. I don't know. I find it a tough question.

COMMISSIONER: You can ponder it during the period that you're out of the witness box and perhaps give us an answer when you come back to give evidence
25 and by putting that question to you, I'm not suggesting that your evidence will be accepted, that Mr Ravbar and Mr Ingham were indeed a problem, nor will your evidence necessarily be accepted that the administration has Queensland under control. Merely that your evidence provides a vehicle for trying to determine if your evidence is accepted, what an appropriate solution should be.

30 **MR WATSON:** I accept that entirely. You've got a lot more evidence from a lot more eminent people than me.

35 **COMMISSIONER:** Mr Costello, what should we do now?

MR COSTELLO: Mr Watson can be excused and we should adjourn, unless there's anything you'd like me to address, Commissioner?

40 **COMMISSIONER:** I don't believe so. How would you - you just want to have discussions with Ms O'Gorman and Mr Mandy about, together with Mr O'Grady, about the process for the further cross-examination of Mr Watson? Is that the best way to proceed at first instance?

45 **MR COSTELLO:** Yes. Of course, I'm always happy to speak to my learned friends, I think at some point there will need to be correspondence between those who instruct each of those people and the solicitors assisting. The documentary requests should be made and it should be made in a precise form. It might be the precise form

is that we want everything but there will then need to be consideration given by counsel assisting and ultimately I suspect by you, Commissioner, as to whether that's appropriate and that will tie in no doubt to questions of leave.

5 But in any event, just as a matter of practicality in light of the redactions that's been ordered to the public and private reports, it is inevitable that in the documents that are held by the Commission, if they are to be given to parties, that there will likely need to be equivalent redactions made to protect vulnerable witnesses. So all of that will take a little bit of time. I have no doubt that we will be able to progress it by discussion as between counsel and as between the solicitors, but it's certainly not something that can be done in open court at this point, anyway.

15 **COMMISSIONER:** But it doesn't sound from what you're saying that - I really should hear from Ms Gore for and Mr Mandy about this, and it might be a bit difficulty for them, because they're just at the start of the process, but it sounds like we won't be hearing from Mr Watson at your next scheduled set of hearings in that time.

20 **MR COSTELLO:** It's a matter for me in terms of calling of witnesses, and ensuring that this Commission, to the extent it's within my control, operates procedurally fairly. I very much doubt that it will be able to be managed that Ms O'Gorman or Mr Mandy will be in a position to fairly put what they want to put to Mr Watson by December and unless there is some pressing desire on their part to do it, I suspect it will be much more orderly if it's done at a hearing block next year.

25 **COMMISSIONER:** Do you want to say anything about that, Ms O'Gorman?

30 **MS O'GORMAN:** No, it's certainly not at present and I'm content to speak to Mr Costello about that over the evening.

MR MANDY: We agree with that course, Commissioner

COMMISSIONER: Thank you.

35 **MR COSTELLO:** Might Mr Watson be excused?

COMMISSIONER: He may be excused. Thank you very much for your evidence, Mr Watson.

40 **MR WATSON:** I'm really grateful for everybody pressing on this afternoon and I will make my flight. Thank you.

<WITNESS STANDS DOWN

45 **COMMISSIONER:** Thank you.

In terms of further hearing dates, you raised this issue, Ms O’Gorman, early yesterday, we try and publish some dates for next year. Our difficulty is, and I want to express our gratitude to the Chief Magistrate for affording us the use of this room. We haven't been able to get any rooms in the Supreme Court and District Court and the Magistrates Court needs this room, this courtroom, and as is appropriate, they should have first use.

So at the moment we only have four weeks between Australia Day and Easter. Sorry, four weeks, I think, in the first half of next year that this courtroom is available. So we are looking around at a couple of other options, including building a - fitting out an office building in a - as a courtroom. We just haven't been able to determine which is the most cost-effective way of doing things and we understand your diaries are filling up. What we are trying to do is to have hearings more or less full time from the first week of February to Easter, but we've only got at the moment three weeks where we can have access to this court. So we will try and have this worked out by the time of our next three days of sitting, which I think is in what, 10 days' time, Mr Costello?

MR COSTELLO: (Indistinct).

COMMISSIONER: That's the difficulty.

MS O’GORMAN: Thank you, Commissioner. I understand that those dates are only an indication but I'm grateful for them.

COMMISSIONER: Is there anything else?

MR COSTELLO: No. Thank you, Commissioner, might we adjourn?

COMMISSIONER: We adjourn to 10 am tomorrow.

MR MANDY: Sorry, Commissioner, can I just indicate that (indistinct) tomorrow. I'm content to rely on the transcript given that there won't be very much cross-examination.

COMMISSIONER: Thank you, Mr Mandy.

**<THE HEARING ADJOURNED AT 3.18 PM TO THURSDAY,
20 NOVEMBER 2025 AT 10.00 AM**