

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

WITNESS STATEMENT OF TIMOTHY LUKE CARLTON

I, Timothy Luke Carlton, Senior Safety Advisor, CPB Contractors Pty Ltd, 12 Creek Street, Brisbane City, in the State of Queensland, affirm:

Background

1. I make this statement in response to a notice issued by Stuart John Wood AM KC, the Commissioner appointed pursuant to the *Commissions of Inquiry Order (No. 2) 2025*.
2. Up until around May 2026, I was a Senior Safety Advisor, employed by CPB Contractors Pty Ltd (**CPB**) on the Cross River Rail (**CRR**) Project.
3. In that role, I have oversight of the Northern Precinct of the Rail, Integration and Systems (**RIS**) side of the CRR Project. I was promoted to this senior role in the beginning of 2026.
4. On 4 July 2022, I started with CPB in the role of Safety Advisor on the RIS side of the Project. I started at the Royal National Agricultural and Industrial Association of Queensland (**RNA**) railway station and would work around the other station sites as and when I was needed.
5. After about six months of working at the RNA site, I was moved to cover the southern stations, being Dutton Park, Yeerongpilly, Rocklea and Fairfield.
6. Prior to working on the CRR Project, I was working in New South Wales on the Snowy Hydro Project as a Safety Advisor.
7. As a Safety Advisor on the CRR Project, my responsibilities centred around risk and compliance activities, and included:
 - (a) liaising with the construction team, to ensure their activities complied with safety legislation;
 - (b) making sure all our safety documentation, such as our safe work method statements, were compliant with legislation; and
 - (c) conducting regular safety walks to audit safety systems on site.
8. Part of my role would also include attending at the site gate when union officials arrived, seeking to exercise rights of entry onto site. My role was to assist the construction supervisor or site manager, who would also attend the gate, and provide advice as to legal requirements for entry, including advice as to the adequacy of any notice of entry provided by the union officials.
9. Initially, RIS did not have many issues with the CFMEU. CFMEU activity was largely limited to the Tunnels, Stations and Development (**TSD**) side of the Project. This seemed to change in around July 2023, when a TSD worker suffered serious injuries after a fall at the Boggo Road Precinct. This was the catalyst for a significant increase in CFMEU activity on the RIS sites.

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Right of Entry

10. I did not have any interactions of note with the CFMEU on the RNA site. Most of my interactions occurred on the southern sites, after the Boggo Road scaffolding fall on 25 July 2023.
11. After this time, right of entry attempts from the CFMEU increased dramatically. In addition, the behaviour of CFMEU organisers during these entries became more aggressive and difficult.
12. A common issue I encountered was a lack of appropriate paperwork. On the southern sites that I dealt with, we would frequently have CFMEU organisers turning up for unannounced safety visits with incredibly vague paperwork. In most cases, they would present entry notices that simply recorded "access/egress" as the particulars of the safety issue they had arrived to investigate.
13. They would insist on being let onto site, without giving any further particularity. They would refuse to sign the site sign on book and would often refuse to show their entry permits.
14. It was not uncommon for me to attend at a gate, having been advised that a CFMEU organiser was seeking to enter, and find that the organiser had already made their way onto site and was wandering around unescorted. When this happened, I would have to try to negotiate with them to come back outside so that I could sight their paperwork and have them sign in properly. They were always reluctant to do this.

Procedures After Fall

15. On the day after the Boggo Road scaffolding fall, on 26 July 2023, CFMEU organisers showed up across all of the southern sites and demanded that work be shut down.
16. Many of the subcontractors engaged on the CRR Project were not getting paid during this shutdown period and were eager to get back to work. This caused tension and created pressure for some agreement to be reached with the CFMEU. I understood that the CFMEU had told management that they were not going to allow work to recommence until CPB employed CFMEU-appointed Health and Safety Representatives (HSRs) on all sites.
17. At a site level, we pushed back pretty hard on the idea of CFMEU-appointed HSRs being employed on the sites. We were convinced that once we let the HSRs onsite permanently, they would spend their time walking around looking for ways to disrupt or shut down work.
18. At this time, there were daily progress meetings being held on Microsoft Teams, involving safety staff such as myself, area managers and site superintendents. Staff from my team were raising our concerns at these meetings that CFMEU-appointed HSRs would cause trouble if allowed onsite.
19. However, a decision was ultimately made by CPB management to give in to the CFMEU's demand, and four HSRs were employed by CPB and assigned to the RIS works. Of these HSR's, Timothy Maguire and Liam Crow were specifically assigned to the southern sites.
20. In my initial interactions with Mr Maguire, he bragged to me about being responsible for smashing the glass door of the government building during the rally of 5 April 2023.

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The HSRs

21. My observation was that the presence of the HSRs onsite completely changed the dynamic between the sites and the CFMEU. Visits from organisers became much more frequent. We also started seeing organisers, Dean Mattas and Dean Rielly, who had not had a significant presence on the RIS sites before the HSRs were appointed. Although I saw Mr Mattas on a number of occasions, I think it was Mr Rielly who had primary responsibility for the southern sites, so I encountered him quite often.
22. After the HSRs came onto site in around August/September 2023, I noticed a pattern of them trying to use any safety issue they could identify to try to have a work site or work area completely shut down. Often, they would call Work Health and Safety Queensland (WHSQ) inspectors in relation to minor issues they had identified and try to have the inspector shut down work on their behalf.
23. The proper process if a HSR noticed a safety issue was that they would be expected to raise it immediately, if it posed an imminent threat, or raise it with the relevant safety committee if it was less urgent, so that it could be addressed in a timely manner. Rather than follow this process, however, my experience was that the HSRs would immediately call CFMEU officials and have them attend site, before raising the matter with anyone else working on the CRR Project. On other occasions, they would take advantage of the fact that one of the safety advisors had left site for the day, or gone to another site, to try to then shut work down in their absence.
24. I would attend weekly safety walks onsite with the HSRs. On several occasions, I would go on one of these weekly walks (which could last a number of hours), and the HSRs would not raise any issues. However, shortly after the walk had ended, CFMEU officials would then arrive at the site gate shortly after the walk, saying a health and safety issue had been identified, and seeking to enter the site on that basis.
25. I remember a specific example in or around September or October 2023 where I went on a safety walk through the Dutton Park Precinct with Mr Maguire, the HSR for that site. He did not raise any issues. When the walk was completed, I started driving to the Fairfield site to attend to another matter. As I was driving, I got a call from the site manager at the Dutton Park Precinct, telling me that Mr Maguire was complaining of a safety issue he had identified during our site walk and that the whole site had to be shut down. Mr Maguire's complaint was that the access point to one of the excavation areas was not wheelchair accessible.
26. I told the manager not to shut the site down and to simply keep workers out of the relevant area until I returned.
27. It was clear to me that Mr Maguire knew that I had left the site and was waiting until I had left to raise the issue, so that he could try to shut things down without me intervening. If he had genuine safety concerns, the best way to address these would have been to raise them with me immediately, on the walk though.
28. Various staff, particularly young labour hires, also reported to me that the HSRs were attempting to recruit workers to the CFMEU, and where a worker refused, they were told that if an agreement was reached between the CFMEU and the Project, any non-CFMEU members would be fired from working on the Project.

Dean Rielly Interactions

29. I was aware of Mr Rielly by reputation. I had heard of him whilst I was working down in New South Wales on the Snowy Hydro Project.
30. I recall an incident in or around ~~September/October 2023~~ **January 2024** involving Mr Rielly. I was at Dutton Park at the time, dealing with other CFMEU organisers, when I got a call from the Yeerongpilly site manager, Jacob Whitehouse. Jacob told me that Mr Rielly was on site at Yeerongpilly and had been walking around in the danger zone near the train tracks, without following any of the safety procedures. He told me Mr Rielly had not produced an entry notice and had simply stormed onto the site and walked onto the tracks.
31. As our sites operate around live rail tracks, the procedures for entering the track danger zone are quite strict. Workers who are to go near the tracks are required to hold competencies signed off by Queensland Rail.
32. At this particular time, the site was conducting a rail "occupation". This is where a portion of the track is shut down by Queensland Rail so that work can be undertaken on or very close to the track. During these occupations, workers are required to "lock on" before entering the danger zone. This requires a worker to place their own person lock onto a box at the entrance to the danger zone. This is a way to ensure that the track is clear of all workers before it is reenergised, and train services recommence. If work is not completed during the occupation, it could delay the handback of the track for operational commencement, or the work gets delayed until the next occupation which delays the schedules.
33. I arranged for another safety advisor to take over from me at Dutton Park and immediately drove to Yeerongpilly. When I arrived, I saw that the southern RIS superintendent, Ben Perry was also on site.
34. As soon as I got on site, I saw that Mr Rielly was walking in the danger zone, up and down the train tracks. All work in the vicinity had been stopped.
35. I tried to approach things politely with Mr Rielly, as I had found in the past that this was the best way to deal with him. I told him he was in a danger zone and asked him to come outside with me so that we could have a chat and discuss any issues he wanted to raise. He said something to the effect of, *"I'm not leaving, there is a risk to health and safety here"*.
36. I advised Mr Rielly that, as he was refusing to leave site, the Queensland Police Service (QPS) would be called. I understand that, after this, Mr Perry and/or the onsite Queensland Rail Protection Officer called the QPS.
37. I was on site when police arrived. When Mr Rielly saw the QPS, he started to run down the train tracks, away from where the police were, for about 200 metres before he turned around and came back. He had a discussion with the QPS. I understand Mr Perry was a party to these discussions, but I was not standing close enough to hear what was said. Shortly after, Mr Rielly left the site, as did the police. Mr Perry later told me that police had advised him that they would not be charging Mr Rielly with trespass.

CFMEU Heat Management

38. As noted above, when Mr Whitehouse called me about Mr Rielly, I was attending another incident with the CFMEU, at Dutton Park. Around this time, it was quite common for CFMEU officials to attend multiple sites at the same time. It seemed to me they did this intentionally, knowing it would stretch the resources the Project had to respond to them.
39. Prior to receiving the call about Mr Rielly, I was dealing with a CFMEU organiser (I do not recall who it was). At the time I received the phone call about Mr Rielly, the organiser was discussing the Project heat management policies with me. Around this time, the CFMEU were regularly raising issues around heat management. As I understood it, they were aggrieved that the Project would not adopt the CFMEU standard heat management policy.
40. The CFMEU heat management policy was particularly strict and inflexible. The CFMEU would rely upon the Bureau of Meteorology's reported temperature and humidity for a particular area. Once that temperature reached a certain point (or a certain point, coupled with a certain humidity), their policy was that all work on the particular site should be shut down.
41. The Project policy was more specific to the area where work was being undertaken. We would use a special device, called a Kestrel, to give a reading as to worker heat stress levels in a particular area. The Kestrel would give a reading based on several factors that were measured at the specific point that was being tested, including breeze/wind, temperature and humidity. It gave an overall rating as to heat stress. If the Kestrel indicated a 'high' rating as per the heat management plan, work would be stopped in that specific area until conditions subsided.
42. There was a time on the Project where CFMEU organisers and HSRs purchased their own Kestrels in an attempt to try to shut down work due to heat. However, we discovered that they were calibrating their Kestrels so as to give higher readings. For example, they would calibrate the Kestrel to calculate the heat stress level of someone wearing specialised clothing, such as a person wearing a jump suit (for asbestos removal type work), which would give artificially high readings for the type of work that was actually taking place on site. I saw this when we were comparing the readings on the Kestrels being used by the CFMEU which had been using different calibrations.

Another Heat Incident

43. I recall another incident which occurred on 29 November 2023, where the interaction between CPB and the CFMEU, regarding heat management, became quite intimidating.
44. I was working on the Dutton Park site that day, when a worker began showing signs of heat stress. I cannot recall the name of the worker, but I was called down to assist him.
45. After I brought him into the air conditioning and arranged for the first aid officer to attend to him, he started saying he felt better. Accordingly, no further action was required.
46. When I spoke to the worker, he was conscious, breathing normally, not overly sweaty or flushed and was otherwise able to have a normal conversation with me. He told me that he had not had any water that day or eaten any food. All that he'd had to drink was two energy drinks. There was plenty of cold water available on site for the workers.

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47. Within half an hour of me finishing my interactions with this worker, I was called to the site gate as two CFMEU organisers had arrived. I cannot recall who they were. They presented a s 117 notice issued under the *Work Health and Safety Act 2011* (Qld), which stated that CPB's "*heat management plan was putting workers at risk*".
48. I let the two organisers onto site to discuss the issue.
49. As I was having discussions with the two organisers who arrived first, more CFMEU organisers progressively arrived at site. By the end, five or six organisers had arrived. At some point after the first two organisers arrived, two WHSQ inspectors also arrived at site. As far as I am aware, no one from CPB or site management had called WHSQ.
50. Discussions were going around and around regarding heat management on site. The CFMEU were alleging our heat management policies were inadequate and put workers at risk. I was the only one present from CPB during these discussions with the CFMEU organisers and WHSQ inspectors.
51. During the discussions, I was explaining our heat management policies to the WHSQ inspectors. I was showing them how the Kestrels work and taking them through the relevant documentation. Throughout this, the CFMEU organisers, in front of the WHSQ inspectors, were telling me to "*shut up*" and trying to argue with me, telling the inspectors about what they alleged were inadequacies in the policy, that I didn't "*give a fuck about the workers*" and that the Project ought to be issued a fine or prohibition notice.
52. Whilst I would not say the organisers were being outwardly aggressive, I did find their conduct intimidating. The inspectors and I were standing next to a wall, in a corner, whilst having our discussions. The five or six organisers were standing in front of us, all trying to talk over me. It did feel like we were literally backed into a corner. Towards the end of the discussions, I asked the organisers to step back a bit and give us room. They complied with this but demanded to talk to the inspectors away from me. One of them said this was so I "*couldn't have [my] little input into their ear*".
53. During my discussions with the inspectors, I noticed that some of the CPB-employed CFMEU HSRs, who were not allocated to Dutton Park, had also arrived at site. I cannot remember everyone, but I remember seeing Ashley Hansen, who was meant to be working at the Mayne Yard site. I heard Unity worker, Damian Keeley ask her what she was doing there, as it was not her site. I recall her screaming abuse at him in response, including calling him a "*fucking cunt*".

Dutton Park Incident

54. In April 2024, CFMEU members employed on site began taking industrial action in relation to the new enterprise agreements, which were being negotiated on the Project.
55. Whilst some of the action was protected, I am aware that the activities of the CFMEU escalated to the point where, by late April, the CFMEU were locking down sites by placing padlocks on the gates and physically picketing site entrances so that workers could not enter.
56. On 1 May 2024, I was to be working on the Dutton Park site. I was expecting that there would be some sort of picketing continuing that day.
57. When I arrived across the road from the site, I saw that three or four people were blocking the site gate. The people blocking the gate were wearing a mix of CFMEU-

branded clothing such as vests and jumpers. I recognised CFMEU organiser, Dennis Mitchell, standing at the gate. I would say that in the events that were to follow, which I discuss below, Mr Mitchell was one of the main instigators of the confrontation.

58. At around 6:30am, I attended a pre-start meeting with approximately 30 workers who had attended site that day. We held the pre-start in a carpark across the road from the site, on Annerley Road, to try to avoid the picketing CFMEU members seeing or interrupting us.
59. Many of the workers who had shown up that day were subcontractors employed by Matrix. By this stage, Dutton Park had been picketed for a number of days, and these employees had not been making any money, as they were not able to access site to perform work. Whilst I cannot recall everyone who was present, I recall the following people being there:
 - (a) Chris Robotham, CPB area manager;
 - (b) Raoul Van Aardt, site supervisor;
 - (c) Kevin O'Brien, site supervisor;
 - (d) Patrick O'Brien, Dutton Park site manager;
 - (e) Mace Faaosofia, site supervisor;
 - (f) Damian Keeley, leading hand, CPB worker;
 - (g) Isabelle Martin, Matrix worker;
 - (h) Sky Lewis, Matrix worker;
 - (i) Tyson Langdon, Matrix worker; and
 - (j) Fou Ah Lam, Matrix worker.
60. We were all concerned that there might be an incident if we tried to cross the picket line. My recollection is that it was left up to each individual worker if they wanted to make an attempt to enter site, which would be supported by the Project workers like me. However, it was made clear that no one was obligated to work due the threatening nature of the CFMEU's presence. I believe everyone then agreed they wanted to try to get to work. We decided to walk as a group, cross Nobel Street and try to take down a part of the temporary fencing around the site, so as to get in without confronting the CFMEU members who were picketing the main entrance on Cope Street.
61. At approximately 6:30am, we began walking to the traffic lights on Nobel Street so that we could cross towards the site. As we were waiting for the lights, it seemed as though some of CFMEU members at the gate noticed us. We all crossed the road together and made it to the site fence. There were a couple of CFMEU members yelling abuse when we got to the fence. As we were starting to pop the temporary fence, I saw a group of CFMEU demonstrators running down towards us. Initially, there would have been half a dozen people who came down which escalated to 10 to 15 CFMEU demonstrators.

62. By the time the CFMEU members reached us, about half of our group had made it through the fence and onto site. The CFMEU members formed a human chain across the gap we created in the fence and tried to stop the remaining workers accessing site. I recognised Mr Mitchell as a member of the group that had come down to stop us getting onto site. Other than him, I did not recognise anyone else. I do not think any of the group were workers from the Dutton Park site.
63. I had managed to get through the fence, along with approximately half of our group, before the human chain had formed up. Whilst I was standing, slightly back from the human chain, I heard Mr Van Aardt call out to me and say that one of the CFMEU picketers had climbed over, or got through, the temporary fence up the hill behind us and was trying to get onto site that way. Most of our workers who had made it through the fence were milling around near the gap we had made, to keep check on their colleagues. I was concerned that the CFMEU members breaking through the fence further up might be trying to encircle our workers. I went up to help Mr Van Aardt get the CFMEU demonstrator back offsite. It was around this point that things started to get very heated and physical down near where the human chain had formed. I saw that pushing and shoving had started between the Unity workers and CFMEU demonstrator.
64. I went and saw Mr Robotham and told him I was going to try to get the female workers out of there and take them up to the site office. I recall that Ms Martin was nearby, as well as Ms Lewis. There may have been a third female worker there at the time as well. I went and found these workers and told them they should come with me. I walked them up to the site office which was on the corner of Railway Terrace and Annerley Road).
65. By the time I was heading back to the site office, I noticed that more people had joined the CFMEU demonstrators, including a group of people who had arrived on motorcycles. They all parked their bikes in a public park across the road from the site. Some came over to join the CFMEU mob, whilst others yelled from the park that they would come onto site and bash the workers. There were approximately 20 people in this group. I recall the motorcycles were particularly loud. A lot of people in this group had face and neck tattoos. I remember seeing the logo for the Hells Angels motorcycle club on a jacket being worn by one of the group.
66. I recognised the Hells Angels logo as I used to be in the Australian Defence Force. Part of our training, relevant for when weapons would be moved between bases, involved us being familiar with outlaw motorcycle gang logos.

Aftermath

67. I was present in the site office when two QPS officers arrived, as well as Mr Perry. I'm not sure who called them. They arrived at some time around 7:30am.
68. By that time, more people had arrived to join the CFMEU mob. I was told by a supervisor (Raoul Van Aardt) that they were surrounding the site and threatening to come in and bash people. I was speaking to Adrian Ockford (CPB Safety Manager), who advised me to try to get everyone off the site and diffuse the situation. It was during this conversation that police arrived.
69. At first, there were only two police officers who attended. When Mr Perry arrived at the office and saw the officers, he was pretty frustrated. He had a go at the police officers, complaining that the QPS had been unwilling to assist previously when issues arose

with the CFMEU. He accused the QPS of allowing this serious incident to occur by refusing, on prior occasions, to get involved in CFMEU-related matters.

70. The police officers who had come into the office were initially saying they were not able to get any other police to come and assist. They said they were able to take witness statements if anyone wanted to make a criminal complaint, but after that they would leave.
71. Mr Perry and I took them outside to show them how many CFMEU demonstrators were around and how threatening they were. We pointed to about a dozen people who were sitting in a group in the park across the road, clearly waiting for any Unity workers who came out from the site, so they could start trouble. When the officers saw this group, they seemed to appreciate the seriousness of the situation and called for backup.
72. Shortly after the police made the call, approximately four further QPS cars arrived. The extra police assisted to escort all the Unity workers back to their cars so they could leave the site. This was about an hour after the earlier incident. I did not witness any further incidents with the CFMEU whilst this was occurring. The majority of the CFMEU group eventually left after the extra police arrived but a few still stayed near to site. I was at site until around 2:00pm-3:00pm and I did not see any of the CFMEU group there at that time.

Video Footage of the 1 May 2024 Interactions

73. On 1 May 2024, I began taking a video with my phone, as my group was crossing Nobel Street to attempt to enter the site.
74. At around the 1-minute mark, a man can be seen wearing an army camouflage jumper. I do not know who this man was, but I recall that he was one of the significant agitators on the day.
75. As the pushing and shoving began, outside the fence, it is my voice that can be heard on the recording saying things like "let's go" and "keep going boys", as I was trying to get the workers inside and to avoid a confrontation.
76. At around the 2.30 minute mark, Mr O'Brien can be seen holding his phone up, also filming the interaction.
77. As the CFMEU were forming the human chain, I tried to get in between them and the fence, whilst holding onto the fence, to try to get more people through. In the process, one of the CFMEU members knocked my helmet off.
78. Towards the end of the video, I call out "Izzy". This is when I started looking for the female workers, including Ms Martin, so I could take them to the site office.
79. A copy of this video is Video 1-CRR-7.

I swear that the contents of this statement are true.



Signature of deponent

Witness statement of Timothy Carlton

Place: Loganlea - Brisbane

Date: 17 / 09 / 2026



Before me (signature of witness)

TOBY CHRISTOPHER WALTHALL

Full name of witness (please print)

☐ Justice of the Peace (JP No. _____)

☐ Notary public

☒ Lawyer

☐ Other authorised person (specify): _____

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