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

WITNESS STATEMENT OF GARY LAPPIN

I, Gary Lappin, affirm the following:

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. Attached to this Statement is a Bundle of documents (**Bundle**). I refer to relevant documents by reference to the annexure number and the page number of that Bundle.

3. I am currently a General Superintendent working on a construction project in Victoria.

4. Before that, I was the General Superintendent responsible for the Roma Street section of the Cross River Rail (**CRR**) Project in Queensland. I worked on the CRR Project from ~~2001~~ 2021 to early 2023.

5. As General Supeintendent, I reported to the Project Manager. Approximately four supervisors reported to me and managed the workers below them. I also had some engineers report directly to me.

6. I had numerous dealings with Andrew Blakeley and Beau Seiffert, who were CFMEU organisers that attended the Roma Street site regularly.

7. Lindores supplied crane services for the Project at Roma Street. There were three tower cranes on site and about nine members of the crane crew. I experienced some day-to-day difficulties keeping the crane crews working. I regarded the crews as very unionised.

8. On 14 October 2021, it had been raining in the morning and all site crews were sitting in the sheds. Lindores had chosen to conduct training with its crane crews. The rain stopped at approximately 9:30am. I went into the shed to see what the crews were doing and found Mr Blakeley with the crane crew and their company safety adviser (Garry Bath) going through the training.

9. I told Mr Blakeley that he could not be on site and asked him to come outside. I also told the crane crew that the rain had stopped and that we needed to return to work.

10. At approximately 6:00am the next day (15 October 2021), I received a telephone call telling me that Mr Blakeley was on site again with the Lindores crane crew. I said that the crane crews return to work, but was told that they would not return to work until they had completed their training.

11. A short while after, I was informed that Mr Seiffert had also arrived on site and that he was escorting a Lindores worker from another project around the site. Nicholas Forde, IR Adviser, told me they were in the crib shed talking to the crane crew.

12. I then went to the crib shed to see what was happening because the visitors had arrived without following the entry protocol. When I entered in the crib shed, the discussion that had been going on in the room stopped.

13. I saw that the man with Mr Seiffert and Mr Blakeley in the crib was someone I knew to be Anthony Perrett. I recognized Mr. Perrett because I had met him at my daughter's

wedding in October 2009, he was a friend of my Son in law had been a member of the bridal party.

14. I was surprised to see Mr Perrett there because I hadn't seen him since the wedding,

15. I greeted Mr Perrett and asked how he was and what he was doing these days he informed me that he was currently working at Queens Wharf I asked him why he was here. He said that he was there with Mr Seiffert on union business. He did not give any further explanation as to what he was doing there.

16. I was asked to leave so the discussion with union members could continue. I then left the crib room.

17. I recall later being told by one of the crane operators on site that there had been an attempt in the meeting to have Mr Perrett elected as a delegate for the Roma Street site. I cannot remember the name of the worker who told me this. I was not given any more details. I regarded the circumstances as quite unusual, especially given Mr Perrett was not working on the CRR Project. This was the last time I had any contact with Mr Perrett and haven't seen him since that morning of the 15/10 20201

18. On 18 October 2021, I sent an email to Dominic Byrne, copied to Phil Robinson and Terry Prior, with the subject "*Issues with Lindores crane crew last week*". In that email, I set out my recollection of some of the relevant events from the 14th and 15th of October. My reference to "Bow" in that email is a reference to Mr Seiffert.

19. A copy of the email is at **pages 2 to 3** of the Bundle.

20. I have also been shown an email that Mr Forde sent to Mr Prior and Mr Marsen on 15 October 2021. The reference to "Lappo" is a reference to me.

21. A copy of the email is at **page 4 to 7** of the Bundle.

I affirm that the contents of this statement are true.

Signature [redacted]

Place: [redacted] Date: 18 / 09 / 26

Before me (signature of witness)

Marian Bassily

Full name of witness (please print)

☐ Justice of the Peace (JP No.)
☐ Notary public
☐ Lawyer
☑ Other authorised person (specify):

Pharmacist: Marian Bassily
AHPRA no: [redacted]
Signature [redacted]
Date: 18/9/2026

alliance PHARMACY
where local health matters

Good Health Pharmacy Watsonia
83 Watsonia Road Watsonia VIC 3087
Tel 03 9435 2904 Fax 03 9432 0502

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

Bundle of Documents to Statement of Gary Lappin

From: Prior, Terry [redacted]
Sent: Tue 19/10/2021 5:47:09 AM (UTC+10:00)
To: Forde, Nicholas [redacted]
Subject: LAPPIN VERSION - Issues with Lindores crane crew last week

FYI -

From: Lappin, Gary [redacted]
Sent: Monday, 18 October 2021 4:45 PM
To: Byrne, Dominic [redacted]
Cc: Robinson, Phill [redacted]; Prior, Terry [redacted]
Subject: Issues with Lindores crane crew last week

Dominic
Issues from Lindores crane crew last week Thursday 14/10 Raining in the morning all site crews were sitting in the sheds, Lindores had chosen to do some training with their crane crews, rain had stopped at 9.30 am I went into the shed to see what the crews were doing to find Andy Blakely in the crib shed with the crew and their company safety advisor going through this training. I informed him he cannot be on site and to come outside. I all so said to the crane crew it has stopped raining we need to return to work .
Blakely then issued a 117 stating he was onsite to follow up on wet weather procedures. He then wanted to go and look at the VT area asked me to remove the men from the excavation I told him I would not do this as we had a crane crew on site if required, he then asked the safety advisor to tell the men to come out which he did. Then went to underpinning work area where he told the Mulherin crew to leave site he then left site. Both X-cell Scaffolding and QPS left site even though it had stopped raining and their 4 hours was not up. When I returned to see the crane crew they as well had left site with no consultation with supervision Friday phone call at 6.00am saying Andy was on site again he was in with the Lindores crane crew I requested the crane crews to return to work they said they were not going to work until they had completed their training I had issues getting onto Lindores management to resolve this issue in the end they sent their safety advisor back to site to finish the training which was not required for them to be able to work, crews returned to work at 10.30 am. Two work safe officers arrived on site to check out the wet weather procedure.
Bow from the CFMEU had entered site illegally with another Lindores worker who they were trying to get elected as a delegate Anthony Perrit who works for Lindores at Queens Wharf I was told by Nick Ford they were in the crib shed talking to the crane crew. I then went and asked Bow what he doing and asked him to leave he said he was finished and left site.
We had a meeting with Lindores management and crew this morning to resolve these issues, it was agreed they would not leave site until correct consultation with the supervisors they report to .After the completion of this meeting Andy Blakely had entered the room and was sitting on a table , he asked me what was going on and I told him he should not be here and to leave
He said if we are having a meeting with his members he should be invited and left site
Rain event today I told one of the dogman to tell the operator to shut the crane down due to lightening at 2.30 pm went down to see the crew in the bottom of the ME when I returned to the surface I went to tell the crane crew they could go home as the rain time would have been up in 10 minutes they had all ready left site so much for the meeting we had only had 2 hours earlier

Regards

Gary Lappin

General Superintendent



Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia

T **M**

E [redacted]

From: Forde, Nicholas[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9A7B92FFFB5C49919C65084C890755BE-FORDE, NICH]
Sent: Fri 15/10/2021 4:08:10 PM (UTC+10:00)
To: Prior, Terry [redacted]
Cc: Marsden, Andrew [redacted]
Subject: FW: 15/10/21 CFMEU s117 ROE- Roma St-Station

Terry,

Marsden didn't see Beau in the crib room, as Marsden left with the WHSQ/Blakeley/Safety group to Roma St office. Beau and his appointed delo were found in the crib room by me and Lappo at around 9.25am. This is after Garry Bath, Lindore's Safety guy exited the room and told me that he had been kicked out.

I will get Marsden to update the below summary with additional detail / times on Monday.

Regards

Nicholas Forde
Senior IR Advisor

CROSSRIVERRAIL TUNNEL & STATIONS | CPB | bam | Ghella | UGL
Cross River Rail – Tunnels and Stations
CBGU D&C JV
91 Leopard Street, Woolloongabba, QLD 4102, Australia
T [redacted] M [redacted]
E [redacted]

From: Prior, Terry [redacted]
Sent: Friday, 15 October 2021 2:19 PM
[redacted]
Subject: RE: 15/10/21 CFMEU s117 ROE- Roma St-Station

Thanks Andrew. Can u add in detail (and time) when trainer left his training room and inside the other CFMEU organiser was discovered?

From: Marsden, Andrew [redacted]
Sent: Friday, 15 October 2021 1:45 PM
To: Forde, Nicholas [redacted]; Prior, Terry [redacted]
Subject: 15/10/21 CFMEU s117 ROE- Roma St-Station

Terry/Nick,

Notes below from today's s117 ROE at Roma St -STATION

- At 6:00 am I received a notification that Andrew Blakeley (AB) was at Roma Street Station, I advised Nick Forde.
- I walked to site and met Paul Head (Safety). Paul said he had a meeting to attend and Glen (Safety) would be available to deal with AB. I entered site at Gate 3 (M&E), AB was in the breezeway leaning on the barricading.
- I asked AB why is he onsite. His response was "*Safety issues*" I asked how did he enter site, his response was "*how'd you think I entered site?, there are gates isn't there?".* I asked if he had a s117 Notice and if so please provide it.
- At 6:11am AB gave me a s117 Notice. He also showed his state and federal permits.
- The s117 Notice stated "Safe Systems of Work" and "Inclement Weather Provisions" I instructed AB to wait until Gary Lappin arrives at site to deal with the issues. AB went to walk into the crib, I instructed AB to wait here and it's reasonable for him to wait here with me (ie. Not to enter go into the cribs). However AB said "*It's unreasonable to make me wait*" and entered the crib room where the workers were.
- Approx. 6:20 Glen (safety) arrived and asked what was going on, I provided him the s117 Notice.
- At approx. 6:35 Gary arrived, AB exited the crib and met Gary in the breezeway. AB was fired up and very emotional (more so than previous visits). AB was vocal towards Gary stating "*The guys can't work until their VOCs and refresher training is complete, you're a crane operator down because he resigned this morning due to the way you speak to him and the other blokes are jack of it too"* Gary effectively replied "*I haven't talked to the blokes [today] and when I do I don't speak to them in that way."*
- AB then said effectively "*your down an operator, the crane isn't operational and you can't have guys in the pit as you don't have a second exit per the ERT procedure*."
- At 6:38 am AB said he is calling in the department to deal with this and will wait until they arrive.
- A few minutes later AB then walked to the VT pit with Gary, Andrew Marsden and Glen followed.
- At approx. 6:57 we arrived at the VT pit. AB asked to review the ERT procedure. Glen pulled out the procedure, AB asked Glen to confirm the ERT requires a 2nd exit and that was the crane. Glen confirmed this. AB then asked Glen to pull out all the workers from the pit until there is a 2nd exit inline with the ERT procedure.
- 7:03 Glen went down and pulled workers out of the pit.
- AB has another heated conversation on the 2 exits required topic and claims he has

previously dealt with this issue 4 times on this site.

- At approx. 7:18 AB gets off the phone and informs Gary that Lindores will bring someone to site to complete the Lindores training.
- At 8:27 am WHSQ arrived, 2x inspectors requested to meet with AB in private.
- At 8:40 Lindores trainer (Garry Bath) arrived to deliver training. Gary stated the leftover (started yesterday) training would take approx. 30- 60 minutes to complete
- At approx. 8:45 Nick Forde arrives onsite.
- WHSQ went into the Lindores crib room and inspected all work licences. Then questioned the workers and Paul (Safety) to confirm all workers have been VOC'd. WHSQ confirmed the 2 operators didn't require the refresher training as it was completed in Jan and Feb this year.
- However WHSQ stated the Doggers should complete the training as its been a while since the previous training was completed. WHSQ added since the training will only take 30-60 minutes to complete it should be done now. WHSQ stated that however, if it was going to be the case the training was going to take another week to complete, than another method to completed the training should be looked at.
- WHSQ and AB, Nick Forde, Andrew Marsden and Paul Head moved to another crib to discuss the next issue "Inclement Weather Procedure"
- AB claims there is no Inclement Weather Procedure and the Severe Weather Procedure doesn't adequately address Inclement Weather events.
- AB claimed the a procedure needs to be formalised. WHSQ requested if there is a formal procedure in place. Paul confirmed a checklist is completed after a rain event with supervisors completing the checklist after every rain event.
- WHSQ requested to inspect checklists from last rain events. As the documents were back at Hershel St office, AB and WHSQ were escorted to the Hershel St office.
- WHSQ, AB, Paul and Andrew convey in a meeting room in Hershel St office. The ERT & Severe Weather Event Procedures provided to WHSQ. In addition the previous Wet Weather Tool box and Checklists were provided to WHSQ.
- Whilst in the meeting a rain event occurred.
- WHSQ took photos of all above mentioned documentation and advised they will email "*Farrends*" (Safety Lead) with recommendations that a Wet Weather Procedure be formalised either as a stand-alone Procedure or an amendment to the Severe Weather Procedure.
- WHSQ then requested to speak to the Project Mgr. Paul Head went and grabbed Mark Jones.
- Mark arrived, WHSQ introduce themselves and stated an issue occurred this morning

and they wanted to make the PM aware of the issue.

- The issue being the Lindores workers feel intimated by the Site Construction Mgr and the workers are fearful of retribution to raise any concerns they have onsite. (WHSQ didn't mention Gary's name)
- Mark said he was dealing with Lindores this morning and would address it. Mark then left.
- AB and WHSQ stated since there has been another rain event will go back to site to ensure the checklist have been completed.
- AB and WSQ returned to site, Gary Bath was outside the crib and confirmed the training had been completed. Gary then claimed the boys are upset that they don't completed a prestart in the mornings as they are required to start work at 6:00 with prestart at 6:30 am.
- Gary Lappen agreed that Lindores can now start at 6:30 and attend the prestart.
- Tony Moore, Gary Lawless and Greg Cornelius produced copies of their Checklists to WHSQ.
- WHSQ left site.
- AB remained onsite and went into the Lindores crib room. AB came out and requested safety and/or mgt to undertake a prestart for the guys so they can return to work.

The above is initial notes from today and I am happy to expand as needed.

Regards

Andrew Marsden

Senior IR Advisor -

CROSSRIVERRAIL TUNNEL & STATIONS | CPB | bam | Ghella | UGL

Cross River Rail – Tunnels and Stations

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33 Herschel Street, Brisbane City, QLD 4000, Australia

T [redacted] M [redacted]