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

WITNESS STATEMENT OF TERENCE PAUL PRIOR

I, Terence (Terry) Paul Prior, ER/IR Expert, WeBuild Group, Level 10, 825 Ann Street, Fortitude Valley, in the State of Queensland, affirm:

Background

1. I make this statement in response to notices 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. Subject to any qualifications that I specifically make in the body of this statement, I make this statement on the basis of my best recollection of events, aided were necessary by the contents of the documents in the Bundle.

4. I am currently the Industrial Relations Manager of Webuild Group.

5. Relevantly, for the purpose of this statement, I was formerly the Industrial Relations Manager of CPB Contractors Pty Ltd (**CPB**), working on the Cross River Rail (**CRR**) Project. On 10 October 2019, I commenced employment with CPB in relation to the CRR Project. I remained employed by CPB on the CRR Project until 6 June 2025.

6. I completed my employment with CPB / Cross River Rail Project on 6 June 2025, and upon departing the role I did not take any records or documents with me.

7. Also, because I presently have no ability to source and review any documents or records currently in the possession of CPB, the only reference point I have to any historical events are those I can recall from memory as well as what is contained within the Bundle, and therefore may be incomplete.

8. I have worked in the construction industry since 1973, commencing as an electrical trainee. In 1989, I commenced working in industrial relations in New Zealand and from 1996 worked in industrial relations roles in Australia and internationally.

9. My professional experience includes the following roles:

   (a) Industrial relations manager, at INPEX on its Liquefied Natural Gas (**LNG**) project in Darwin, known as Ichthys LNG.

   (b) Workforce Services Manager employed by Bechtel Australia Pty Ltd, working on LNG projects from March 2011.

   (c) Employed with Bechtel Australia Pty Ltd from 1996 to 2008, and against from 2010 to 2016.

   (d) I have also undertaken Industrial Relations Manager roles in West Africa, the Middle East and Europe.

10. My formal qualifications are:

(a) Bachelor of business;

(b) A post graduate diploma in organisational leadership; and

(c) An electrical trade certificate.

Role on Cross River Rail

11. As part of my role with CPB:

(a) My role was to establish and oversee the industrial relations systems, structures and processes for the Project.

(b) I managed the industrial relations team across the TSD part of the Project and was responsible for industrial relations matters arising across all TSD CRR Project sites. My team consisted of industrial relations personnel assigned to individual sites, and as part of their duties, they provided my with regular verbal, texts and brief written updates regarding industrial relations matters occurring on site.

(c) My role was to provide guidance to my team, and to elevate any issues to the respective senior team on the project.

12. I reported to the following individuals:

(a) Andrew Large, CBGU Project Director; and

(b) Christopher Butler, Shared Services Director of CPB.

13. The following individuals reported to me:

(a) Stewart Bramich, Senior Industrial Relations Advisor; Dec 2029 until September 2020);

(b) Tan Truong, Industrial Relations Advisor, CPB (March 2020 until October 2020);

(c) Michael O'Brien, Industrial Relations Adviser February 2023 – July 2025;

(d) Alicia Wood, Senior Industrial Relations Adviser employed by Ghella ANZ; approx.mid 2020 – July 2026;

(e) Jessica Allam, Shared Services Administrator / Industrial Relations Adviser, employed by Ghella ANZ; Jan 2021 – May 2026;

(f) Ben Loakes, Industrial Relations Advisor, employed by BAM; Dec 2022 – May 2026;

(g) Jonathan (Jonty) Lawrence Bekkers, Industrial Relations Advisor, employed by Ghella ANZ (May 2020 to September 2022);

(h) Sarah McGuire. Industrial Relations Advisor, Oct 2022 – Jan 2025;

(i) Andrew Marsden, Senior Industrial Relations Adviser, approx. Jan 2023 – April 2024;

(j) Nicholas Forde, Senior Industrial Relations Adviser, Feb 2021 – May 2022; and

(k) Lauren Mead, Industrial Relations Adviser, Dec 2020 – Sept 2021.

14. Each of my direct reports had responsibility for an allocated site on CRR. There were four primary sites, and two secondary sites and the direct reports would remain on site. I spoke to each of those personnel on a regular basis (usually daily) and as necessary they provided me with regular updates and reports regarding any industrial relations matters occurring on site. They would typically do this via text or email. I ultimately was still responsible for all sites.

15. As a consequence, much of my knowledge of day-to-day events on site was obtained from verbal conversations or text/email updates provided to me by industrial relations personnel, site management and other project personnel. I was generally based in the Milton project office and did not routinely work from individual construction sites.

16. Throughout the CRR project I met periodically with Kevin Mara of the Cross River Rail Delivery Authority (**CRRDA**). Those meetings generally occurred approximately monthly. The purpose of those meetings was to provide updates to him regarding industrial relations matters affecting the Project. My understanding was that Mr Mara also received information from Delivery Authority personnel who attended Project sites.

Instances of CFMEU conduct on the CRR Project

17. During my time on the Project, issues repeatedly arose concerning attempts by CFMEU organisers and officials to enter CRR sites under sections 81(3) and 117 of the WHS Act. CBGU adopted a consistent position that such entries were to be managed in accordance with legal advice obtained by the project. However, disputes frequently arose because the CFMEU and, on some occasions, Workplace Health and Safety Queensland (**WHSQ**) appeared to take a different view as to the circumstances in which union officials were entitled to enter project sites.

18. The required process when an organiser sought access was to view the Federal Permit and the State WHS permit, followed by trying to understand what their concern was.

19. Based on my experience in the construction industry, I have observed that industrial activity often increases during periods of enterprise bargaining or when enterprise agreements are approaching expiry.

20. In my opinion, the CFMEU organisers targeted the Project because they objected to the Project having an AWU Enterprise Agreement.

21. Another factor that distinguished the CRR Project from other projects I had worked on was its location in central Brisbane. Unlike regional or remote projects, union officials and organisers were able to attend project sites quickly and frequently, which resulted in regular interactions between project personnel and union representatives.

22. Throughout my involvement with the CRR Project, I was informed of numerous incidents involving CFMEU organisers and officials. Those incidents included disputed and unauthorised site entries, refusals to comply with site access requirements, interference with project operations, confrontations with project personnel, and other industrial activity affecting the Project. The incidents set out below are examples of matters that were reported to me during the course of my involvement with the CRR

Project. They are not intended to be an exhaustive account of every incident of which I became aware.

Incident on 2 April 2020 – Roma Street

23. On 2 April 2020, I received an email from Mr Bramich concerning a right of entry exercised by CFMEU officials Beau Seiffert, Shaun Desmond and Michael Ravbar at the Roma Street site.

24. According to the email, the officials attended under notices issued pursuant to section 117 of the *Work Health and Safety Act 2011* (Qld) (**WH&S Act**), initially raising concerns about access to the tunnels area and the adequacy of handwashing and hand sanitising facilities in the context of the emerging COVID-19 pandemic. Mr Ravbar noted how important it was for the company to have hand sanitiser. After he said this, the Health and Safety Representatives (**HSR**s) commented that "*the guys on site don't have a problem as they know its hard to get*". The site was stood down for approximately four hours due to hand sanitiser and the union representatives proceeded to hold an unauthorised 1.5-hour meeting with the workforce of two subcontractors.

25. The email from Mr Bramich dated 2 April 2020 is **Annexure TPP-1, pages 2 to 4.** A photograph of the members standing around and was annexed to the email is **TPP-2, page 5.**

Incident on 15 April 2020 – Boggo Road

26. I am aware of events that occurred on 15 April 2020, concerning a right of entry exercised by CFMEU officials Andrew Blakeley and Luke Gibson at Boggo Road.

27. The events are recorded in *ABCC v CFMMEU (Boggo Road Cross River Rail Case)* [2022] FedCFamC2G 574 and *Construction, Forestry, Maritime, Mining and Energy Union v Fair Work Ombudsman (Boggo Road Cross River Rail Case)* [2023] FCA 507.

Incident on 16 June 2020 – Roma Street

28. On 16 June 2020, I received an email from Mr Bramich concerning an attempted site entry by CFMEU officials Scott Vink and Mike Davies at the Roma Street Tunnels site.

29. According to the email, the CFMEU officials attended the site and sought access to the tunnels area under section 81(3) of the WHS Act, stating that they had received complaints concerning emergency access, access and egress, and signage. Site management advised that they were unaware of any unresolved safety issues and declined to permit the officials to enter the site. The CFMEU officials then contacted Workplace Health and Safety Queensland (**WHSQ**), following which two WHSQ inspectors attended the site. After discussions between site management, the CFMEU officials and the WHSQ inspectors, the inspectors advised that they would permit the CFMEU officials to accompany them onto the site notwithstanding the position taken by project management. Site management maintained that the CFMEU officials were entering the site without the permission of the project. Mr Davies started filming and laughing saying the IR was giving orders to WHSQ. The WHSQ inspectors subsequently conducted an inspection of the tunnels area accompanied by the CFMEU officials and ultimately advised that the concerns raised by the CFMEU officials were not substantiated.

30. A copy of the email sent from Mr Bramich on 16 June 2020 is **Annexure TPP-3, pages 6 to 8.**

Incident on 17 June 2020 – Boggo Road

31. On 17 June 2020, I am aware of a chronology prepared by Mr Bekkers concerning the attendance of CFMEU organisers Mr Davies and Mr Vink at the Boggo Road Tunnels.

32. According to the chronology, the CFMEU organisers sought entry to investigate alleged safety disputes. When requested, the organisers refused to produce Fair Work or WHS entry permits, asserting that they were attending not as union officials but as representatives of a worker under section 81(3) of the WHS Act. The organisers left the site and waited for WHSQ inspectors to attend. Following discussions between the inspectors, project representatives and the CFMEU organisers, the WHSQ inspectors took the view that they would accompany the CFMEU organisers onto the site, notwithstanding that project management maintained the organisers' entry was not authorised and requested, unsuccessfully, that any direction by WHSQ be provided in writing. WHSQ inspectors refused to put the direction in writing.

33. During the subsequent site inspection, the organisers inspected various work areas, questioned workers and subcontractors about safety matters, and raised issues concerning chemical storage, traffic management and access arrangements.

34. The chronology also records several confrontational interactions during the inspection, including the organisers making disparaging remarks to project personnel, refusing reasonable directions concerning vehicle movements, and a traffic controller becoming distressed after being questioned by the organisers and WHSQ inspectors.

35. A copy of the chronology written by Mr Bekkers dated 17 June 2020 is **Annexure TPP-4, page 9 to 12.**.A copy of the visitor sign in for 17 June 2020 is **Annexure TPP-5 page 13.**

Incident on 18 June 2020 – Woolloongabba (Gabba)

36. On 18 June 2020, I received an email from David Fowler concerning two CFMEU organisers seeking entry to the Gabba site. I later found out the CFMEU organisers were Mr Davies and Mr Vink.

37. According to the email, CFMEU officials attended the site and sought access under section 81(3) of WHS Act. Site management requested particulars of the alleged concerns and advised that it was not aware of any unresolved safety issues. The CFMEU officials declined to provide further detail and contacted WHSQ. WHSQ inspectors attended the site and advised that they intended to conduct an inspection accompanied by the CFMEU officials. Project representatives maintained that the CFMEU officials were not being granted access by the project and requested that any direction requiring access be provided in writing. WHSQ declined to provide a written direction but proceeded with the inspection, accompanied by the CFMEU officials. The email indicates that a number of relatively minor issues were raised during the inspection, including matters relating to PPE, amenities and chemical storage, many of which were addressed while the inspection was underway.

38. The email from Mr Fowler on 18 June 2020 is **Annexure TPP-6, pages 14 to 16.**

Incident on 22 June 2020 – Albert Street

39. On 22 June 2020, I received an email report from Mr Bramich concerning the attendance of two WHSQ inspectors, John Azure and Lewis Cash, and two CFMEU officials, Justine Steel and Kurt Pauls, at the Albert Street site.

40. According to the email, the CFMEU officials sought entry under section 81(3) of the WHS Act, citing concerns relating to scaffolding, access and egress, chemical storage and the chemical register. Site management advised that it was unaware of any unresolved safety issues and refused to permit the officials to enter the work area. The WHSQ inspectors took the position that a dispute existed between CPB and the CFMEU regarding entry and directed that the officials be permitted to enter the site. Project representatives requested that any such direction be provided in writing, however the inspectors declined to do so. The inspectors subsequently escorted the CFMEU officials onto the site. The CFMEU officials were not permitted to sign the site's visitor register or complete the site's COVID-19 induction documentation because the project did not recognise their entry as authorised. The officials, accompanied by the WHSQ inspectors, inspected various parts of the site, including chemical storage areas, emergency access arrangements and scaffolding, before leaving the site later that afternoon.

41. A copy of the email from Mr Bramich on 22 June 2020 is **Annexure TPP-7 pages 17 to 18.**

42. I also received a summary of the incident from Mr Truong on 23 June 2020 which is **Annexure TPP-8, pages 19 to 21.**

43. Following this incident, I am aware that CFMEU uploaded a statement to their Facebook page making defamatory comments about a Health and Safety advisor. This led to defamation proceedings in the Queensland District Court. A copy of the Facebook statement dated 8 July 2020 is **Annexure TPP-9, page 22.**

Incident on 16 August 2021 – Roma Street

44. I received an email from Teresa Henderson, the CRR Project Communication Manager, on 16 August 2021 stating that CFMEU organisers were handing out flyers at Roma Street that day. A copy of the email attaching the photograph of the flyer is **Annexure TPP-10, pages 23 to 25.**

45. This was part of an industrial campaign across the surface works of the CRR Project.

Incident on 31 August 2021 – Boggo Road

46. On 31 August 2021, I received reports from Mr Forde and Ms Wood concerning an attempted entry by CFMEU organisers Mr Pauls and Mr Davies at the Boggo Road Stations site under section 81(3) of the WHS Act.

47. According to those reports, the CFMEU organisers sought access to the site to investigate alleged safety issues relating to plant maintenance, falls from heights, hazardous chemicals and access and egress. Project representatives requested that the organisers produce Federal right of entry permits. The organisers declined, maintaining that they did not require Federal permits to exercise rights under section 81(3). Project management refused access on the basis that the CFMEU organisers were not Federal permit holders, relying on a recent High Court decision which, in CBGU's view, required Federal permits to exercise State work health and safety entry rights. WHSQ inspectors subsequently attended the site, discussed the alleged safety issues with both parties and undertook an inspection of the site without the organisers.

48. During the inspection, WHSQ identified inadequate trench barricading and later issued an infringement notice in relation to that issue. While truck movements were occurring later that morning, the CFMEU organisers entered the site through an opened truck gate without CBGU's authorisation. Project representatives repeatedly advised that their entry was unauthorised and directed them to leave, maintaining their position that the organisers could not lawfully exercise section 81(3) rights without Federal permits. WHSQ later returned to the site and advised that, although it considered the CFMEU organisers could represent workers under section 81(3), it could not compel CBGU to escort them onto the site. The CFMEU organisers ultimately departed the site.

49. A copy of the email sent from Ms Wood on 31 August 2021, 3:09pm is **Annexure TPP-11, pages 26 to 27.** The summary notes of Mr Forde are **Annexure TPP-12 pages 28 to 33.**

50. Photographs of the CFMEU officials standing at Boggo Road on 31 August 2020 is **Annexure TPP-13, pages 33 to 24.**

Incident on 7 September 2021 – Roma Street

51. I received an email from Ms Henderson on 7 September 2021 being notified that CFMEU representatives were handing out pamphlets outside the Roma Street site. A copy of the pamphlet is **Annexure TPP-14, pages 36 to 37.**

Incident on 14 October 2021 – Boggo Road

52. On 14 October 2021, I received an email from Ms Wood concerning an unauthorised right of entry incident at the Railway Terrace site within the Boggo Road South Precinct by CFMEU organiser Mr Blakeley.

53. According to the email, Mr Blakeley entered the site at approximately 6:47am through the J2 truck gate before any site management personnel were aware of his presence. Mr Blakeley proceeded unescorted to the crib rooms where he briefly spoke with workers about their wet weather arrangements. He was later located by the Site Superintendent, Phil McInerney, who requested that he leave the site. Mr Blakeley refused and instead produced a notice issued under section 117 of the WHS Act. Mr Blakeley remained in the crib rooms before eventually agreeing to leave the site. As he exited, he raised concerns about a flooded pedestrian walkway, to which site management explained that an alternative access route had been implemented. The report notes that Mr Blakeley remained on site for approximately 10 minutes without being escorted and that his entry permits were not checked. Mr Blakeley left the site at approximately 7:05am.

54. A copy of the email from Ms Wood is **Annexure TPP-15, pages 38 to 39.** The video of Mr Blakeley entering the site is **Annexure TPP-16**. A video of Mr Blakeley walking around on site is **Annexure TPP-17.**

Incident on 14 October 2021 – Roma Street

55. On 14 October 2021, I received an email by Mr Marsden concerning a right of entry exercised by CFMEU organiser Mr Blakeley at the Roma Street Station site.

56. According to the email, at approximately 9:30am, Mr Blakeley entered the site by driving through the vehicle entrance without stopping at the gate or notifying site management of his arrival. He proceeded to the mechanical and electrical crib rooms where he spoke with workers before being located by project personnel. When

challenged, Mr Blakeley asserted that he was entitled to be on site because of serious safety concerns and subsequently produced a notice issued under section 117 of the WHS Act, together with his State and Federal entry permits when requested. The stated purpose of the entry concerned inclement weather arrangements and access to amenities. Mr Blakeley was then escorted around the site, including to an underpinning work area where he spoke with workers about whether work would continue in wet weather. Before departing, he indicated there were matters requiring attention and that he intended to return to the site the next day. Following the incident, project management reviewed how Mr Blakeley had been able to drive onto the site without authorisation and directed that the boom gate remain closed to prevent similar unauthorised entries in the future.

57. A copy of the email from Mr Marsden dated 14 October 2021, 1:03pm is **Annexure TPP-18, pages 40 to 41.**

Incidents on 15 October 2021 – Roma Street

58. On 15 October 2021, I received an email from Mr Marsden concerning a further right of entry exercised by CFMEU organiser Mr Blakeley at the Roma Street Station site.

59. According to the email, Mr Blakeley attended the site at approximately 6:00am and produced a notice under section 117 of the WHS Act, citing concerns relating to safe systems of work and inclement weather procedures. Despite being requested to remain in the breezeway until site management arrived, Mr Blakeley entered the crib room to speak with workers. Following the arrival of site management, Mr Blakeley raised concerns that workers were performing work without current verification of competency (VOC) training, that the site was operating without a second emergency exit due to the unavailability of a crane operator, and that workers should be withdrawn from the pit.

60. After reviewing the emergency response procedures, project safety personnel directed workers to leave the pit pending further assessment. WHSQ inspectors subsequently attended the site, reviewed worker competencies and accepted that crane operators held current qualifications, although they recommended refresher training for doggers. WHSQ inspectors also reviewed the project's inclement weather procedures and recommended that the project formalise its wet weather process into a dedicated procedure or amend its existing severe weather procedure. During the inspection, WHSQ raised concerns that workers had reported feeling intimidated when raising safety issues. Following further discussions, the project agreed to adjust pre-start arrangements for certain subcontractor employees and Mr Blakeley departed the site after requesting that a pre-start meeting be conducted before work resumed.

61. A copy of the email from Mr Marsden on 15 October 2021 at 1:45pm is **Annexure TPP-19, pages 42 to 45.**

62. Later that day, I received a further update from Mr Forde concerning events at the Roma Street Station site. Mr Forde advised that, after Mr Blakeley had left the Lindores crib room with, two other CFMEU representatives, Mr Seiffert (CFMEU organiser) and Anthony Perrett (associated with the CFMEU) were discovered inside the Lindores crib room at approximately 9:25am.

63. According to Mr Forde, Garry Bath, the Lindores safety trainer, had been asked to leave the room before Mr Seiffert and Mr Perrett were located by Mr Forde and Site Superintendent, Gary Lappin. Mr Forde noted that this incident had not been captured in Mr Marsden's earlier summary and requested that it be incorporated into the project

records. Mr Seiffert and Mr Perrett had entered the site with another Lindores worker and did not comply with the site entry requirements and proceeded unescorted to the crib room. Once in the crib room, the ejected Mr Bath and started speaking to the workers, in an endeavour to have them elect Mr Perrett as their union delegate. Mr Perrett worked for Lindores at Queens Wharf.

64. A copy of the email from Mr Forde on 15 October 2021 at 4:08pm is **Annexure TPP-20, pages 46 to 49.**

Incident on 18 October 2021 – Roma Street

65. On 18 October 2021, I received three separate reports from Mr Marsden, Mark Jones and Mr Forde concerning an unauthorised attendance by CFMEU organiser Mr Blakeley at the Roma Street Station site.

66. According to the reports, a meeting was being held between CBGU management and representatives of Lindores Logistics to discuss ongoing site issues, pre-start arrangements, communications and wet weather processes. During the meeting, Mr Blakeley entered the crib room through a rear entrance and sat down without notifying site management. Mr Jones and Site Superintendent, Mr Lappin did not become aware of Mr Blakeley's presence for approximately five minutes. When asked by Mr Lappin why he was in the room and directed to leave, Mr Blakeley refused. Nick Forde also requested that Mr Blakeley leave the meeting, however he again refused. Mr Blakeley remained in the room for a further period while the meeting continued before eventually leaving the site. As he departed, project personnel followed him and requested that he produce his right of entry permit, which he did. As Mr Blakeley exited the site, Mr Forde challenged Mr Blakeley about how he had gained access to the site. Mr Blakeley responded that he had entered using a swipe card. It was suspected that one of the Lindores employees had informed Mr Blakeley that the meeting was taking place.

67. A copy of the email sent from Mr Forde on 18 October 2021, 4:07pm is **Annexure TPP-21, pages 50 to 51.**

68. A copy of an email from Mr Jones dated 18 October 2021, 4:55pm is **Annexure TPP-22, pages 52 to 53.**

69. A copy of an email from Mr Marsden on 18 October 2021 4:11pm is **Annexure TPP-23, pages 54 to 55.**

Incident on 20 October 2021 – Gabba

70. On 20 October 2021, I received an email from Mr Forde concerning an unauthorised attendance by CFMEU organiser Mr Blakeley at the Gabba Station site.

71. According to the report, Mr Blakeley entered the site on foot through the Leopard Street truck entrance and attended the crib room where he was speaking with members of the Titan crane crew. Mr Forde was notified by a Traffic Controller who told Mr Blakeley that he couldn't enter but was ignored. Mr Blakeley proceeded unescorted to the crib room where project personnel advised Mr Blakeley that his access was unauthorised and requested that he leave the site and comply with the project's entry procedures. Mr Blakeley rejected that position, maintained that his attendance was lawful and indicated that any dispute should be referred to the Queensland Industrial Relations Commission. He then proceeded to inspect the site raising concerns about access ways, lighting, standing water and drinking water. During the inspection, Mr Blakeley directed that steel fixing work cease until additional access arrangements were

installed. Although project management considered that the work area had already been assessed as safe additional access measures were implemented.

72. Before leaving the site, Mr Blakeley attended the Heinrich site office (a subcontractor) and sought to direct changes to office seating arrangements so that a CFMEU representative could be accommodated within the office. Project management rejected the suggestion that the CFMEU representative be provided with a separate office. Mr Blakeley departed the site at approximately 8:45am.

73. A copy of the email from Mr Forde dated 20 October 2021, 10:00am is **Annexure TPP-24, page 56 to 58.** A copy of the summary attached to the email is **Annexure TPP-25, pages 59 to 63.**

74. Video footage of Mr Blakeley walking into the site through the Leopard Street truck entrance is **Annexure TPP-26.**

Incident on 21 October 2021 – Gabba

75. I am aware of an incident on 21 October 2021 where Mr Blakeley and Mr Seiffert entered the Gabba site by walking on foot through a truck exit gate, without announcing their arrival or completing the entry requirements. A video of the entry is **Annexure TPP-27.**

Incident on 28 October 2021 – Roma Street

76. On 28 October 2021, I received a report from Mr Marsden concerning a further unauthorised attendance by CFMEU organiser Mr Blakeley and another CFMEU representative identified as Magnus Pare at the Roma Street Station site.

77. According to the report, the two men entered the site through Gate 4 without notifying project management or following the site's established right of entry procedures. Project personnel repeatedly advised Mr Blakeley that his entry was unlawful, directed both men to leave the site, and explained that they were required to remain outside the site until project representatives had verified their permits and authorised their entry. Mr Blakeley rejected those directions, asserted that he was attending under a notice issued pursuant to section 117 of the WHS Act and refused to leave. Mr Blakeley and Mr Pare proceeded to inspect various work areas, including the mechanical and electrical pit, the VT pit and the underpinning area, where they spoke with workers despite repeated directions to leave. As they departed, Mr Blakeley attempted to hand Mr Marsden a copy of the section 117 notice. When Mr Marsden declined to accept it, Mr Blakeley attempted to place the paperwork down the front of Mr Marsden's shirt, prompting Mr Marsden to tell him not to touch him and to move out of his personal space. Mr Blakeley then left a copy of the paperwork at the crib area before both representatives departed the site.

78. Andrew provided his account of the interaction stating:

> Blakeley: *Here you go Andrew* [handing what appeared to be a folded section 117 notice]
>
> Marsden: *I'm not accepting that.*
>
> Blakeley moved closer to Marsden and tried to shove the paper down his shirt. Marsden's back was up against a barricade and he couldn't step any further back.

Marsden: *Don't touch me, I don't want it.*

Blakeley kept trying to shove the paperwork down Marsden's shirt. Marsden swatted his hands away. As Marsden swatted his hands away, Blakeley grabbed Marsden's wrist.

Marsden: *Don't touch me, Andy don't touch me, I don't want it. Step back* [x4].

Stop it and exit now.

Blakeley: *It's a bit of paper take it.*

Marsden: *No, exit now* [repeated a few times].

Blakeley: *Stop talking to me like a dog.*

Marsden: *You can stop intimidating me and forcing paperwork down my shirt, leave now.*

Blakeley: *Who do you think you are?.*

Marsden: *I am a guy that doesn't want to be intimidated by you, that's who I am and leave now.*

[Blakeley held the paperwork up to Marsden's face for a while.]

Marsden: *I'm not taking it's been an unlawful entry to site and you need to leave.*

Blakeley: *We got a bit of time* [and continued to hold up the paperwork]

Marsden: *I'm not taking the paperwork. You failed to follow access requirements, and you can leave now.*

Blakeley: *It's illegal for you not to take it.*

Marsden: *I'm not taking it.*

Blakeley: *You just spat on me.*

Marsden: *No, I didn't Andy, get out of my personal space, I can't move back, you have been forceful with me.*

Blakeley and Marsden were then told to get out of the way of trucks.

79. Mr Marsden reported that the incident left him feeling degraded, demeaned, intimated, and fearful. A copy of the email from Andrew Marsden on 28 October 2021 at 9:09am is **Annexure TPP-28, pages 64 to 67.**

80. On the same day, I also received reports from Mr Lappin, the General Superintendent and Paul Head, Senior Safety Advisor concerning the same incident at the Roma Street Station site. A copy of the email from Mr Lappin on 28 October 2021, 1:17pm is **Annexure TPP-29, page 68.** The email from Paul Head on 28 October 2021, 9:10am is **Annexure TPP-30, pages 69 to 70.**

Incident concerning AWU in June 2023 – Gabba

81. On 21 June 2023, I received an email from Kurt Neumann, the Southern State Secretary of The Australian Workers' Union (**AWU**) Qld raising concerns with me regarding the treatment of AWU organisers by CFMEU representatives on the Gabba site. AWU organisers had been harassed and assaulted on their way to their cars.

82. On a later date, I attended a meeting at the AWU offices in Brisbane following those concerns being raised. During that meeting, AWU representatives expressed concerns regarding the conduct of CFMEU representatives towards AWU officials who had attended Project sites.

83. Email by Kurt Neumann dated 21 June 2023 complaining of CFMEU behaviour towards AWU organisers is **Annexure TPP-31, page 71.**

Incidents following scaffolding incident in July 2023

84. On 25 July 2023, an employee of a subcontractor at the Boggo Road site fell from scaffolding and sustained injuries. Following that incident, I became aware of reports that CFMEU representatives attended various CRR Project sites and prevented or restricted access to those sites. I was informed that, at some locations, chains and locks had been placed on gates and CFMEU representatives were positioned at site entrances.

<u>The Gabba</u>

85. During this period, I received photographs through the CRR WhatsApp group showing access issues at the Gabba site.

86. Photographs of gates locked at the Gabba site on 28 July 2023 are **Annexure TPP-32, pages 72 to 75.**

87. Photographs showing CFMEU representatives positioned near the gates at the Gabba and Boggo Road sites on 27 and 28 July 2023 are **Annexure TPP-33, pages 76 to 77.**

<u>Northern Portal</u>

88. I am aware of reports made by Peter Bennett concerning events that occurred at the Northern Portal site between 26 and 28 July 2023.

89. According to Mr Bennett, on 26 July 2023, he and Shane Rasmussen were approached by two CFMEU officials at the pre-start area at approximately 5:30am and told words to the effect of "*no one will be going to work today*". Mr Bennett reported that all blue-collar workers left the site by approximately 6:00am and no workers signed on for the day.

90. On 27 July 2023, Mr Bennett reported that he arrived at the Northern Portal front gates at approximately 5:30am and observed approximately 25 to 35 CFMEU and ETU officials and other persons picketing the entrance. According to Mr Bennett, chains and locks had been placed on the gates and personnel were unable to access the site through that entrance. Mr Bennett reported that he opened an alternative gate to allow some white-collar workers to enter and perform work. During the day, persons outside the site yelled words to the effect of "*you're going to have blood on your hands*". Mr

Bennett also reported that rocks were thrown over the fence, including towards Mr Rasmussen's motorbike, Mr Bennett's vehicle and office buildings.

91. On 28 July 2023, Mr Bennett reported that CFMEU and ETU officials and other persons again attended the front gates and prevented access to the site. Mr Bennett was subsequently informed by Jayce Emmerton, an AWU delegate, that threats had allegedly been made that there would be "*bloodshed*" if Mr Bennett and Mr Rasmussen allowed works to continue. Mr Bennett was also informed that persons at the gate had recorded worker number plates, including those belonging to himself and Mr Rasmussen, and had threatened to follow people home.

92. Mr Bennett was informed that some persons at the gate were wearing balaclavas and allegedly carrying weapons. After becoming aware of those allegations, Mr Bennett and Mr Rasmussen escalated the matter to Jamey Purvis. After speaking with Mr Emerton regarding the reported threats and intimidation, Mr Purvis directed personnel to leave the site and advised Mr Bennett and Mr Rasmussen to work from home until further notice.

93. A copy of the email that Mr Bennett sent to Mr Purvis, and which I received a copy of, is **Annexure TPP-34, pages 78 to 79.**

94. I regarded the allegations reported by Mr Bennett as serious. My recollection is that inquiries were undertaken to determine whether there was evidence available to substantiate those allegations however, I do not recall any tangible evidence being identified which could substantiated the allegations concerning weapons.

Safety Reset Meeting

95. Following the scaffolding incident and the events described above, a meeting occurred involving senior project personnel and union representatives. I was aware of the meeting, however I did not personally attend.

96. My understanding was that the meeting was convened to discuss the continuation of works following the scaffolding incident and to address broader issues that had arisen between the parties. I subsequently became aware that, during or following those discussions, proposals were advanced concerning the appointment of additional health and safety representatives on the Project.

Protected Action Ballots and Industrial Action – April and May 2024

97. By way of background, the CRR Project is comprised of three major packages of work: the Tunnel, Station and Development (**TSD Works**) Package; the Rail, Integration and Systems (**RIS Works**) Package; and the European Train Control System contract.

98. CPB employs individuals to perform work:

    (a) In relation to the TSD Works of which I was the Industrial Relations Manager:

        (i) pursuant to the *CPB Contractors Pty Ltd Cross River Rail – Tunnel and Shaft Greenfields Agreement 2019 – 2023* (**Tunnel Agreement**); and

        (ii) pursuant to the *CPB Contractors Pty Ltd Cross River Rail – Civil and Surface Works Greenfields Agreement 2019 – 2023* (**Surface Works Agreement**).

(b) In relation to the RIS Works, pursuant to the Surface Works Agreement. I had no responsibility for the RIS work.

99. AWU had the ability to represent the industrial interests of the majority of employees who will be covered by the Surface Works Agreement and the Tunnel Agreement.

100. The Tunnel Agreement and the Surface Works Agreement had a nominal expiry of 15 October 2023. Bargaining commenced on 9 December 2023 for a new enterprise agreement with bargaining representatives, namely CFMEU and AWU. Bargaining meetings occurred between 9 December 2023 and 6 March 2024.

101. On 25 March 2024, CFMEU filed applications for protected action ballot orders which were allowed. The ballots would open on 8 April 2024 and close on 12 April 2024. The questions on the ballot were:

> *In support of reaching an enterprise agreement with you employer, do you authorise the taking of protected industrial action against your employer separately, concurrently and/or consecutively, in the form of:*
>
> 1. *An unlimited number of stoppages of work, including consecutive stoppages of work of one (1) hour in duration?*
> 2. *An unlimited number of stoppages of work, including consecutive stoppages of work of two (2) hour in duration?*
> 3. *An unlimited number of stoppages of work, including consecutive stoppages of work of four (4) hour in duration?*
> 4. *An unlimited number of stoppages of work, including consecutive stoppages of work of six (6) hour in duration?*
> 5. *An unlimited number of stoppages of work, including consecutive stoppages of work of eight (8) hour in duration?*
> 6. *An unlimited number of stoppages of work, including consecutive stoppages of work of twelve (12) hour in duration?*
> 7. *An unlimited number of stoppages of work, including consecutive stoppages of work of twenty-four (24) hour in duration?*
> 8. *An unlimited number of indefinite or periodic bans on the performance of overtime, except in the case of emergencies, by all or part of the workforce (Overtime Ban)?*
> 9. *An indefinite or periodic ban on paperwork (other than regulator or safety related paperwork)?*
> 10. *An indefinite or periodic ban on the use of technology including (but not limited to) phones, computers, tablet computers, radios, fax machines and the like.*

102. A copy of the order is **Annexure TPP-35, pages 80 to 86.**

103. On 11 April 2024, a number of employees of CPB reported being subjected to inappropriate and unlawful conduct. They stated that they had been approached by

delegates of the CFMEU on multiple occasions, and during those occasions the delegates had sought to make sure the employees voted "yes" to all questions in the protected action ballot.

Urgent interim injunction on 12 April 2024

104. On 12 April 2024, in response to several CPB employees expressing concerns that they had been subjected to unlawful interference, intimidation and threats while seeking to exercise their legal right to vote freely and secretly in the Protected Action Ballots, CPB commenced proceedings in the Federal Court of Australia. The Federal Court made an urgent interim injunction that CFMEU be restrained from taking further steps or completing the protected action ballots. A copy of the court order is **Annexure TPP-36, pages 87 to 88.**

Psychosocial Hazard Risk Assessment on 14 April 2024

105. On or around 14 April 2024, I was made aware that CPB undertook a work health and safety Psychosocial Hazard Risk Assessment in relation to the reports by employees. A copy of the psychosocial hazard risk assessment is **Annexure TPP-37, page 89.**

106. As a result of the Psychosocial Hazard Risk Assessment, CPB sent a communication to all 5 Unions relevant to the CRR Projects (AWU, CFMEU, AMWU, CEPU and ETU). The letter to Jade Ingham dated 14 April 2024 is **Annexure TPP-38, page 90.**

107. The purpose of the letter was to notify the unions of the updated WH&S controls in relation to entry to CPB controlled premises and workplaces across the CRR Project, which were effective immediately. The update included:

(a) Any general licence to enter CRR Project workplaces has been withdrawn. Only those persons with a valid entry permit will be permitted to enter;

(b) Any person (including a person purporting to exercise a lawful right of entry) will be required to immediately remove themselves from our workplaces if they engage in any conduct that places a CPB employee (and / or any other person lawfully on our workplaces) at risk to their health or safety; and

(c) Any person who is not able to, or declines to provide evidence of their identity, will not be permitted to enter any CPB workplace.

108. CPB across both CRR TSD and RIS Project commenced education of staff teams regarding the access protocols covering the communication to the 5 unions.

Interlocutory application on 19 April 2024

109. The interlocutory application filed on 12 April 2024 was dismissed on 19 April 2024, chiefly due to the evidence of CPB with comprised statements by authors who did not wish to provide their names for fear of retribution from CFMEU.

110. Following the dismissal of the interlocutory application, the results of the ballot conducted on 12 April 2024 were published. The results were that 152 employees of CPB were eligible to participate in Protected Industrial Action. This compares to the blue-collar workforce of approximately 1,700 that are expected to work on the CRR Project each day.

111. On 22 April 2024, I became aware of CFMEU's intention to take industrial action in relation to the TSD and RIS Agreement from 12:00am on 30 April 2024 11:00pm on 2 May 2024.

Incident on 30 April 2024 – Gabba, Albert Street, Rocklea, RNA, Roma Street

112. On 30 April 2024, the CFMEU intended to commence protected industrial action. At approximately 4:00am on 30 April 2024, I started to receive reports that individuals had attended CRR project sites and had:

(a) Applied chains to gates and turnstiles such that access to and egress from the site was prevented;

(b) Applied padlocks to gate and turnstiles such that access to and egress from the site was prevented;

(c) Placed themselves within the gate or turnstile such that access to and egress from the site was prevented; and

(d) Placed vehicles in front of vehicle access in such a manner as to prevent vehicular access to the site.

113. An affidavit, sworn by me on 1 May 2024, outlining the events on 30 April 2024, and detailing the CCTV capturing the conduct is **Annexure TPP-39, pages 91 to 100.**

114. The effect of the CFMEU's actions was to put an entire stop to all work at the CRR sites. It therefore went further than the protected action which covered only CFMEU employees; a small proportion of those working at the sites. Non-CFMEU workers and subcontractors were unable to work and earn remuneration.

Dutton Park brawl on 1 May 2024

115. On 1 May 2024, I became aware of a group of workers attempting to access the Dutton Park site. The group of workers were confronted with a group of CFMEU members who told the workers to "*not cross the fucking picket line*". A brawl subsequently broke out as workers attempted to cross the picket line.

116. This incident was part of the RIS works which I was not involved with.

Urgent injunction on 1 May 2024

117. On 1 May 2024, it was ordered that the CFMEU and other named respondents be prohibited from physically obstructing entry points on CRR project sites and prohibited from abusing, threatening, harassing or intimidating any person entering a CRR Project site. A copy of the order is **Annexure TPP-40, pages 101 to 104.**

118. On 2 May 2024, members of the CRR Project management team cut away the chains and padlocks from the TSD CRR project site entrances and from about 6:00am workers could freely enter the sites.

119. The picketing on CRR sites continued until 3 May 2024.

Between 2 May 2024 and 15 July 2024

120. In the period from about 2 May to 15 July 2024, enterprise agreement negotiations between the CPB and the CFMEU resumed for the TSD and separately for RIS Works

and CRR Project workers returned to work. This meant that there was effectively a "truce" in the industrial action.

121. On 10 July 2024, CPB received correspondence that CFMEU would engage in protected industrial action between 16 – 19 and 22 July 2024. The number of CPB employees who could legitimately engage in protected industrial action was approximately 153 workers compared to the significant contractor workforce which ranges between 1500 to 2000 each day.

Incident on 16 July 2024 – Albert Street

122. On 16 July 2024, I received several reports by site personnel concerning events that occurred at Albert Street:

123. According to Ms Wood, at approximately 4:40am some items were dropped off at the Lot 1 entrance to Albert Street Precinct site. These supplies included a BBQ, shade covers and Eskys. From this time on, Ms Wood started receiving reports that electrical workers from the site were being turned away by CFMEU officials at the site entries, with workers being told that the "*Site is closed*" and "*Do not cross the picket line*".

124. Dylan Howard was observed outside the site gates. Mr Howard is known to be employed by the CFMEU.

125. At approximately 5:20am, supervisory and safety workers sought to enter the site. Persons from the picket started filming these workers on their phones, and members of the picket line directed chants and comments to these workers saying, "*We are doing this for our children*", and "*Never cross a picket line*". These same workers were called "*grubs*" and "*scum*" by members of the picket line for seeking to enter the site.

126. Some supervision staff did not enter site as they felt intimidated. Some of the delegates or officials of the CFMEU in the picket were not known to the supervisory staff and were not workers on the Albert Street Precinct site.

127. An electrical supervisor who felt intimidated about crossing the picket line commenced work from the Mary Street offices. Whilst he was unwilling to provide a statement, he did state: "*I'm concerned for my safety*"; "*I won't get another job – I'll be blackmailed if I crossed the picket line and enter site*"; and "*I won't risk my safety by crossing the picket line*".

128. Site workers commenced arriving at the site entry gates from approximately 5:30am but did not enter the site. At 6:30am, two CFMEU officials arrived on site and began unloading flags and sign for CFMEU members to use for the picket. Those signs included various CFMEU and union slogans and included on that said "*CPB grubs*". By 7:15am, the majority of the crowd by the picket had left, and approximately 6-8 CFMEU delegates or officials stayed on the picket, where they remained for the day.

129. According to Daniel Lewis (Supervisor, CPB), at approximately 5:15am he was confronted by a number of persons in the CFMEU picket, whom he did not recognize. One of the members filmed Mr Lewis and his group using iPhone as they entered the site. Members of the picket line shouted words to the effect of: "*You are not going to cross the picket line*" and "*Stand with your brothers and sisters for better conditions and better rates*". Murray Harris (Shift Boss, CPB) also reported being filmed by CFMEU organisers.

130. According to James Maher (Superintendent, CPB), he encountered a number of persons while walking to site who were wearing CFMEU-branded clothing, and in particular black hoodies emblazoned with the words "CFMEU". Persons wearing CFMEU branded clothing and members of the picket called out to him encouraging him to join the picket and not enter the site. Mr Maher sought to enter the site and heard comments directed at him such as "*Stand with your brothers, don't cross the picket line*"; "*This will benefit you too*"; "*Think of your family*"; "*This is for your kids too*" and "Grub". Mr Maher observed Phil Robinson (General Superintendent) was also seeking to enter site behind him. Similar comments were directed at Mr Robinson as he entered site too.

131. A copy of an affidavit sworn outlining the events on 16 July 2024 is **Annexure TPP-41, pages 105 to 125.**

Second Injunction on 18 July 2024

132. A second injunction was ordered by the Federal Court of Australia on 18 July 2024 stating that CFMEU are restrained from:

(a) photographing or recording any person entering or leaving a CRR construction site; and

(b) coming within 15 meters of a point of entry.

133. A copy of the second injunction ordered on 18 July 2024 is **Annexure TPP-42, pages 126 to 130.**

Incidents between 19 July 2024 – Albert Street

134. On 22 and 23 July 2024, I received reports from Ms Wood concerning CCTV footage recorded at the Albert Street Station site on the morning of 19 July 2024.

135. According to Ms Wood, CFMEU delegate Sean Korostovetz arrived outside the Albert Street site at approximately 5:17am, where he met with CFMEU delegate Steven Amies. At approximately 5:31am, Mr Korostovetz entered the Lot 1 and Lot 3 crib rooms and spoke with workers for approximately five minutes, and pressuring a number of CPB, UGL, VTS and Rocktown workers to leave site. Approximately two minutes after his departure, the workforce in those crib rooms began leaving the site.

136. Later that day, prior to the commencement of the nightshift, three CPB workers were standing outside the entrance telling other Rocktown workers to not cross the picket line. They were reminded that their conduct was in breach of a court injunction.

137. A copy of the emails from Ms Wood, on 22 and 23 July 2024 are **Annexure TPP-43, pages 131 to 137.**

138. On 21 July 2024, I received an email from Mr Maher, reporting similar issues at Albert Street. A copy of that report is **Annexure TPP-44, pages 138 to 149.**

Incidents on 23 July 2024 – Albert Street

139. I received a report by Ms Wood about events that occurred at Albert Street site.

140. Dean Mattas was witnessed on the phone, speaking to several subcontractors, pressuring them to leave site by 2:00pm.

141. Brad Kinson (CPB HSR) received a threatening call from Mr Korostovetz that he cannot return unless an EBA is agreed to. Mr Korostovetz verbally advised Mr Kinson that he could not return to work until an EBA had been signed and that CPB needs to agree to the heat policy and other CFMEU clauses before he can return. Mr Kinson was reportedly shaken by this phone call and did not return to work as planned as he was feeling threatened and intimidated.

142. Mr Korostovetz, Mr Amies and Tom Williams (HSRs) stayed around till the commencement of night shift where further pressure was applied to the workforce who arrived for work. The workers saw him there and felt threatened.

143. A copy of the email is **Annexure TPP-45, pages 150 to 151.**

Incident on 24 July 2024 – Gabba

144. On 24 July 2024, I received reports from Matthew Graham and Mr Loakes concerning industrial activity affecting a planned early morning concrete pour at the Woolloongabba site.

145. According to those reports, Rocktown workers had been brought onto site at approximately 4:30am to undertake a large concrete pour. At about 5:15 am, industrial action commenced at the site gates and the Rocktown workers were directed to remain in the crib rooms while the situation was assessed. During that time, word was passed to the Rocktown workforce by union activists directing them to leave the site. The majority of the Rocktown workers then exited the site through a rear gate, leaving only six workers to remain and undertake alternative work.

146. According to a further report from Mr Loakes, a Rocktown worker who had not been included in the early-start crew entered the site later that morning and informed the Rocktown workers that there was a "*site BBQ*" outside the site, encouraging them to leave. After speaking with the workers, that individual exited the site without signing in or out. Mr Loakes also reported that, at approximately 7:00am, the Rocktown Site Foreman was verbally abused by CFMEU delegate Mr Korostovetz, who said words to the effect of, "*Why are you bringing people into site early... you know what's going on.*"

147. A copy of the email is **Annexure TPP-46, pages 152 to 153.**

Incident on 25 July 2024 – Albert Street

148. On 26 July 2024, I received a report from Ms Wood about events at the Albert Street site, the previous night.

149. As part of the industrial campaign, two CFMEU members intimidated a number of CRR Project workers to leave the site. The CFMEU members refused to leave on the basis they were not covered by the second injunction. One of the union members had been visiting the pub and was reported to have smelt of alcohol throughout his interactions with other workers.

150. A copy of the report is **Annexure TPP-47, pages 154 to 155.**

Incident on 29 July 2024 – Albert Street

151. On or about 8 August 2024, I received a statement sworn by Craig Allan Kelly concerning his experiences during protected industrial action at the Albert Street site in July 2024.

152. Mr Kelly states that, despite those injunctions, he was approached by CFMEU delegate Mr Korostovetz on 29 July 2024 while attempting to enter the Albert Street site for work. According to Mr Kelly, Mr Korostovetz stood within 15 metres of the entry point and attempted to discourage him from entering the site, making comments to the effect that if Mr Kelly went to work, he would "*lose money too*". Mr Kelly stated that he nevertheless entered the site because he could not afford to lose further income.

153. Mr Kelly further deposed that, throughout the day, he received telephone calls from colleagues informing him that the CFMEU had "blacklisted" him and that he would never obtain another job in the industry. He also stated that, when he returned to his vehicle later that day, he found a sticker on it bearing the word "*GRUB*". Mr Kelly further stated that, during the night of 29 July 2024 and into the following morning, he received approximately 50 telephone calls from a caller with a withheld number. Mr Kelly expressed the belief that the CFMEU, together with delegates Mr Korostovetz and Mr Amies, were engaging in intimidation in an attempt to deter him from attending work.

154. A copy of that statement is **Annexure TPP-48, pages 156 to 157.**

Incident on 27 September 2024 – Gabba

155. On 27 September 2024, I received an email from Justin Bishop, the Site Manager at the Woolloongabba site, concerning an interaction with CFMEU officials and workers that had occurred that day.

156. According to Mr Bishop, during the morning pre-start, CPB employee Ritchie Atutolu informed the workforce that the CFMEU would be holding a meeting at 12:30pm. Mr Bishop was also informed that, after a Rocktown employee received a safety award, someone in the workforce called out words to the effect of, "It's only because you crossed the picket, you scab." Mr Bishop reported that, throughout the morning, he received numerous enquiries from supervisors and workers about the proposed meeting and became aware that text messages were circulating among various subcontractors reminding workers about it.

157. According to Mr Bishop, shortly before the proposed meeting, Mr Atutolu left the site to meet CFMEU organisers Mr Mattas and Corey Taylor before returning and entering the site through a side gate. Mr Bishop questioned the traffic controller who had allowed Mr Atutolu access, having previously instructed that no person was to be permitted to enter through that gate. At approximately 12:23pm, Dean Mattas and Corey Taylor attended the site entrance and advised that they wished to exercise rights under section 484 of the *Fair Work Act 2009* (Cth) to meet with members and potential members. Mr Bishop, together with Mr Loakes and Nicole Watson, questioned the organisers about the purpose and timing of the proposed meeting and explained that no application or notification had been received for such a meeting.

158. Mr Bishop further reported that, at approximately 12:40pm, about 25 workers, the majority of whom were subcontractor employees, gathered behind the site fence and directed verbal abuse towards project management. The gathering had been instigated by Mr Atutolu. Despite Mr Bishop explaining that it was not a scheduled lunch break and that the meeting would not be facilitated, Mr Mattas and Corey Taylor continued to dispute that position and, according to Mr Bishop, encouraged the

workers to continue directing verbal abuse towards Mr Loakes, Ms Watson and himself. Mr Bishop maintained CBGU's position and declined to facilitate the meeting.

159. CCTV of the traffic controller permitting Mr Atutolu access to the site is **Annexure TPP-49.**

160. A copy of the email from Mr Bishop on 27 September 2024 is **Annexure TPP-50, pages 158 to 159.**

161. A report from Mr Loakes of the same incident is **Annexure TPP-51, pages 160 to 161.**

162. I am aware that following this incident, Mr Atutolu was investigated by the workplace. I was familiar with Mr Atutolu during his involvement on the CRR Project. Complaints were periodically reported concerning Mr Atutolu's behaviour. One difficulty frequently encountered when investigating such complaints was that workers were often reluctant to provide formal statements or otherwise participate in investigations for fear of repercussions from the CFMEU.

Incident on 4 October 2024 – Albert Street

163. On 5 October 2024, I received an email from Mr Maher, Superintendent concerning a right of entry on 4 October 2024 exercised by CFMEU organisers Mr Mattas and Mr Taylor at the Albert Street site.

164. According to the email, Mr Mattas and Mr Taylor attended the site under a notice issued pursuant to section 117 of the WHS Act concerning alleged silica exposure risks associated with Rocktown's jump form works. Following verification of their permits and completion of the site's entry procedures, the organisers inspected the nominated work areas and asserted that workers were being exposed to an immediate risk of silicosis. They demanded that workers be removed from the jump form and that medical surveillance and respirator fit-testing records be produced on site. Project management declined to stop the works, maintaining that there was no immediate risk, that workers were complying with their Safe Work Method Statements (**SWMS**), and that the requested records would be made available after the site inspection. The organisers subsequently contacted WHSQ, whose inspectors attended the site and conducted a further inspection.

165. WHSQ inspected the relevant work areas, spoke with workers and reviewed the project's documentation. During the inspection, Mr Maher observed Mr Mattas and Mr Taylor become increasingly aggressive towards the WHSQ inspectors when the inspectors did not agree with their assessment of the alleged safety issues. The inspectors repeatedly asked the organisers to allow them to complete their enquiries and, at one stage, Mr Maher offered the inspectors an opportunity to take a break because of the confrontational nature of the interactions.

166. The email also records further disruption caused by CFMEU delegate Mr Korostovetz, including repeated attempts to divert the inspection to additional issues, and him being observed by other workers on site, while WHSQ inspectors were busy elsewhere, standing against the barricading entrance to a work zone and then flipping over the sign saying "*Warning Dust hazard. Wear appropriate dust mask in this area*" so that the signage was not visible from the entrance point to the work area. The inspection concluded at approximately 2:00pm, with WHSQ departing the site without issuing any notices.

167. A copy of the email from Mr Maher on 5 October 2024 at 6:14am is **Annexure TPP-52, pages 162 to 165.**

168. I am aware that on 10 October 2024, Mr Amies (CPB HSR) was observed speaking to Rocktown workers and handed them blank pieces of paper, requesting them to provide a statement that Mr Korostovetz didn't do anything on 4 October 2024.

169. Photograph of the signs that were turned over in B7 are **Annexure TPP-53, page 166.**

Dean Reilly

170. My direct dealings with CFMEU organisers were relatively limited.

171. I recall attending a meeting with Mr Reilly and Mr Mara of the CRRDA at a coffee shop near the CFMEU offices. My understanding was that the meeting had been organised to facilitate a constructive discussion between Mr Reilly and me.

172. During the meeting, Mr Reilly was highly critical of CPB and raised broad complaints concerning safety, industrial relations personnel and CPB's management of the Project. I considered that the complaints were largely general in nature and were not accompanied by specific examples, dates or particulars therefore I did not consider the meeting productive.

I affirm that the contents of this statement are true.

[redacted]
Signature of deponent

Place: Toowoomba QLD Date: 18 / 9 / 2026

[redacted]
Before me (signature of witness)

ANTHONY JOHN UNDERWOOD.
Full name of witness (please print)

☑ Justice of the Peace (JP No. 76471)
☐ Notary public
☐ Lawyer
☐ Other authorised person (specify): _____

JUSTICE OF THE PEACE (QUALIFIED) Reg No. 76471 DEPT OF JUSTICE & ATTORNEY-GENERAL

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

Bundle of Documents to
Statement of Terence Prior

From: Bramich, Stewart [redacted]
Sent: Thur 02/04/2020 3:53:16 PM (UTC+10:00)
To: Prior, Terry [redacted]
Subject: CFMEU RoE Roma 02/04/20 s117
Attachment: Screenshot_2020-04-02-11-47-54.png
Attachment: Screenshot_2020-04-02-11-47-10.png
Attachment: Screenshot_2020-04-02-11-47-43.png
Attachment: Screenshot_2020-04-02-15-06-43.png

Hi Terry,

Please see notes from todays RoE with the CFMEU below;

- **(6:30am)** the CFMEU (Beau Seiffert, Shaun Desmond and Michael Ravbar) arrived at site with 3 RoE notices
- Permits were checked by Michael Finch (safety) and myself, Union informed us they were interested in the Tunnels area
- Met Barrie Stewart (Superintendent) at Roma St entrance to tunnels and walked to shaft
- **(6:40am)** After looking at the shaft Ravbar indicated that he wanted to see the crib rooms due to concerns with hand washing facilities
- Barrie took them to the tunnels crib rooms and they seemed happy with the set up with seating separation
- Photos were taken of items on the tables and FOA posters on the wall Ravbar mentioned our posters were out of date
- After this the officials walked through the stations cribs and Rob Richie (site manager) was called to assist
- After inspecting the cribs the union officials requested a quick meeting and asked questions around hand sanitiser
- Rob explained it is very difficult to get at the moment but the crews have adequate hand washing facilities on site
- **(7:15am)** Ravbar mentioned that this was not sufficient and they wanted to meet with the HSR committee members to discuss
- The union then called a HSR committee member and then asked him to get all members down to the area (we did not allow this as we were still in discussions over the request)
- After consultation with head office we agreed to allow them to meet with the HSR to discuss concerns
- **(8:00am)** During the meeting Rob Richie explained why we were there and the measures in place to maintain a clean work environment
- Ravbar then discussed what his concerns were and how important it is for the company to have hand sanitiser
- After he finished talking some of the HSR's commented "the guys on site don't have a problem as they know it's hard to get"
- The other officials made comments and we agreed to take 5 minute break so Rob, myself and Michael Finch could have a private conversation
- We were standing approximately 5 meters away from the group (officials and HSR's) and noticed the supervisor for Delta (Richard) had arrived

- I could see he was talking to the official so I walked over to see what was being said – That's when I heard the Delta supervisor calling all of the workers in to meet the officials
- **(8:55am)** Rob Richie and I approached Michael Ravbar and the other officials and were informed they intend to meet the workforce on level 2
- Rob informed the officials that they do not have permission and we will not be taking them up to level 2
- Beau Seiffert asked if we would lead them (escort) them up to level 2 and both Rob and I informed them that we would not take them as per the company understanding on s117
- Delta employees took the officials up to level 2 and Rob and I followed to record everything that took place
- **(9:00am)** Not long after the officials arrived at level 2 all of the workforce arrived and Michael Ravbar addressed them stating "no hand sanitiser was unacceptable"
- Ravbar also stated that other sites were "cribbing up" over the matter and getting "things done"
- This type of talk went on for around 15 minutes until the union told the workforce they will break into groups to hold smaller discussion
- **(9:20am)** Once they broke into groups the union walked around and talked to some of the groups (escorted at all times)
- Union informed us they will leave to let the guys have crib and then return to continue the s117 entry at 10:30am
- All of the employees laying on the ground and sitting around talking, some of them went to eat others stayed and went later (split crib times)
- Met with Rob and he mentioned not letting unions back on site to conduct meeting number 2, I left to get water
- **(10:30am)** Walked to level 2 and all the employees were back along with the officials, not sure who let them in as no one from the JV escorted them in
- Union (Beau - as Ravbar had not returned) addressed the crews and told them that the JV had sourced sanitiser and that was the HSR's who did it for the workers
- Beau also said that the workforce should thank the HSR's for doing such a great job
- **(10:50am)** Meeting finished and officials informed me they want to sign out and leave
- Walked down to the sign on desk in stations and signed them out and they left

That was about all I can remember as everything happened very fast.

Give me a call if you need any other info. Please see pictures attached – the group was bigger than that photo as more arrived after but I did not get another chance to take a picture.

Regards

Stewart Bramich

Senior ER Advisor

CPB CONTRACTORS | bam | Ghella | UGL

CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] M [redacted]
E [redacted]


TPP-2
5

From: Bramich, Stewart[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BDCD47C5F6F44DD6B826723B1ED22138-BRAMICH, ST]

Sent: Tue 16/06/2020 3:41:33 PM (UTC+10:00)

To: Prior, Terry[redacted]

Subject: 16/06/2020 Tuesday s81(3) Roma Tunnels

Hi Terry,

Please see the initial notes surrounding todays s81(3) right of entry below;

- At 8:00am I was called by Rob Richie and notified that the CFMEUQ (Scott Vink and Mike Davies) were sitting in the stations waiting area
- When I arrived on site shortly after the CFMEUQ officials informed myself and Rob Richie they intend to go to the Tunnels area
- Rob notified Michael Finch (Tunnels Safety) and I called Barry Stewart (Tunnels Superintendent) to request their attendance
- At 8:30am Michael Finch and Barry Stewart approached the CFMEUQ officials and requested the reason for their visit
- The officials stated that the issue was around emergency access, access and egress and signage
- Barry and Michael (Finch) informed the union they are unaware of any unresolved issue and the workforce have not raised the issue
- The union informed Michael and Barry they received phone calls yesterday afternoon regarding the matter and that why they are on site today
- Michael informed them that the project is unaware of any ongoing unresolved matter and in that case the entry will not proceed
- The union officials stated that they will call the regulator and wait for the inspectors to arrive on site
- At 8:48am 2 WHSQ inspectors arrived on site (Chris O'Donnell & James Ross) and requested we all meet outside the job and discuss
- The union official presented the issue in front of the inspectors and directed the points towards Barry and Michael (Finch) requesting to be taken to tunnels
- The WHSQ inspector Chris O'Donnell suggested CGBUJV follows the company dispute resolution process
- After some deliberation Barry informed the group that the WHSQ inspectors were allowed to enter site but the CFMEUQ officials were not permitted as no dispute exited
- The inspectors replied saying they will be allowing the officials entry and will not be putting a direction to the CBGUJV in writing as "it is written in the act"
- This inspectors noted they already knew our stance on this type of entry as we had been through the same process the day before
- Once again I informed the inspector that if the union officials enter site they will be told they are doing so without permission
- The Union official Michael Davies started filming and laughing saying that IR are giving orders to WHSQ or something similar
- The inspectors stated that they understood but the unions would still be attending the site walk to the tunnels area with them
- The inspectors were taken to be signed in and the union officials stated that they had

signed in to the visitors book already (I was unaware this happened and informed them of this)
- They stated that when they arrived on site they were let in to the sign in area and decided to sign themselves in (no one was aware this happened until later on)
- At 9:45am the WHSQ inspectors escorted the union onto the Roma Tunnels site and entered the front gate the union officials both had face masks
- Barry Stewart spoke to the union officials and reminded them the project considers their entry as unauthorised and not permitted – the officials acknowledged
- The union officials proceeded to take several “selfies” and pictures of each other wearing masks as they entered the Roma Tunnels acoustic shed
- Once inside it was very noisy and hard to hear what was going on, the inspectors talked to Michael Finch about issues and made several recommendations re emergency cages
- Many photos were taken by the officials and the inspectors while walking around the tunnels shed
- After spending a small amount of time the inspectors notified Barry he was happy with the shed and believed no issues were found
- At 10:20am the inspectors left the shed followed by the officials and were looking at the water treatment processing plant outside the entrance
- An issue was raised regarding a forklift but later after checking the specification booklet there was no issue with the way the forks were positioned
- Inspectors walked to the Roma St side of the road and requested Michael Finch provide documents relating to emergency evac drill (footage of drill)
- Union walked off site and were later found at the front of the stations area in the public area of the stations entrance
- The unions and Inspectors waited around for some time for Michael finch to return from emailing footage and docs requested
- At 11:03am the inspectors began a debrief when the union requested I (IR) leave as they felt intimidated an IR person would be involved in a safety matter
- The inspector stated that IR are supporting the safety advisor and are permitted to stay as it would be unfair if the safety person was alone
- The inspector went on to address all issues raised on the walk and stated he found no notices were warranted and the union accepted the feedback
- The WHSQ inspectors both took notes and advised they will leave site if no further issues were brought to light, all parties agreed and were satisfied with the result
- I went with Michael Finch for a brief debrief but the union remained in the public walkway out the front of the stations but later left without re-entering the site

This is as much as I can remember from the day, if anyhting else comes to my memory I will add the info.

Regards

Stewart Bramich

Senior ER Advisor

Cross River Rail - Tunnels and Stations
CBGU D&C JV
Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] M [redacted]
E [redacted]

TPP-4

Date: 17.06.2020

Time: 8.40 am to 1.50 pm

Site: CRR Boggo Road Tunnels

CFMEUQ attendees ("Officials"): Michael Davis and Scott Vink

CBGU JV attendees: Bekkers, Jonty (IR Advisor); Melloy, Peter (Project Manager); Bradley, Shane (Superintendent); Cullen, Peter (Safety Advisor); Clark, Rachel (Safety Graduate); Bramich, Stewart (Senior IR Advisor); Dougherty, Rowan (Safety Advisor)

WHSQ attendees ("Regulators"): Chris O'Donnell (Senior Inspector) and Lewis Cash (Senior Inspector)

Chronology

8.40 am to 10 am – Project Manager alerted IR Advisor to the presence of two Union Officials at the reception desk (located on the site). IR Advisor, accompanied by Project Manager and Site Supervisor, approached the Officials and introduced themselves. Officials provided business cards to the Project Manager. Business cards listed the individuals as 'Organisers' of the CFMEUQ. IR Advisor inquired as to their reason for being here. Officials stated they were here under s81(3) and presented a laminated copy of s81(3) extracted from the WHS Act. Officials commented, "just don't touch it, I have a habit of licking things". Safety Advisor asked who they are here representing, and the Officials commented that they are here representing a worker in the following WHS disputes:

1. Traffic Management Plan and procedure;
2. Access and egress;
3. Inadequate storage of chemicals; and
4. Delineation of plant and pedestrians.

IR Advisor asked the Officials to see copies of their FW and WHS permits. Officials declined this request, stating that they are not here as CFMEU Union Officials but instead members of the state organisation, CFMEUQ, and do not need to show any permits to enter a site. The Officials further commented that they are not here as Officials of any union, rather they here as "any other person" to assist the worker. Following this, the Officials asked to come on-site, to which the Project Manager stated that, before anything happens, he was going to pop out and have a chat to some people to better understand what this all means. The Project Manager asked if the Officials would like to wait outside while the matter is discussed internally. The Officials stated they would prefer to wait at the top of the site offices. The Project Manager and IR Advisor departed to discuss the entry while the Site Supervisor remained to supervise the Officials while they waited.

The IR Advisor and Project Manager discussed the entry with their supervisors before re-joining the Officials waiting outside. Once outside, the Project Manager asked the Officials what the WHS dispute is about specifically and who they are here representing. At this point, the Officials decided to depart the site, stating, "we don't have to tell you that" and "looks like they are not letting us on" and that they were going to "wait for WHSQ to come so they can let us in". The Officials were escorted off-site by the Project Manager and IR Advisor and waited at Outlook Park's seating facilities for WHSQ to arrive.

10 am to 11 am – two Regulators arrived at the site's gate following an observed 10-minute conversation with the Officials outside. Regulators asked if there was an office inside where discussions can be held. IR Advisor commented that we would prefer to discuss the matter at the park's undercover tables given we were not yet sure what the purpose of the entry was. Regulators obliged and discussions began with the Regulators going around the group and recording names. Following this, the Regulators explained that they had a chat to the Officials upon their arrival and the Officials had told them they "were made aware of potential contraventions of the legislation on this job site and that they had come to have a look and, at this point, they've been denied access by you all". The Regulator asked if this was correct and the Safety Advisor replied stating "we are currently seeking clarification on the position from our supervisors as haven't received any useful information for the Officials". IR Advisor asked about the s81(3) legislation and where that sits. Regulator states that it's about WHS dispute resolution. Safety Advisor asks, "what is that dispute resolution process?". Regulator responds, "it is as per the CBGU joint venture dispute resolution process – you can either use your own internal dispute resolution process or the regulation's process". Safety Advisor asks, "what are these suspected contraventions?". Officials list the abovementioned contraventions. Regulator proceeded to explain that the Officials have told them that "a worker on this Jobsite feels that his safety is at risk due to these contraventions." Officials provided additional input and stated, "since we have been outside the site, members of the public have approached us and raised concerns with the traffic management." The Site Supervisor asked the Regulators if they had seen anyone approach the Officials since being outside with them. The Regulator replied "No". The Site Supervisor further queried as to why these members of the public didn't approach the Traffic Controller standing right there. The Officials stated, "musn't have seen them". The Regulator stated, "this doesn't matter". Safety Advisor told the Regulators "if there is a dispute, then we will go through our own dispute resolution process with our HSRs". Safety Advisor further added that, "if there is a safety dispute, we have a formal process in place to follow and that we would like to speak to our HSR's and confirm whether that process has been followed". Regulator stated to Safety Advisor "that is not what we are going to do" and that "this won't fair well for you if that's the attitude you are taking". Regulator told Safety Advisor "we will be following the legislation's dispute resolution process". Regulator stated that "legislation will, at all times, overrule internal company policies and procedures". Regulator commented that he thought Safety Advisor was "stuck on one course of action". Regulator stated, "we must follow section 80 and 81(3)." Safety Advisor commented, "we have an internal policy to follow and we would like to go back and speak to our people about any disputes currently taking place." The Regulator says, "you can do that, but it is a separate process to what is taking place here". The Regulator proceeded to read the legislation verbatim, noting that he believed the Officials to be qualified and competent to represent workers in safety matters. Safety Advisor told the Regulator that, "this is the first we've heard of these safety issues and that we would like to follow our own dispute resolution process… this comes as a surprise as our HSR Committee was only held yesterday with no issues noted". Regulator commented, "HSRs and workers may not feel comfortable raising a safety issue and that they can elect a representative", which he believed has occurred here. IR Advisor commented that "since disputes have been raised unbeknownst to us, and we haven't been provided specifics on what or where these issues are, we believe it would be procedurally fair to have an opportunity to call our people and see what and if the issues exist, and from there we can proceed." The Regulator relented but asked, "who is going to stay here to go through the dispute resolution process with these gentlemen?". The Safety Advisor asked to

hold off on doing so for now and the IR and Safety Advisor departed to contact the HSRs and Site Supervisors. Safety and IR Advisor broke away to call their Supervisors and project representatives to ascertain the legitimacy of the dispute/issues.

Following this, the Safety and IR Advisor returned to the group and the Safety Advisor told the Regulators that we had spoken to our HSRs and that there are "no known safety issues currently being disputed on-site". Regulator stated, "this doesn't matter". Site Supervisor asked if we can have the dispute resolution discussion with everyone now. Regulator agreed. Safety Advisor asked the Officials to tell us specifically what and where the suspected contraventions are. Officials repeated the previously mentioned issues but did not provide any specifics as to where and what exactly. IR, Site Supervisor and Safety Advisor asked to adjourn to discuss the issues presented.

Upon returning, Safety Advisor stated, "we have not been allowed to resolve these disputed safety issues ourselves and we would like that opportunity." Regulators agreed but stated, "I believe these gentlemen are here legitimately, particularly regarding the delineation between pedestrian and plants as that is a serious risk and most accidents occur because of it." Regulators further stated that they believe the dispute resolution process has now been exhausted and a resolution has not been met satisfactorily (I note here that roughly 10-15 minutes elapsed between the discussion commencing and the Regulators directing site access to the Officials). Safety Advisor asked if there was more substance on where plant and pedestrian delineation issues are occurring – none was provided. Regulator stated, "at this point in time we will be walking on-site with the worker representatives to perform an inspection." Safety Advisor stated, "we do not agree with that". Regulator acknowledged this and reiterated that they are entering. Safety Advisor stated, "we do not authorise the access of these two gentlemen because we still haven't been told what or where these issues are". IR Advisor reiterated, "while we will not physically stop them entering, their entry is not authorised by the Project as we are unsure what or if the disputes exist, and we haven't been allowed to follow our own resolution process." Regulator stated that he "100% agrees and that he knows no one here likes him."

Safety Advisor asked Regulator if they could receive written direction to allow the Officials on-site. Regulator refused, stating, "we, as a department, will not provide you with a written direction to comply with legislation". IR Advisor asked if Regulators could send through a copy of their report that includes the Regulators direction to allow entry to the Officials. Regulators commented that their report today will not be shared externally, however, it can be made available upon request under the Freedom of Information Act.

Site Supervisor commenced handing out the visitor induction and Covid-19 form to Regulator and Officials. IR Advisor told Site Supervisor not to have Officials do the visitor induction as their entry has not been authorised or endorsed. Following this, the Officials put on high-vis vests that stated: "CFMEU Official" on the back and the party entered the Boggo Road construction site.

11 am to 12.15 pm – Officials and Regulators enter the site. Officials begin directing WHSQ where they would like to go. Officials proceeded to inspect plant, machinery and containers while taking photos of the site.

12.15 pm – Officials began asking workers on-site if they have access to water/toilets. IR Advisor told Official that he should not be talking to workers under s81(3). Officials took

issue with this, telling the IR Advisor to “stop looking at my dick… everyone, he’s looking at my dick… I am married, mate”. Officials further stated, “imagine not letting a man take a drink – he’s a concreter doing a tough job on a hot day”; IR Advisor explained, “it isn’t the subject of what’s being discussed, but the existence of a discussion”. Regulators agreed with IR Advisor’s position that Officials should not speak to the workers when entering under s81(3) – Officials continued to vocalise their disagreement and frustration with the position, telling the IR Advisor he was “inhuman” and “wait until the papers hear about someone dying of heat exhaustion on a CPB site”. The Officials were irate for the remainder of the day, frequently staring at the IR Advisor and mouthing “you’re fucked”.

12.30 pm – Regulators and Officials approached a Traffic Controller and queried if she had signed onto the SWMS for the day, and to see a copy of her license. Standing around the Traffic Controller was the two Officials, two Regulators and the Project team. The Traffic Controller was distressed with the Regulators questioning and stated, “I feel extremely under pressure right now… I’ve never been put in this position before”. Officials responded with “we are actually here to protect you and keep you alive… CPB is putting you in danger…”. Regulators continued to question the Traffic Controller and commented that they were “really concerned with how she responded to them after asking about SWMS”. The Traffic Controller began crying and the IR Advisor asked to disperse the group, so she doesn’t feel so intimidated with so many people standing around. The group agreed and a Regulator, Safety Advisor and the Traffic Controller spoke amongst themselves. No further issues were raised with the Traffic Controller and following the discussion, the Site Supervisor consoled the Traffic Controller who, at this point, was in tears. The Site Supervisor also arranged for the Traffic Controller to change post with a colleague to give her a reprieve.

12.30 pm to 1.20 pm – Regulators and Officials continued to inspect the site unabated. Issues were raised concerning the storage of chemicals. Officials were explaining to the Regulators that they think some chemicals haven’t been correctly labelled. Regulators believed SDS was up to date and everything else was okay. Officials reviewed SDS and other documentation. A subcontractor was issued with an infringement notice for having a can of spray paint not recorded in their SDS. The subcontractor disputed this claiming “it’s not ours”. The party continued walking the site with both the Officials and Regulators stopping occasionally to inspect plant, access/egress, and site facilities.

1.20 pm to 1.50 pm – an Official approached the Project Manager as he believed the Project Manager had blamed the Traffic Controller being upset on him. The Official commented to the Project Manager that “he will answer to his maker one day”. The Official asked the Project Manager to “take off your sunnies and look me in the eye like a man.” When leaving the discussion, an Official called the IR Advisor a “cockhead” and stated out loud, “he has been pervin’ on me all day – he just took a photo of me as well”. When leaving the area, the Officials were directed to cross the road by the Safety Advisor as a truck was entering the site. Officials refused to move and were asked again by the IR Advisor who was told to “fuck off”. Regulators then directed the Officials to cross the road as it was a reasonable WHS request.

1.50 pm – the Senior IR Advisor attended the site and substituted out with the IR Advisor.

Chronology end

VISITOR SIGN IN

Date	Time in		Name of visitor	Company represented	Whom Visiting
17/6/20	7:30	(am) pm	Nigel Bolitho	CBGC	Peter Mellon
〃	7.45	(am) pm	LANCE WINLEY	AEA	BEN HOUGHTON
〃	7:45	am pm	JON PERRY	AEA	BEN HOUGHTON
〃	7:45	(am) pm	A THEOCHARIS	CBGC. UNAUTHORISED SIGNED IN P. CULLEN	P. MOLLOY.
17/6/20	8:39	am pm	S. VINK	CFMEU	S81.3 SITE
17.6.20	8.39	am pm	M. DAVIC	CFMEU	81.3.
17/6/20	8.45	(am) pm	Lakitha Opathaithana	CRRDA.	Bogga Rd Site Office
17/6/20	8.50	(am) pm	Adrian Gowe	Blackwoods	✓ ✓
17/6/20		(am) pm	Ryan Keys	Coates Hire	site
9/6/20	9:00	(am) pm	Mohsen Sadaghi	EDG	Nazeem
1/6/20	9.30	(am) pm	Ryan Franklin	CBGC	CAIE KENNEDY
5/20	9.30	(am) pm	BRETT O'DONOHUE	APP	CALL KENNEDY

e visitors must:

approved Personal Protective Equipment at all times when on site
ll site safety signs and instructions
ompanied at all times whilst escorted on site, and comply with instructions from escort
prior permission before taking photos / mobile footage on the site

From: Fowler, David[redacted]
Sent: Mon 06/07/2020 11:03:57 AM (UTC+10:00)
To: Bekkers, Jonathan[redacted]
Subject: FW: Gabba 18 June

Regards

David Fowler
People & Culture Manager

CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T M[redacted]
E[redacted]

From: Fowler, David
Sent: Thursday, 18 June 2020 6:05 PM
To: Prior, Terry[redacted]
Cc: Fowler, David[redacted]
Subject: Gabba 18 June

Hi Terry,

Please see below and let me know if you need more details:

- 8.33am CFMEUQ arrived on site, they did sign in but only because they were already in the gate before we spoke to them
- We asked what the dispute was they said that they were coming as a concerned member of the public, and representing anyone person and not entering as an official. There were 3 issues
  - Access & egress
  - Amenities and
  - Chemical storage
- Jerry said that no concerns had been raised so he was not sure what dispute they were trying to resolve. We then asked for the specific area of concern – they refused to give that information on the basis that they thought it might incriminate the employees who raised the concerns
- We said as we were not aware of the dispute we were not allowing them access to the site. They provided an extract of the act around section 81.3 in case we wanted to review it
- We maintained they were not coming on site and they then proceeded to call WHSQ
- WHSQ arrived on site and spoke to CFMEUQ officials first then spoke to all of us saying that they were there under section 81.3 and asked if we would allow them on

site.

- One supervisor said come on let's go and I said, no, you are not invited to site as we are unaware of the issue as nothing had been raised with us.
- WHSQ (Paul Kitchner) said there were concerns raised and we were in dispute. Scott (CFMEUQ) said are you retracting our invitation to site and I said, I confirm you are not invited to site and we will not be providing you access. I said to WHSQ if they were directing us to allow the other 2 gents on site that we wanted that in writing from them. They said that if we wanted it in writing that it would likely be in the form of a break notice of the act and that he would need to speak to his Director and come back to us.
- 1 CFMEUQ member made an intimating move towards a CBGU Supervisor who had raise some valid concerns about the number of site walks that occurred this week already by a similar group without issue.
- WHSQ came back to us and said that they were going on site and taking the other 2 with them and they would not be providing a written direction.
- I confirmed that we would not physically stop the other 2 but were not invited by us and it was at WHSQ direction
- Around 1016 we started a site walk – WHSQ told the CFMEUQ that they need to speak directly to them and not to us – this didn't happen
- On commencing the walk around the CFMEUQ officials started directing queries to the 2 supervisors on site and this was originally stopped by the WHSQ person but they continued.
- PPE related issue was raised, then as issue of an operator leaving a machine running whilst not in the machine and toilets that are yet to commissioned didn't have an out of service tag on them
- The CFMEUQ officials took numerous pictures and spoke to all members of the group.
- CBGU supervision were having small issues rectified as they walked the site.
- There was an issue raised in the portable toilet at the back entry where a used feminine hygiene product was found of the floor which seemed suspicious to the supervision and WHSQ.
- Frustration started to grow and CBGU supervision slowed the walk down to maintain control of the situation
- Moved on to the chem store and an issue around an MSDS sheet was raised – rectified while on site but still likely to result in a fine
- 1 CFMEUQ person need to leave site to top up his parking metre and was escorted back to the main gate on his return the PM insisted that a WHSQ member come down to get him from the main gate as he was there as a visitor for them and not for CBGU.
- Walk continued with minimal observation other than a minor chemical discussion
- Returned to the front gate area where WHSQ and CFMEUQ spoke briefly then when we joined the conversation is was primarily lead by WHSQ with comments from CFMEUQ on each of the 3 issues
- CFMEUQ left at 1.43pm
- WHSQ spoke about the section 81.3 – I asked why they were wearing CFMEU Officials vests if they were CFMEUQ and the inspector said he didn't notice and would pay more attention next time.
- WHSQ departed at 2.47pm

Regards

David Fowler

People & Culture Manager

CBGU D&C JV

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

T **M** [redacted]

E [redacted]

From: Bramich, Stewart[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BDCD47C5F6F44DD6B826723B1ED22138-BRAMICH, ST]

Sent: Mon 22/06/2020 5:07:24 PM (UTC+10:00)

To: Prior, Terry [redacted]; Butler, Chris [redacted]

Subject: s81(3) Albert Tunnels 22/06/2020

Hi Terry,

Please see the entry report for the s83(1) on the Albert Tunnels site today below;

- At 12:40 pm the 2 WHSQ inspectors (John Azcune & Lewis Cash) brought 2 CFMEUQ officials (Justine Steel & Kurt Pauls) to tunnels site
- The group waited outside the gate for Martin Harvey (site manager) and Mel Ketchen (Safety) to arrive
- Shortly after the site team arrived and a discussion was held regarding the reason as to why the officials wanted to enter site
- They listed the reason as; resolving an issue at a workplace as per the act (issues – scaffold, access egress, chemical storage and register)
- Marty Harvey then broke to discuss the issues with his site team and try and locate an unknown unresolved issue
- He then returned to the group and informed them their was no unresolved issue and the officials would not be allowed to enter the work area
- The WHSQ inspector (john) then stated that there is a dispute between CPB and the union now and because of this they can enter
- Martin and Mel left to make more calls to get some advice and then returned to the group to provide the final feedback
- Martin approached the team and stated that the company believes there is no issue and therefor wont be allowing entry to the work area for the officials
- He also requested the WHSQ put the instruction to allow them entry in writing to which they refused
- The inspector then confirmed they are giving us a formal instruction to allow entry to the site (all this being filmed by the CFMEUQ officials)
- I went on to explain to the inspectors that if they escort the officials onto the site then the site manager will inform them they are entering without permission
- At 1:24pm the inspectors led the group on to site and Martin Harvey informed the union officials they are entering site without permission
- The WHSQ inspectors signed in and then the union officials requested to sign in and were denied and again reminded we didn't recognise their entry
- The union officials also requested to do the covid 19 forms and induction but were denied due to the same reason
- Kurt Pauls approached me and requested information around why he wasn't allowed to sign the forms
- I informed him the company does not recognise his entry to site as authorised and he continued to argue saying it was unsafe
- All Covid 19 questions were asked of the group for safety reasons but no signing permitted for the officials

- I thought it strange as usually the official hate signing in and doing inductions and couldn't understand why they were wanting to today
- The WHSQ inspectors and officials then started going through the chemical storage near the entrance (after looking at last weeks notices)
- At 1:43pm the team spent time looking through the site containers and were discussing issues that I could not understand as it was very loud
- The group moved on to the shaft area briefly and went through the specs for emergency access (again any discussions were not heard due to noise)
- There was a path that led around to the water treatment plant behind the shed and the officials were taken to inspect the scaffold
- After checking the scaffold the officials were on the phone and making long winded calls to unknown persons
- At 2:16pm the group was led by the inspectors to the sign out area and they (inspectors) signed out and stood at the entrance to the site
- The CFMEUQ official then approached me and asked if I admit to not letting them sign in and it wasn't their choice to not sign in to the covid 19 forms
- I acknowledged that the project stance is that under the circumstances no documents were to be signed but the Covid 19 forms could be verbally read to them
- The union official seemed to want to make it clear he didn't refuse to fill in any forms and it was our request they didn't to which I agreed
- At 2:33pm the union officials and the WHSQ inspectors left site and walked up the street. I met with the team and discussed the days events

That's about as much as I can remember form today but Ill have another look tomorrow.

Regards

Stewart Bramich

Senior ER Advisor

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

Cross River Rail - Tunnels and Stations

CBGU D&C JV

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

T [redacted] M [redacted]

E [redacted]

From: Truong, Tan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2BDD517650BB44859B6897F2D71591DB-TRUONG, TAN]

Sent: Tue 23/06/2020 9:24:03 AM (UTC+10:00)

To: Prior, Terry[redacted]; Butler, Chris[redacted]

Subject: S81:CMEUQ ALBERT ST 22/06/2020

Attachment: Summary.docx

Gents,

Please find attached summary of the s81.3 exercised at Albert St yesterday.

Regards

Tan Truong
Industrial Relations Advisor

CROSSRIVERRAIL TUNNEL & STATIONS
Cross River Rail - Tunnels and Stations
CBGU D&C JV
Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T M[redacted]
E[redacted]

Summary

1. At approximately 8.20am, two CFMEUQ (state branch of the CFMEU) organisers, Kurt Pauls (Pauls) & Justin Steele (Steele) entered Albert St Stations.

2. Tan Truong (IR) queried the two visitors regarding the reason for their visit and confirm what section of the Act they intend to enter the premise on. In response, Pauls stated that they are exercising rights to enter under section 81 of the WHS act, not as a union official but as representatives for workers.

3. Both the Senior Safety Advisor, Mark Taylor (Taylor) and IR queried the personnel regarding their claims of genuine representation and their disputed safety concerns. The organisers failed to disclose the workgroup or subcontractor they were allegedly representing and neither provide specifics regarding where or what the alleged disputed safety matters refer to, apart from quoting "access and egress".

4. The organisers handed over copies of their business cards, then proceeded into the supervisor's crib room to sign on and partake onto the onboarding process (completion of visitor induction and Covid-19 form).

5. Whilst inside the crib room, Pauls mentioned that they were waiting for WHS inspectors to attend site and at this point have not received a timeframe for their expected arrival time.

6. Both Taylor and IR continued to question the organisers regarding the specifics regarding their alleged WHS dispute. Pauls replied that they will not provide information regarding what workgroups/subcontractors or whs specifics, since it exposes workers to the potential risk of victimisation. Nonetheless, Pauls purported to receive a call regarding the below without discussing specifics.
    - access and egress;
    - non – complaint scaffold;
    - exposure to falling from heights;
    - chemical storage &
    - traffic Management signage

7. Around 9.05am, Pauls and Steele advised IR that they will leave to have a smoke and verbally declared that they will not enter the work site in the interim. The organisers remained at the front entrance then walked under the gantry towards the entrance to Albert St Cavern, where they stood along the public walkway near the vehicle access to Cavern's site.

8. At approximately 9.15am, WHS inspectors arrived onsite and underwent the site onboarding process (sign on, completion of visitor and Covid-19 forms).

9. IR advised the inspectors that the organisers have indicated to be entering under s81.3 and have not disclosed who they are allegedly representing nor provided any specifics regarding their alleged disputed work health and safety (whs) concerns. Further voiced that prestart was conducted and an opportunity was offered to subcontractor workers & management to raise any safety concerns, whereby no safety concerns were raised and therefore the PCBU are not aware of any disputed whs issues pending. Due to the absence of information regarding the mentioned items, the Project position is that the organisers are not authorised to enter the worksite.

10. Pauls countered by asserting that by identifying the workgroups/subcontractor, this leaves them vulnerable to victimisation and WHS inspectors appeared to accept this assertion. The organisers then summarised the broad safety issues listed above. When further probed on the specifics Pauls articulated that the gantry access presents a risk of falling objects should workers carry tools while climbing the gantry stairs. WHS inspectors then suggested we walk over to Cavern's site and

where possible try to resolve issues by looking at the issues. It is important to note that at no time the organisers were able to identify which sites the purported safety issues referred to and the inspector's suggestion led to potentially allowing the organisers access to work areas where they cannot visually sight.

11. IR reaffirmed the Project's position stating that we are happy to escort the organisers to hold discussions at the site sign on area but do not authorise the organisers to enter the work area. WHS inspectors interpreted s81.3 to permit representatives access to the "workplace" which includes the work areas. In response, IR stipulated that under s81.3, representatives can enter for the purpose of attending discussions to resolving the disputed safety issue and we believe we are complying by holding these discussions at the site entrance (forms part of the workplace) and the act does not state requirements to escort the representatives onto the actual work area and that the work area would not be fit for purpose to hold discussions, due to onsite plant noise.

12. WHS inspectors indicated to not favour the PCBU's position but suggested that to reconcile an issue, you'll need to sight the issue, where we reminded that neither the organisers had provided specifics on the matters.

13. At around 10.10am, IR noticed a continuance red flashing light being discharged from a recording device attached to Pauls's chest. IR interrupted the conversation to query the organiser to confirm whether the recording device was currently on. After receiving confirmation that it was in use, IR reminded Pauls that no consent had been granted and that the project site rules requires authorisation from the project to permit the use of recording devices, and at this point Pauls was breaching the project site rule and until the device is switched off, we will cease the discussion leading to the device being voluntarily turned off.

14. A prolong stalemate occurred after where an impasse regarding the organisers entry was still under dispute. During the exchange, Taylor agreed to only escort the WHS inspectors onto the work area but explicitly did not authorise entry for the organisers.

15. At 10.40am: WHS inspector (John) issued a directive to be escorted to the gantry stairs (which they would have used to access site), we re-enforced that the organisers are not authorised to be at the gantry stairs, but this was ignored. Discussions surrounding the potential risk of objects falling whilst workers use the stairs took place and resulted in site implementing administrative controls to appease both the organisers and inspectors.

16. The organisers then left site to have a smoke and returned after being notified by the inspectors.

17. At around 11.09am, after completing a phone call, the inspectors concluded and issued a verbal directive to permit the organisers onto the work area. IR replied that the project disagrees with the adjudication but will not stop it.

18. At 11.17am, WHS inspectors were escorted to the chemical storage area after receiving acknowledgment from the organisers who indicated to wanting to inspect the chemical storage first. This led to the organiser's request to produce register and SDS records for hazardous chemical. Initially, IR refuted that the provisions of s81.3 permit the organisers powers to inspect documentations, however this was overruled by the inspectors as they stated that it was reasonable to produce these documents to resolve the issue. Documentations was provided after acknowledging that the PCBU disagreed with the verbal directive from the inspectors to produce documentation for the organisers to inspect.

19. Up to 45 minutes was spent below the gantry to discuss concerns relating the register records. At around 12.25pm, IR briefed Stewart Bramich before leaving the party to attend to other matters.

CFMEU

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& General Division

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CPB EMPLOYS INTIMIDATION TACTICS ON CROSS RIVER RAIL

July 8, 2020

CPB Contractors, the cut price builder charged with delivering Queensland's $5.4 billion Cross River Rail project, is using intimidation and bully boy tactics to try and dodge scrutiny of dangerously unsafe work practices.

Union officials have been regularly threatened and obstructed by CPB employees when trying to respond to safety and other concerns reported by members working on the project, CFMEU assistant secretary Jade Ingham said.

"What you've got is a contractor that will do anything possible to avoid scrutiny and accountability. CPB hates attention being drawn to its failings as a builder and its disdain for workers – and scurries away like a cockroach trying to escape the light."

Mr Ingham said CPB regularly sought to provoke union officials, and tried to engineer confrontations and spurious grievances it could then present to the ABCC in an attempt to tie unions up in costly and protracted legal action.

One CPB operative in particular, Peter Cullen, is ostensibly employed as a safety officer but spends more time trying to obstruct union officials and government inspectors going about their lawful business than actually enforcing anything vaguely related to 'safety', he said.

Cullen is widely known around the Cross River project as "Peeping Pete" because of his habit of following officials into the toilets and standing over them and watching in an attempt to intimidate.

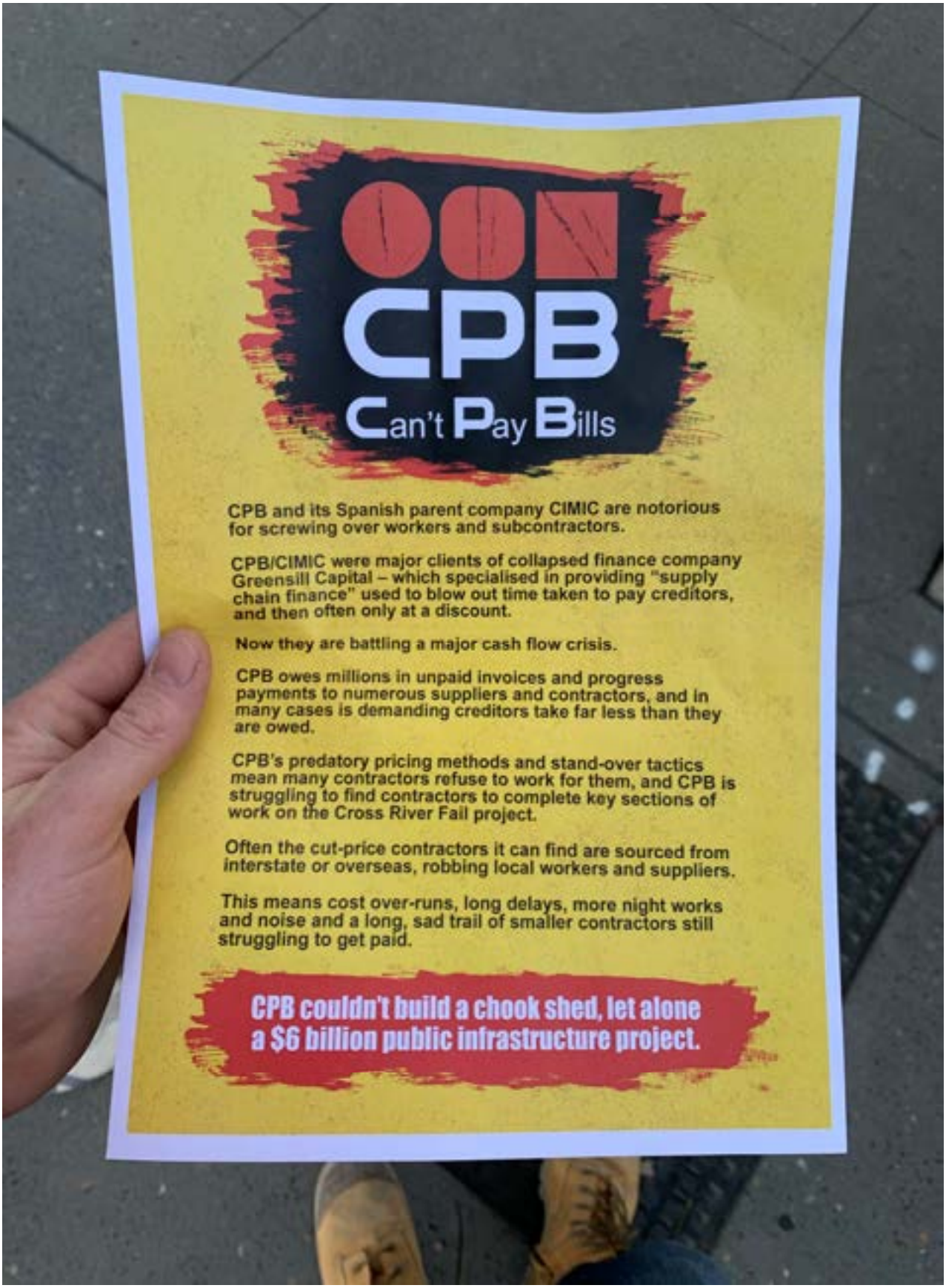
"Either Peeping Pete is deliberately trying to intimidate and threaten officials, or he has other issues that clearly need addressing," Mr Ingham said. "He seems to spend more time loitering around the toilet block than actually out on the site doing his job."

"Peeping Pete is a poster boy for CPB's low rent approach to management, and pretty much typifies the standards you can expect from a cut price contractor like this."

Jessica Elakis

From: Henderson, Teresa [redacted]
Sent: Monday, 16 August 2021 7:57 AM
To: Butler, Chris; Prior, Terry
Subject: FYI - CFMEU handing out flyers at Roma Street

FYI – Lucas just let us know CFMEU are handing out the below at Roma Street today – currently have the minister on site with Else Shepherd for a TBM visit.



Regards

Teresa Henderson
Senior Manager - Stakeholder & Community Relations

Cross River Rail – Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] **M** [redacted]
E [redacted]

From: Wood, Alicia[redacted]
Sent: Tue 31/08/2021 3:09:41 PM (UTC+10:00)
To: Prior, Terry[redacted]]
Cc: Forde, Nicholas[redacted]]
Subject: Summary of s81(3) CFMMEUQ Boggo Rd

Terry,

Please see the summary below of today's unauthorised access at Boggo Road by the CFMMEUQ:

- 8:20am – CFMMEU officials spotted outside Boggo Rd waiting to enter site.
- 8:25am – Darrin Gaske, Nick Forde, Alicia Wood approached the officials to see what they were doing. The Officials introduced themselves as Kurt Pauls and Michael Davis.
- 8:30am – Pauls and Davis indicated that they were on-site for s81(3) regarding several reoccurring safety issues.
- 8:30am – Forde requested to see Federal Permits. Davis stated that they did not need this permit to access the site. Pauls and Davis advised WHSQ had been notified and were on their way.
- 9:15am – WHSQ arrived at Boggo. Discussion undertaken with WHSQ about reoccurring safety issues. It was explained to WHSQ that Pauls and Davis do not have the Federal permit to enter site.
- 9:20am – WHSQ spoke to Pauls and Davis regarding the safety issues. WHSQ advised Gaske, Forde and Wood that the Official's requested an explanation from Forde for denying access to site. Pauls told Forde that he was denying workers' rights.
- 9:25am – more discussions with Forde and CFMMEUQ re: s81(3). WHSQ observed these discussions.
- 9:30am – 2 x WHSQ entered the Boggo Rd site. Site inspection conducted and led by Gaske. Inspectors witnessed inadequate barriers surrounding the trench.
- 10:25am – WHSQ inspected the cranes, checked operating licences.
- 10:40am – WHSQ inspected the hazchem. Union were sighted by Peter Cullan as being on site.
- 10:45am – Wood called Forde to notify that Officials were on-site.
- 10:55am – WHSQ were escorted from site by Gaske, Cullens and Wood. WHSQ advised of the infringement notice for the barrier.
- 11:20am – Gaske and Wood returned to lower truck gate. Forde and supervisors were waiting for Official's to leave site.
- 12:15pm – WHSQ returned to Boggo Rd site and met at the lower truck gate. Discussions were undertaken on s81(3). WHSQ advised that they were not aware of High Court Case.
- 1:05pm – Witnessed Pauls and Davis leave site.

Regards

Alicia Wood
Industrial Relations Advisor



Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T **M**
E [redacted]

Site:	Boggo Rd Station
Unauthorised access date:	31 August 2021
CFMEU Arrival time:	8.30 am
Departure time:	1.05 pm
CBGU JV attendee(s):	Darrin Gaske (Gaske), Shane Bradley (Bradley) Nick Forde **(Forde),** Alicia Wood (Wood), Matt Papworth (Papworth)
Union attendee(s):	Kurt Pauls (Pauls), Michael Davis (Davis)
WHSQ attendee(s):	Travis Dungley (Dungley), Garry Stanley (Stanley)

1. 6.00am – I attended pre-start at Gabba Stations.
2. 7.35am – I departed for Boggo Rd Stations on foot from Gabba Stations, arriving at Boggo at about 7.50am.
3. 8.15am – I received a text message from Matt Papworth that a CFMEU Official has been spotted outside Ecoscience building. I went and looked out the window of the office and saw someone sitting at the picnic table at the park outside the turnstiles. I couldn't recognise him.
4. Papworth received a phone call that there were CFMEU officials at Southern Portal Area trying to access site. Papworth and I agreed that he would head down straight away to Southern Portal area, and I will remain at Boggo Rd.
5. I went and saw Gaske to prepare for the entry.
6. I kept watching the official at the picnic table. He got up and went to the turnstile. I later found out that he was buzzing on the intercom, as Peter Cullen (Tunnels Safety) approached me and said he had called the intercom, but Pete didn't answer it.
7. I then went and got Gaske and we headed down to the turnstile. The officials had left the area at that stage and started walking down the road.
8. 8.25am - Gaske, Wood and I caught up with them at the bottom truck gate and we all introduced ourselves. The CFMEU union officials introduced themselves at Kurt Pauls and Michael Davis. I hadn't met these officials before.

9. Pauls and Davis said they wanted to come onsite under a s81(3) to discuss some safety issues raised to them.
10. We asked what the issues were, they mentioned access/egress, maintenance of plant, falling from heights and some other issues.
11. I asked for their entry permits, they said they didn't need them as they are not required for a s81(3). They instead produced business cards.
12. We said that we will have to get some advice and requested them to come back up to the main turnstile gate.
13. Gaske, Forde and Wood entered through the turnstiles and made some phone calls.
14. I looked up the ABCC website app to determine if Pauls and Davis had their Federal ROE Permits. I identified Pauls and Davis as not having Federal entry permits as listed as No entry permit on the ABCC app.
15. I spoke to Gaske and said that these guys don't have a Federal ROE permit, therefore, they cannot exercise a right under the WHS act, if they are not Federal permit holders. I said that there was a recent High Court decision to rule on this. I confirmed this with Terry Prior during a phone call.
16. 8.45am – Gaske, Forde and Wood went out the turnstile to talk to Pauls and Davis at picnic table. Gaske said to both of them that they weren't coming onsite as they don't have a Federal Permit. Pauls and Davis disagreed saying that they can access site and they don't need a Federal Permit. Forde explained that to exercise a state WHS right, you need to have a Federal ROE permit and since they don't have one, they can't come onsite. Pauls and Davis disputed this and said that WHSQ were on there way. (I thought this was strange that they had already called WHSQ, as if they were pre-empting this situation).
17. Gaske, Forde and Wood entered site while Pauls and Davis waited at picnic table.
18. Forde went and checked a recent summary of the High Court decision on the same set of circumstances where CFMEU officials entered another site under s81(3)

without showing Federal permit. It was determined in the courts that a CFMEU Official had to hold a Federal ROE permit to exercise a state WHS right, such as a s81(3), I identified in this summary report that Kurt Pauls was one of the persons involved in this court case, which was still pending a penalty hearing.

19. 9.30am – 2 x WHSQ Inspectors arrived, Travis Dungley and Garry Stanley. They spoke to Pauls and Davis first and took down all the safety issues raised by Pauls.
20. Dungley and Stanley met with Gaske, Forde and Wood, and explained that Pauls and Davis were requesting to enter site under s81(3) that the issues raised were plant not being maintained, falls from height, lifting gear register, safe storage of hazardous chemicals and access/egress.
21. I explained to WHSQ that Pauls and Davis did not have Federal ROE permits and therefore they are not fit and proper persons to access a construction site.
22. Travis asked me what I meant.
23. I repeated saying that since their Federal ROE permits have been revoked, they have been deemed as not being fit and proper persons to be on a construction site. And therefore, we are not letting them on as they require a Federal permit to exercise a WHS right being the s81(3).
24. Travis asked if we were going to tell the officials this. I said we already have, but we can tell them again.
25. WHSQ inspectors, Gaske, Forde and Wood walked back up to the picnic table to talk to Pauls and Davis. We explained again that they cannot come onsite since they do not have Federal ROE permits. There was some discussion and disagreement about this. We said to the inspectors that they can come onsite.
26. WHSQ inspectors accessed site through the turnstiles, Pauls and Davis waited outside. Inspectors signed on as a visitor onto the Damstra Kiosk and scanned the Covid QR code.

27. Shane Bradley and Pete Cullen met up with the group. Pete organised gloves for the inspectors and we headed out to site. I mentioned to Garry Stanley and Travis Dungley that there had been a recent High Court decision on this that you need a Federal Permit if you want to come onsite under s81(3). I said it was a job up on Bruce Highway, Travis said, was that Seymour Whyte, I said, yes, that's the one.
28. We walked down the scaffold stairs onto a landing, Gaske was talking to WHSQ about the site. We then walked down stairs into the box. Inspectors noticed a trench with inadequate barricade and took a photo.
29. At approx. 9.50am I received a phone call from Terry Prior who requested me to go to Albert St to help the team there as they were having issues with CFMEU organisers attempting to access the site.
30. I left Boggo Stations box and headed out to wait for an Uber.
31. I got a text from Matt Papworth that Mark Curtain wanted to talk to me about gates. I called Mark Curtain who said that they need the truck gate open as they have trucks backed up that need to get out but he was told that they were shut because of the CFMEU being outside. I said to call Gaske, if they are critical to be opened, but we need someone on the gate. (I later found out that this is the gate that Pauls and Davis entered through, which was opened as Southern Portal had to get trucks out).
32. 10.20am – I got picked up in an Uber.
33. 10.45am – I arrived at corner of Albert/Mary St when I got a call from Peter Melloy who said that the 2 x CFMEU organisers were hanging outside lower truck gate and looking to get onsite. I called Terry Prior and agreed that I would head back to Boggo Rd.
34. 11.05am – I arrived back at Boggo Rd. I saw Gaske and Wood outside in front of the café talking to the WHSQ inspectors. I gave my back to Ruth (admin) and headed down the road to the lower truck gate. When I got there, I saw Pauls and Davis

standing inside the gate onsite, with Shane Bradley and a couple of other guys standing in their way so that they wouldn't access site.

35. I approached Pauls and Davis and asked them to leave site. I said it was an unauthorised entry to site. I informed them that they cannot be onsite, it's an illegal entry and they must leave. They declined this request.
36. Further discussions were had about the right to be onsite as a representative for safety issues under s81(3). I kept explaining that they need to have a Federal permit to access site to exercise a WHS right.
37. I raised that there had been a recent High Court ruling on this that you need a Federal Permit to exercise a state WHS right. I said to Pauls, you were involved in it, on the Bruce Highway job. Pauls said that I need to do my homework and read up on the law a bit more.
38. On a couple of occasions Davis and Pauls was escorted to the drink fountain for a drink across the access gate behind security hut. Pauls and Davis also utilised the onsite portaloo.
39. 12.20pm – the same WHSQ inspectors returned to site and met with the group inside the lower truck gate onsite. Travis led the discussion and asked if we maintained the same position. I said that our position hasn't changed, that they need a Federal permit to come onsite.
40. Travis asked who's decision was this. I responded saying that it's the law, it's in legislation, there has been a High Court decision on this. I suggested to WHSQ to google the court case when they get back to the office, as it's clear that you need a Federal permit.
41. Travis said, do you need to make a phone call, Travis asked, if it was Mick Nash. I said I would go make a call, not to Mick Nash, but Mick is involved as Safety Manager. I went and called Terry Prior again, position hasn't changed.

42. I went back to Travis and said that the position hasn't changed. He asked if I talked to Mick Nash, I said no.
43. Travis said to the group that from what he understands Pauls and Davis have a right to be onsite under s81(3) as a representative of the workforce. Travis said that they cannot force CPB to take them onsite. I said that they have a different view on this.
44. Travis went and made a phone call and returned after 5 minutes. He went and spoke to Pauls and said that they have gone through the issues, that he issued the project an improvement notice and that they cannot make CPB bring them onsite.
45. 1.00pm – WHSQ departed site.
46. 1.05pm – Michael Davis left site and Kurt Pauls departed soon after.

TPP-13


DANGER
11,000 VOLTS
WORKPLACE HEALTH & SAFETY
SMOKERS

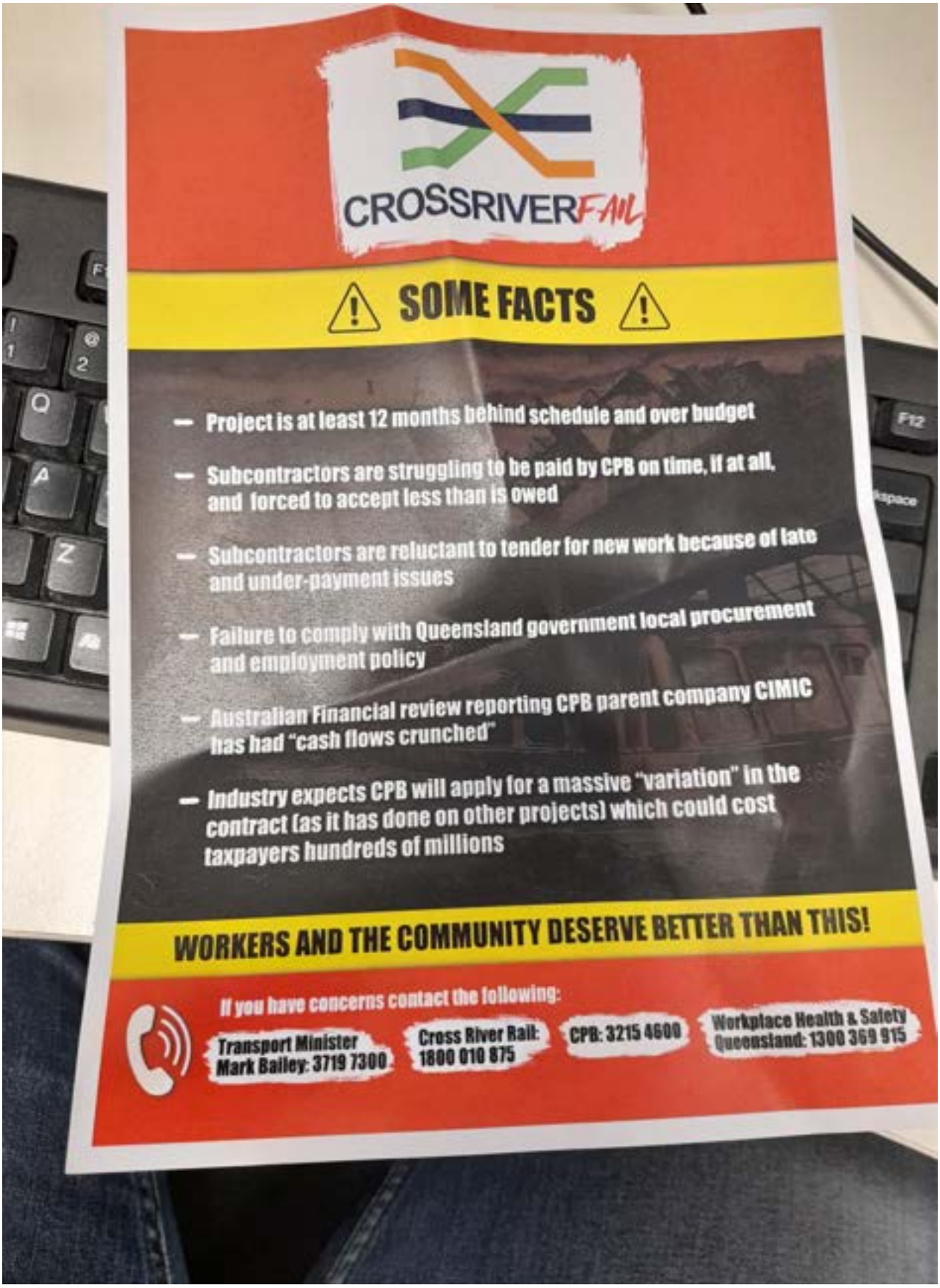
TPP-14

Jessica Elakis

From: Henderson, Teresa [redacted]
Sent: Tuesday, 7 September 2021 8:03 AM
To: Butler, Chris; Prior, Terry
Subject: FW: CFMEU at Roma

FYI

Friends at the Roma station this morning handing out below flyers.



Get [Outlook for Android]

From: Wood, Alicia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2C4FF76849984B2F887EAA6190879D21-ALWOOD]

Sent: Thur 14/10/2021 10:27:50 AM (UTC+10:00)

To: Forde, Nicholas [redacted]

Cc: Prior, Terry [redacted]

Subject: Summary Notes - CFMEU s117 SAW Railway Tce

Nick,

Notes below from today's 117 ROE at Railway Tce at the Boggo South Precinct of the SAW works. I have saved the CCTV footage here

I arrived at Railway Tce at approximately 7.20am. The J2 Truck Gate had been locked as a result of the unauthorised access. I called Phil McInerney (Superintendent) to gain access to the site and spoke to Phil regarding the reasons for the visits. Phil advised the following:

- At approximately 6.47am, Andrew Blakeley entered the Railway Tce site at Southern Portal.
- Blakeley walked onto site unauthorised through the J2 truck gate. Blakeley seems to wave his 117 notice at a traffic controller who has tried to stop him coming onto site.
- No one saw Blakeley enter the site and walk towards the crib rooms.
- Blakeley entered the crib rooms where there were a few AvoPiling workers. (I asked these workers about the nature of the conversation and they advised it was a very brief conversation where Blakeley asked about their wet weather arrangements).
- At approximately 7.00am Phil saw Blakeley on site in the crib rooms and asked him to leave the site. Blakely refused and handed him a s117. Phil did not check Blakeley's permits.
- Phil advised that he would have to call the appropriate people (Brendan Price - Senior Project Engineer and Duncan Reid - General Superintendent) down to site to handle the ROE. Blakeley remained in the crib rooms whilst Phil called Brendan and Duncan.
- After Phil called Brendan and Duncan, Phil again asked Blakeley to leave site or wait at the J2 entrance gate. Blakeley agreed. Phil proceeded to escort him out.
- On the way out, Blakeley raised concerns about the flooded walkway from the entrance to the site to the crib rooms. Phil advised that there was nothing he could do about this, provided it was raining, however, they were redirecting people an alternative way.
- Blakeley seemed to accept this and proceeded to leave site at approximately 7.05am.

A couple of additional notes:

- Phil has since advised that they have set up an exclusion zone around the flooding walkway and a Labourer is monitoring that exclusion zone underneath a shelter.

- It is recommended that ROE training is provided to Phil and appropriate personnel at Railway Tce as:
    - Blakeley's permits were never checked,

- Phil asked me whether Blakely could just 'walk onto site like that'; and
- No one notified Phil or any Supervisors/ Management of Blakeley's entrance to site. Blakeley was on the site for approximately 10 minutes unescorted.

Regards

Alicia Wood

Industrial Relations Advisor



30 Joe Baker Street, Dutton Park, QLD, 4102, Australia

T [redacted] **M** [redacted]

E [redacted]

From: Marsden, Andrew [redacted]
Sent: Thur 14/10/2021 1:03:22 PM (UTC+10:00)
To: Prior, Terry [redacted]
Cc: Forde, Nicholas [redacted]
Subject: 14/10/21 CFMEU s117 ROE- Roma St-Station

Terry/Nick,

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

- At 9:30 I received a notification that Blakeley was at Roma Street Station, I advised Nick Forde and Paul Head (Safety).
- I walked to site with Paul Head. Paul received the intel that Blakeley was onsite in the M&E cribs talking to the Lindores boys.
- At 9:42am I arrived at site and called Gary Lappen (Superintendent) to inform Blakeley was in the cribs talking to the boys.
- A few moments later Gary met me at the crib and walked immediately into the crib room where Blakely was talking to the boys. Gary asked Blakeley to come outside for a chat. Blakely followed this direction, stopped talking to the boys and came outside.
- Gary said to Blakeley to the effect of "*You are onsite without authorisation, you can't do this, you got no paperwork, you haven't presented at the gate and notified us that you are seeking to enter site"*
- Blakeley effectively said "*Where's the correct gate?, I don't know where the correct gate is and I have my paperwork, no one has asked me for it [paperwork]. I have the right to be here as there are serious safety concerns with this site*".
- Blakeley produced a 117 Notice that was folded up in his wallet and handed to Andrew Marsden.
- The s117 Notice stated "*Inclement Weather provisions and processes, Access to Amenities due to Inclement Weather"*
- Andrew requested Blakeley produce his state and federal permits allowing him to enter site under a 117. Blakeley complied with this request
- Blakley requested to visit the Underpinning work front area as some workers were continuing works. Blakeley escorted by Gary, Andrew and Paul.
- Blakeley approached some workers in the area and asked if they would be going home. Workers said if they can't work due to rain (as is wasn't currently raining) there was training they wanted to complete. (Training was site EWP training).
- Blakeley left the workers and had a close out conversation with Gary with departing

comments to the effect of "*A few things to fix up, I am fond of this site and will be back tomorrow.*"

- At approx. 8:30 Blakeley walked off in the car park direction and drove off as he was parked onsite.
- Gary asked Tony Moore to understand how the Traffic Controller (TC) granted Blakeley to drive and park onsite.
- Tony came back after speaking to the TC relaying that according to the TC, Blakeley didn't stop at the gate and drove straight in. Gary instructed Tony to ensure the TC is to keep the Boom Gate down from now on.

I will follow up with to understand if there is any CCTV footage of Blakeley driving onto site.

Any concerns please let me know.

Regards

Andrew Marsden
Senior IR Advisor

CROSSRIVERRAIL TUNNEL & STATIONS
Cross River Rail - Tunnels and Stations
CBGU D&C JV
33 Herschel Street, Brisbane City, QLD 4000, Australia
T [redacted] M [redacted]
E [redacted]

From: Marsden, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3E536D3E5634CDEA14B407DC8263190-MARSDEN, AN]

Sent: Fri 15/10/2021 1:45:18 PM (UTC+10:00)

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
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CBGU D&C JV
33 Herschel Street, Brisbane City, QLD 4000, Australia
T [redacted] M [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

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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
To: Marsden, Andrew [redacted]; Forde, Nicholas [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.
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and they wanted to make the PM aware of the issue.

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

Regards

Andrew Marsden

Senior IR Advisor -

CROSSRIVERRAIL TUNNEL & STATIONS

Cross River Rail - Tunnels and Stations

CBGU D&C JV

33 Herschel Street, Brisbane City, QLD 4000, Australia

T [redacted] M [redacted]

E [redacted]

From: Prior, Terry [redacted]
Sent: Mon 18/10/2021 4:08:17 PM (UTC+10:00)
To: Forde, Nicholas [redacted]
Cc: Marsden, Andrew [redacted]
Subject: RE: CFMEU Unauthorised access at Roma Stations - 18.10.21

Thanks mate !

From: Forde, Nicholas [redacted]
Sent: Monday, 18 October 2021 4:07 PM
To: Prior, Terry [redacted]
Cc: Marsden, Andrew [redacted]
Subject: CFMEU Unauthorised access at Roma Stations - 18.10.21

Terry, see below summary of events at Roma Stations today.

CFMEU Unauthorised access at Roma Stations 18.10.21

- Marsden informed me at mid-morning today that Mark Jones was planning to meet with Chris Lindore's and Lappo today to mend the relationship after last week's interruption to works.
- Marsden informed me at approx. 12.20pm, that after the Mark Jones, Lappo meeting with Chris Lindores, they were going to meet with the crane crew as a path forward in mending the relationship.
- At approx. 12.50pm, Marsden and I were on Roma Street walking the footpath to review where the CCTV cameras were to be installed.
- At approx.. 1.00pm, Marsden and I were outside the stations truck entrance gate when Marsden received a call from Paul Head, Safety Lead.
- Paul stated to Marsden that Blakeley was onsite. We started looking up and down the road and couldn't see anyone. Paul then said, he was in the cribs, as he had a call from Glenn Ward notifying him.
- Marsden and I then accessed the site and went to Lindore's crib hut. We realised that Blakeley was probably onsite to witness the discussion between Lindore's, Lappo and Mark Jones.
- I opened the crib hut door and saw the Lindore's crew, Mark Jones and Lappo all sitting in a circle type formation, with a Lindore's employee talking. Mark Jones and Lappo had their backs to me from the door I entered into. Blakeley was separate from the group leaning on a table facing the backs of Mark Jones and Lappo. Blakeley was closest to the door I entered in.
- I asked Blakeley to come outside. Blakeley refused my direction and remained in the crib. I apologised to the group for interrupting.
- I then called Terry Prior at approx. 1.03pm to notify him that Blakeley was onsite.
- At approx. 1.20pm the meeting between Lindores, Mark Jones and Lappo finished and the majority of the group exited the room, Blakeley remained in the room with a few Lindores guys. I went back in the room and requested Blakeley to leave. He said he will just be a minute.
- Mark Jones and Lappo were just outside the crib hut, I said to Lappo and Mark, can you give us a hand in getting Blakeley out so we can talk to him. Lappo went to the door

and as he opened it, Chris Lindores and Blakeley exited the room.

- I said to Blakeley, 'how did you get onsite', he said 'with a swipe card'. I said, 'you just can't come onsite, it's unauthorised'. I said as we were exiting the site (Chris Lindores and Mark Jones exited in front of us), 'you know you have to wait outside the gate and call us up so we can go through your permits and paper work' I said 'even if a subbie invites you on, we still need to go through the approvals to access site'. Blakeley then handed me a folded up s117.
- After he handed me the s117, I stopped to open it. Blakeley then caught up with Chris Lindore's and Mark Jones who were walking down Roma St.
- Later on I spoke to Lappo and asked if someone had invited Blakeley to the meeting. Lappo said that Blakeley arrived in the room after they had started the meeting and was not invited. Lappo said that one of the guys probably texted Blakeley that the meeting was on.
- It's not clear whether Mark or Lappo knew whether Blakeley had entered the room while the meeting was in progress as their backs were to him. However, it's likely they would have noticed him in the room after I had entered at 1.00pm.

Regards

Nicholas Forde

Senior IR Advisor

CROSSRIVERRAIL TUNNEL & STATIONS

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: Tue 19/10/2021 5:47:29 AM (UTC+10:00)
To: Forde, Nicholas [redacted]
Subject: JONES VERSION - Re: ROMA 3rd party Visit

FYI -

From: Jones, Mark [redacted]
Sent: Monday, 18 October 2021 4:55 PM
To: Prior, Terry [redacted]
Subject: Re: ROMA 3rd party Visit

Terry,

As discussed , please see my notes from todays meeting with Lindores (attendees – Gary Lappin , M Jones , Chris Lindores, Matt Lindores and the current site crane crew)

1. Meeting held with Lindores Logistics Management to discuss current site issues with CBGUJV team
2. Meeting commenced at 12:40 pm chaired by Chris Lindores
3. Meeting topics –
    a. Ongoing site issues & frustrations to be tabled
    b. Pre-starts and communications
    c. Wet weather process and communication
4. On conclusion of the meeting
    a. A .Blakeley (3rd Party) had entered the site Crib (back door and taken a chair)
    b. Myself and Garry Lappin did not become aware A Blakeley was in the room for about 5min
    c. Once A Blakeley was known to be present , Gary Lappin asked A Blakeley why his was in the room and informed he cannot be there and should leave which he said “No”
    d. Nick Ford opened the door and requested A Blakeley to come out of the room and he refused
    e. A Blakely remained in the room for a further 5min whilst is we spoke to the Lindores team about the Precast works coming on the M&E shaft
    f. Lindores crane crew proceeded to have their lunch , myself and Gary L left the room with Chris & Matt Lindores
    g. Gary proceed to catch up with Nick & Andrew M whilst is discussed the rigging requirements for the up and coming works on the M&E shaft
    h. A Blakeley proceed to leave the site , Nick & Andrew followed him down the footpath and ask for his permit, which his handed over.

If I remember anything further I will pass on

Regards

Mark Jones

Project Manager



Level 2, 33 Herschel Street, Brisbane City, QLD 4000, Australia
T [redacted] M [redacted]
E [redacted]

From: Marsden, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3E536D3E5634CDEA14B407DC8263190-MARSDEN, AN]

Sent: Mon 18/10/2021 4:15:09 PM (UTC+10:00)

To: Forde, Nicholas [redacted]; Prior, Terry [redacted]

Subject: RE: s117 ROE 18/10/21

Correction HL below

Mark not Paul.

From: Marsden, Andrew
Sent: Monday, 18 October 2021 4:11 PM
To: Forde, Nicholas [redacted]; Prior, Terry [redacted]
Subject: s117 ROE 18/10/21

Nick/Terry,

Please see below notes from today's ROE.

- At approx. 1pm I received a call from Paul Head informing me the CFMMEU was onsite at Roma St
- Paul believed Andrew Blakeley (AB) was at the M&E cribs.
- At the time I was with Nick Forde on Roma st outside Gate 5 near the entrance to the M&E crib area.
- Nick went into the Lindores Crib room, inside the crib was (Paul) Mark Jones, Gary Lappen and the Lindores crew. AB was at the back of the room
- Nick entered the Crib room and asked AB to come outside. AB did not exit the crib
- Nick and I waited outside for the meeting to finish
- Approx. 1:25pm the meeting finished with Gary, Mark and Chris Lindore exiting the crib
- As AB remained in the crib talking to some of the Lindore workers, Nick requested AB to come outside for a chat as AB. AB (again) refused this direction
- Nick and I went and spoke to Gary and asked if he could direct AB to exit the crib to discuss why he (AB) was onsite.
- At this time Mark, and Chris exited the gate, AB attempted to follow them both. Nick asked AB what he was doing on and informed him that he was onsite unlawfully.
- AB continued to walk towards the gate and exited site. Nick continued to attempt to address AB informing him that he can't enter site without first informing he wished to enter site, AB response was *" I have a swipe card and authorised to enter site"*
- Nick addressed that he needed to provide a notice of entry before entering site and show his permit cards upon entry.
- AB pulled out s117 Notice and gave it to Nick, then walked off and caught up with Chris and Mark

Regards

Andrew Marsden

Senior IR Advisor



33 Herschel Street, Brisbane City, QLD 4000, Australia

T [redacted] **M** [redacted]

E [redacted]

From: Forde, Nicholas[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9A7B92FFFB5C49919C65084C890755BE-FORDE, NICH]

Sent: Wed 20/10/2021 10:02:29 AM (UTC+10:00)

To: Bekkers, Jonathan [redacted]; Wood, Alicia [redacted]; Marsden, Andrew [redacted]; Papworth, Matthew [redacted]

Subject: FW: Summary CFMEU unauthorised access Gabba Stations - 20.10.21

FYI. Summary from today's visit.

Regards

Nicholas Forde
Senior IR Advisor

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T [redacted] M [redacted]
E [redacted]

From: Forde, Nicholas
Sent: Wednesday, 20 October 2021 10:00 AM
To: Prior, Terry [redacted]
Subject: Summary CFMEU unauthorised access Gabba Stations - 20.10.21

Terry,

See below summary from today's unauthorised access to Gabba Stations by CFMEU

- 5.55am – I received a call from Supervisor Matt Russell that Blakeley had entered site through Leopard st truck entrance on foot and was in the crib sheds. I was just about to enter via the Gabba Stations turnstiles at the time.
- I grabbed Senior Supervisor Mark Weise and went into crib hut. Blakeley was talking to Titan crane crew with Justin O'Neill present in crib hut.
- I said to Blakeley that his access was unauthorised and that he needs to leave. I asked why he was onsite, he said s68, to meet with Richie. I asked for his permits, he showed me Federal and State permits. I requested him to leave site as he cannot access site without authorisation. I explained that the correct was to access site is through the turnstiles and that he needs to call us up so that we can come to the gate and check his permits, paperwork and that we need to authorise his access. He disagreed with this. He said that if I had a problem, I should report it to the QIRC.
- 6.20am – Blakeley, Richie and Colby started walking onsite. I said that he cannot go onsite, his entry is unlawful, he needs to do visitor induction, scan onto Covid and that

he needs s117 to inspect site. Blakeley disagreed with the site requirements and refused my direction. O'Neill and I followed them onsite via scaffold down to B9 level (lowest level). They walked about B9 and B7 and make comments about water on the ground, lack of lighting and asked questions about mould detection. Weise joined us on B9 for the walk around.

- 6.50am – went up to B4 level – main open deck area where majority of work is getting done. Tresider had joined us by this stage. Blakeley unhappy with walkways and access to main deck and access into steel fixing pits and stopped steel fixing crews from working in the area until 2 x access ways onto main deck were installed and the proper scaffold access into the pits were installed. Supervision organised this immediately. All other work groups were working. Steel fixers were redeployed to other areas. (I understand that the HSRs and workgroup had already assessed this work area and were happy with the current set up, however, Blakeley's proposals for access improvements were implemented rather than being disputed.
- Discussion was held about supply of drinking water. Tresider explained that the project will be issuing personal 5L water bottles to everyone. Blakeley didn't like this idea, and expects the bigger water jugs to be organised at all work areas.
- On a number of occasions I explained to Blakeley that his visit was unlawful, that he needs to follow the rules to access site and provide us with appropriate paperwork to approve his access. He disagreed with this and believes his access was lawful and suggested that I report it to QIRC.
- 8.20am – Steel fixers moved back into work area as access had been installed/improved.
- 8.35am – Blakeley and group departed the box, out of the work area and entered the Heinrich office. Blakeley said to Scotty (Safety manager) and Ross (Site Manager) that Scotty needs to move over to another desk, and Richie is to sit where Scott is, which is next to Troy (HSR) desk. They all share the same open plan office (12x3 sized donger). Ross said he was unaware of this. I said to Blakeley, Scotty is not going anywhere, your entry to site is unlawful and you have to leave. Blakeley declined this request.
- Blakeley then rang Hoss and explained to him the reconfiguring on seats in the Heinrich office. Hoss apparently agreed. Blakeley went back in and told Scott and Ross that news that Hoss has agreed. Ross said to Blakeley, ,are you the new construction manager are you? Is that what this visit was all about down there, to sort out an office for Richie? The work area down there that you had an issue with had already been consulted and agreed to by the workforce.'
- 8.45am – Blakeley departed site.
- Tresider had subsequent discussions with Jeff Bedsor and Ross from Heinrich. Heinrich have suggested to move Brent, Q Elect Foreman, out of his office to put Richie in there. Brent shares a donger with IPR and East Coast, and Heinrich believes that is their donger for them to use. Tresider has told Heinrich that Richie is not to move into Brent's office and that he is to share the Heinrich office, and Heinrich can reconfigure the seating how they like, but Richie does not get his own office.

I'll provide a full summary later on today.

Regards

Nicholas Forde

Senior IR Advisor

CROSSRIVERRAIL
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Cross River Rail - Tunnels and Stations
CBGU D&C JV
91 Leopard Street, Woolloongabba, QLD 4102, Australia
T [redacted] M [redacted]
E [redacted]

Site:	Gabba Stations
Access date:	20 October 2021
CFMEU Arrival time:	5.55 am
Departure time:	8.45 am
CBGU JV attendee(s):	Nick Forde (NF), Mark Weise (MW), Justin O'Neill (JO), Warren Tresider (WT), Matt Russell (MT)
Union attendee(s):	Andrew Blakeley (AB)
Subcontractor attendees	Richie Atolu (RA), Colby McAlpine (CM)
WHSQ attendee(s):	N/A

1. 5.55am - I receive a phone call from Matt Russell (MT), Supervisor, who informed me that Andy Blakeley (AB) had entered site on foot from the Leopard St truck entrance gate and had walked into the crib huts. I was arriving at the turnstiles at the time of the call and I asked MT if anyone had spoken to Blakeley. MT said that he received a call from the Traffic Controller who said that a union guy had walked through the Leopard St gate. MT said that he then went outside the office and saw AB walk across the gantry bridge towards the cribs/offices. MT asked AB what he was doing, AB said he was here to see Richie, MT then said to AB that he needs to use the Vulture St entrance in the future.
2. I called WT but he didn't answer.
3. After entering site, I walked up to the office to put my bag away and grabbed Mark Weise (MW) Senior Supervisor to come with me to speak to AB in the cribs. We both headed downstairs and found AB in the crib talking to Titans crane crew. Justin O'Neill (JO) was in the crib room as well.
4. I spoke to Blakeley and said that he can't just walk onsite through Leopard St and that this is considered an unauthorised entry. I said that he will need to leave site as he hasn't followed the right of entry process. I asked why he was onsite, he said under s68. I said, you mean 70(1)(g). I asked for his permits, he showed me both Federal Fair Work and State WHS permits. I said to AB that he needs to go to the

turnstiles and call us up to meet him and go through the right of entry process and what he has done is unlawful and he needs to leave site.

5. AB disagreed and stated that he has done what is required and is lawfully allowed to be onsite. We had a back and forth discussion about his right to enter and disagreed on whether his entry was lawful or unlawful. AB said that if I have a problem then I should report it to QIRC. I said that because it's unlawful I will have to report it.
6. MW said to AB that he can't walk through the truck entrance, it's unsafe as he could get hit by a truck. MW also said to AB that he doesn't have the correct PPE on while walking through site.
7. I asked AB what he planned to do, he responded that he was waiting for Richie. I asked what the safety matter was, he said that was between him and Richie and he doesn't need to tell us. I said that if he is here to assist a HSR then there has to be a safety issue to discuss. I said that Justin our Safety Lead is here, so you can talk to him about it. AB declined to provide any information on the safety matter he was there to assist a HSR with.
8. It was clear that AB wasn't going to leave site and wasn't planning on following our direction.
9. I exited the crib hut with JO and MW. We were waiting outside the crib hut when we saw Richie arrive at about 6.05am.
10. At 6.20am, I saw AB walking down the veranda outside of cribs with Richie (RA) and Colby (CM) in the direction of Heinrich office. AB was on the phone. While we were waiting for AB to get off the phone, I said to RA, 'Andy needs to go through the right process to get onsite, he needs to wait at the turnstiles so we can do all our checks before he comes on, otherwise it's an unauthorised entry'. RA said 'that's between you guys'.
11. AB got off the phone and started walking up the stairs with RA and CM to the gantry bridge across to the site. I said to AB, you can't go onsite Andy, you don't have a

s117, you haven't done the visitor induction or covid check in, so we can't authorise your access to site. JO and I followed them across the gantry bridge and down the stairs around the perimeter of the station's box to the scaffold stairs, to access the station box.

12. AB, RA and CM walked down the scaffold access stairs to B9 level, JO and I followed them around the area including B7 level. AB raised issues of water on the ground and lack of lighting. JO explained that the lighting in the work areas is Heinrich's responsibility and the lighting in the walkways was JV responsibility. MW joined us for the walk. There were fans operational in a number of locations to dry the water. AB said to the HSRs that no work can be done in here until the water has been cleared. AB also asked about mould monitoring.
13. 6.50am - we then walked up to B4, which is the main open work area. AB had an issue with the walkways to the work fronts and also had an issue with access into the work areas that the steel fixers were working in. AB told the steel fixers to stop work in that area. AB said the access into the area was inadequate. AB said that they needed 2 x access points onto the steel fixing deck.
14. Tresider (WT) had joined us by this stage. I explained to WT that AB's entry was unlawful, as he walked onsite unannounced through Leopard St and didn't provide a s117 entry notice. I said to WT that I had already told AB he needs to leave site but has refused my direction. I said to WT that we need to limit our interaction and request AB to leave site, as it's not a sanctioned visit.
15. AB then inspected the access into the steel fixing pits and identified a couple of access points as being inadequate. AB stopped the work due to this inadequate access.
16. Steel fixers removed themselves from these specific areas. I understand they were redeployed to other areas onsite. All other trades continued to work as normal.

17. Discussions were had with the scaffolders who are subcontracted to Heinrich on what they need to do to improve the access into the pits for the steel fixers.
18. CBGU Supervisors started organising labourers to improve walkways access and install better edge protection to the work area instead of crowd control barriers.
19. I understand from discussions that I overhead, that the set-up of this work area was previously discussed between HSRs and the workgroup and generally speaking, this is how the job had been agreed to be set up. There were some items discussed that hadn't been fixed up as previously discussed. Regardless, all the improvements suggested were acted upon.
20. At approx. 7.50am - while the crews were fixing up the access points and walkways, discussions were had about supply of drinking water. WT explained to AB that they will be supplying individual water bottles to all employees so that they can have water with them at all times. AB disagreed with this initiative and suggested that the bigger water jugs should be used around the site, not personal water bottles.
21. 8.15am – I had another discussion with AB about being onsite unauthorised. I said that he needs to play by the rules. I said that if he had gone to the turnstiles, called us up, or called one of the HSRs to organise us to come down and meet him, we can go through the entry process, check permits, give us a s117 and then we can do the site inspection and it would be all good. But since he has come onsite unauthorised, we cannot sanction his visit and we have to report it. AB said, that he has done everything that's required, he has shown his permits, he said that he can inspect site under s68 and doesn't need a s117 to walk around site and advise HSRs. He said again if I have a problem, to report it to QIRC. We again had a disagreement about his legal right to be onsite.
22. 8.20am – Steel fixers started moving back into the work areas where the 2nd access point had been installed and scaffold access had been fixed up.

23. 8.35am – AB and HSRs departed the box via the Alimak and walked from site to the Heinrich office.
24. AB entered the Heinrich office and said to Scott (Heinrich Safety Manager) and Ross (Heinrich Site Manager), that Scott was to move desks within the same office and Richie the HSR was to take Scott's desk. Ross stated that this was news to him. I could see a vacant desk in the middle of the office that Richie could use, and what I was witnessing was AB intimidating Scott to move. I thought this was very unfair and not right so I said to AB, Scotty's not going anywhere. AB said to me, who are you. I said to AB, your entry to site is unlawful and you need to leave.
25. AB continued with his pressure for Richie to take Scott's seat. AB then said he will make a phone call to Hoss. AB left the office and made a call. I exited the office at the same time.
26. After the phone call, AB went back into the office and said that he has spoken to Hoss who has agreed that Scott can move his desk to the spare one and Richie will take Scott's chair.
27. AB and Ross then had an argument. Ross said to AB, are you the new construction manager here? Ross also said, is this what this visit was all about today, you giving us a hard time onsite to get Richie an office?
28. 8.45am – Blakeley departed site via the Vulture St turnstiles.
29. I was curious to see how AB entered the worksite from Leopard St, so I obtained the CCTV footage at the Leopard St entrance. It shows AB walking through the boom gates at about 5.48am. You could see there was a brief interaction with the traffic controller at the gate. AB then put his hardhat on and walked down the haul road towards crib area.
30. I asked our Supervisor, Matt Russell on what the Traffic Controller said to AB. Feedback is that the Traffic Controller said words to the effect, you can't walk though here and AB responded something like, it's all good, I'll let them know I'm here.

From: Marsden, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3E536D3E5634CDEA14B407DC8263190-MARSDEN, AN]

Sent: Thur 28/10/2021 12:09:27 PM (UTC+10:00)

To: Prior, Terry [redacted]

Subject: RE: CFMEU Unlawful Access to Roma St Site 28/10/21

Terry,

Please se more detail on the below bullet point highlighted in red.

(AB then tried to shove the paperwork down my shirt. I repeated to him to don't touch me and get out of my personal space.)

- Whilst at Gate 4 AB tried to hand me some paperwork (it looked like a folded up 117). AB said to me "*here you go Andrew*"
- I said to AB "*I'm not accepting that.*"
- AB then moved closer to me and the tried to shove the paper down my shirt. I could not step any further back as I was up against the barricade
- I responded "*don't touch me*" *"I don't want it*"
- AB kept trying to shove the paperwork down my shirt. I defended myself as best as I could by swatting his hands away from me as he was trying to shove the paperwork down my shirt.
- As I swatted his hands he was attempting to grab my wrist to control and get me to accept the paperwork
- I continued to move my hands so he could not grab a hold of me and firmly stated "*don't touch me, don't me, Andy don't touch me, I don't want it*"
- I said to him "*step back"* four times and " then repeated "*Stop it and exit now"*
- AB said "*it's a bit of paper take it"*
- I said "*no ,exit now*" and repeated this a few times
- AB said "*stop talking to me like a dog*".
- I said "*you can stop intimidating me and forcing paperwork down my shirt, leave now*"
- AB said "*who do you think you are*?"
- I said "*I am a guy that doesn't want to be intimidated by you, that's who I am and leave now*"
- AB then held up the paperwork in my face for a while (again trying assert himself and intimate me."
- I said I'm not taking its been an unlawful entry to site and you need to leave.
- AB said "*we got a bit of time"* and continued to hold up the paperwork
- A few moments I said "*I'm not taking the paperwork. You failed to follow access requirements and you can leave now*"
- AB "*its illegal for you not to take it.*"
- I said *I'm not taking it.*
- AB said "*you just spat on me"*
- I said "*No I didn't Andy, get out of my personal space, I can't move back, you have been forceful with me"*
- Gary then said we need to hope out of the way (of the trucks)

- AB we will put it in the visitors in tray and walked to the crib room

Terry, today's incident left me being degraded, demeaned, intimated, fearful and a few other feelings that I still need to process.

Regards,

Andrew

From: Prior, Terry [redacted]
Sent: Thursday, 28 October 2021 9:24 AM
To: Marsden, Andrew [redacted]; Forde, Nicholas [redacted]
Subject: RE: CFMEU Unlawful Access to Roma St Site 28/10/21

Thanks mate – good notes, and as u would expect, real keen for all detail on piece in red below + anything overheard on his conversations about 'not working long weekend / RDO's

From: Marsden, Andrew [redacted]
Sent: Thursday, 28 October 2021 9:09 AM
To: Prior, Terry [redacted]; Forde, Nicholas [redacted]
Subject: CFMEU Unlawful Access to Roma St Site 28/10/21

Terry/Nick,

Please see brief 1st draft notes from today's unlawful access to site by the CFMEU.

I will refine and expand as need today and send through later.

Any q's please let me know.

- At 6:25am today I attended Tony Moore's prestart.
- Before the prestart commencement Tony received radio communication from the Gate 4 TC informing the CFMEU had walked through Gate 4
- Tony informed me and said he would let Gary Lappen know and for him to come to site
- I left Tony's prestart area and called Nick F to advise the CFMMEU were onsite
- From the upstairs walkway (Tony's prestart area) I could see two black hats, I recognised Andrew Blakeley but not the other person.
- They were meeting with the Lindores crew outside the Lindores crib room
- I headed towards the Lindores crib area where they were located.
- As there were 2 CFMMEU persons, I waited for Gary L and Paul H to arrive.
- Once Gary and Paul arrived I informed them that today's entry from the 2 CFMMEU persons is (again) unlawful and we will ask them to leave site
- I entered the site near the Lindores crew, an unknown person was wearing CFMMEU attire (CFMMEU high-viz vest & black hat).
- At this time AB exited the toilet. I asked him what was he doing onsite. AB said "safety mate" and walked off.

- I followed AB and the other unknown person around to Gate 5.
- Gary was there and spoke to AB. Gary informed AB and his mate they have accessed site unlawfully and need to leave.
- AB response was “I won’t be leaving site”. Gary said “u have entered site illegally and you need to leave”.
- AB said “how did I enter site illegally?” Gary replied “through Gate 4”. AB response was ‘the allegations are wild, and I still won’t be leaving.”
- I asked AB “what is he here for?” AB said “117 mate and you haven’t asked me for my paperwork yet mate”
- I said to AB you haven’t followed the process to access site, and you are unlawfully, and you need to leave site now.”
- I turned to the unknown CFMEU person and ask him for his name, his response was “why do you want to know my name”
- I said to the unknown person because your are onsite unlawfully, you haven’t followed the process to access site legally” AB commented “how ridiculous, we won’t be leaving site and I am waiting for you guys to exercise my right, I have just been waiting at the site office for you guys”
- I advised to AB the correct process is to wait outside at the gate, to make contact with us and going through the site access process first and you have not done that again and again Andy.”- AB interrupted and to me “that’s a wild allegation Andrew” My response was “its not an allegation Andy, you have accessed site unlawfully and you need to leave guys.” AB response was “ I won’t be leaving I want to exercise my right.
- I again asked for the unknown persons name. AB said his name is Marcus
- I repeatedly instructed both to leave site. This went back and forth for a bit which led to AB to walk off and head towards the M&E pit.
- I yelled out to AB “don’t walk Andy, don’t access site” AB continued to walk off and head towards the M&E access
- After looking at the M&E pit, AB and Marcus walked to the VT pit, I repeated the instructions for AB and Marcus to leave site
- Both ignored my directions and continued to the VT pit and talk to workers
- After entering the VT pit both went to the underpinning area and talked to a few workers
- Again the same directions were given to AB and Marcus
- As AB and Marcus had finished the rounds of the work fronts they headed to Gate 4.
- AB pulled out some paperwork and said here is the 117 take it. I said no I won’t be accepting it.
- **AB then tried to shove the paperwork down my shirt. I repeated to him to don’t touch me and get out of my personal space. (I will expend on this altercation later)**
- AB then went back to the crib area and dropped off the paperwork and tried to sign in.
- From there they both left.

Regards

Andrew Marsden

Senior IR Advisor

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Cross River Rail - Tunnels and Stations
CBGU D&C JV
33 Herschel Street, Brisbane City, QLD 4000, Australia
T [redacted] M [redacted]
E [redacted]

From: Lappin, Gary [redacted]
Sent: Thur 28/10/2021 1:17:46 PM (UTC+10:00)
To: Prior, Terry [redacted]
Cc: Forde, Nicholas [redacted]; Marsden, Andrew [redacted]
Subject: CFMEU visit to Roma

Hi Terry
This morning Andy Blakely and a new face from the CFMEU who said his name was Margnes arrived on site at 6.30 am they illegally entered site through gate 4 when it was opened to let a truck out and preceded down to the bottom Crib sheds to talk to workers Andrew rang me and informed me they were on site I then went to site with Paul Head to follow up on there visit. Mett Andrew at the bottom crib sheds and the 2 CFMEU officials. Andrew then told them they hadn't followed procedure and entered site Illegally and that they needed to I leave site. Andy said he was here on union business and would give us a 117 Andrew told him we would not be accepting it and they needed to leave site a gain he stated he would not be leaving site and continued to walk around site to our different work areas and stopped to talk to his members that we came across on the way. We went to the ME shaft which he looked into from the top then to the VT shaft again only looked into from the top then the underpinning area where he went into the work area to talk to tow of the Mulherin workers. Then decided to leave site when we got to gate 4 he asked Andrew to accept his 117 and Magnes 117 Andrew told him we would not be accepting as they hadn't followed procedure and needed to leave site he asked me as well and I told him I would not accept them. He then got aggressive towards Andrew and tried to place them on him he made contact with Andrew. Then decided he was going to leave them in the crib shed placed them in our docket tray and took a photo of them beside a toolbox sign on sheet did not right his name on this. They both then left site, during this visit he was told repeatedly by Andrew they were on site illegally and needed to leave I told them as well several times they had not followed procedure and needed to leave site. Andrew handled there visit very competently and the situation where Andy became aggressive towards him very well. They were on site to talk to members to make sure they were taken their RDO's made a couple of comments as we walked around site it was looking very good

Regards

Gary Lappin
General Superintendent

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Cross River Rail - Tunnels and Stations
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Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T **M**
E [redacted]

From: Marsden, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3E536D3E5634CDEA14B407DC8263190-MARSDEN, AN]

Sent: Thur 28/10/2021 9:24:00 AM (UTC+10:00)

To: Forde, Nicholas [redacted]; Prior, Terry [redacted]

Subject: FW: Unauthorised entry

FYI

From: Head, Paul [redacted]
Sent: Thursday, 28 October 2021 9:10 AM
To: Marsden, Andrew [redacted]
Subject: Unauthorised entry
Sensitivity: Confidential

Andrew,

The following information for today

0640- Received phone call from Andrew Marsden regarding CFMEU on site
650 Attended M&E Crib rooms with Andrew Marsden and Gary Lappin (GL)
0651 - Andrew Blakley (AB) plus one other official already on site , witnessed them walking off around the north access turning towards the M&E Work area.

- Andrew Marsden (AM) stated that to the officials they did not enter the site lawfully, explained the lawful way to enter site (Call up and meet us outside the gate and we will be happy to facilitate.) and then requested they leave.
- AB stated they were here under right of entry and refused to leave.
- AM stated on numerous occasions that the entry was not legal and to leave the site and follow the rules in future.
- AB walked across gate 5 towards M&E Shaft saying he wasn't leaving
- AM asked who the second officials name and was given a first name only after several requests
- AB then offered the entry permit and this was rejected under the ground the Entry was not legal

0655 – AB and the second official accessed the stairs to the top of the M&E Shaft with no issues

- AM then requested the second officials full name and was provided it , AM clarified to the second official that the entry was not legal and to leave the site.
- The Officials then walked back towards the crib rooms and on passing Gate 5 requested the officials to leave site which was refused.
- The Officials walked past gate 4 and to the shaft access AB looking into the shaft with GL, the second official stayed outside talking to workers in the area, AM and myself remained at the perimeter with the second official.

0705 – The officials left the VT heading towards the Underpinning work area, AM again requested the second official to leave as they past the exit gate and the second official refused.

- The officials observed the work form upper walkway questioned whether a third

access point would be provided to the work area and were told there was no intentions at this time.

- The work area was accessed briefed and the officials acknowledged the area was much improved.
- The work area was left heading towards the VT Shaft

0710 – Everyone stopped at Gate 4 where AB asked AM to accept the permit which was refused as the entry wasn't legal.

- AB said well you facilitated the walk so here's the permit which again was refused as the entry was not legal
- AB then attempted to push the permit into AM's shirt and pockets repeated. AM told AB that he would not accept the permit as it was not legal
- AB was approximately 500mm form AM during this time and AM repeatedly requested AB to step back out of his personal space, at this time AB accused AM of spitting on him to which AM replied that he had not and to step back as AM could not due to the water barriers at the rear of him.
- AB was seen very close to AM's face smiling asking AM to just take the permit
- AB continued to wave the permit in AM's face.

0720 – Returned to the M&E Crib rooms AB entered Crib rooms leaving the permit on the sign on sheet.

- AB said the permit was there as it wasn't accepted , AM responded that the entry wasn't legal and leaving the Permit did not change the fact, the Officials were then asked to leave the site.
- AB again said he didn't know why the permit wasn't accepted asking whether AM didn't understand the Right of Entry , it was personal , or AM had an agenda .

Throughout the time on site Andrew repeatedly requested both the officials to leave the site as it was an illegal entry.
Both Officials continued to walk off around the site
AB accused AM several times of not knowing his job.

Regards

Paul Head

Senior Safety Advisor

CROSSRIVERRAIL TUNNEL & STATIONS

Cross River Rail - Tunnels and Stations

CBGU D&C JV

33 Herschel Street, Brisbane City, QLD 4000, Australia

T [redacted] M [redacted]

E [redacted]

From: Kurt Neumann[redacted]

Sent: Wed 21/06/2023 8:48:04 AM (UTC+10:00)

To: [redacted]

Cc: Stacey Schinnerl[redacted]]; Mark Ragusel[redacted]l; Jamie McQueer[redacted] James Downie[redacted]

Subject: CFMEU

Good morning Terry,
As you would be aware yesterday at the Gabba site the CFMEU prohibited AWU organisers when leaving the site. When they were able to leave, they were harassed and assaulted on the way to their cars.
As you would agree, this is not acceptable, over the last four months for CFMEU's behaviour towards CPB and the AWU has been unacceptable, It appears they are continuing to escalate as time goes on.
We are seeking an urgent meeting with yourself to discuss how we can safely exercise our entry notices on CPB sites and work out a plan to ensure the organisers and CPB's IR teams' safety.
Regards.

Kurt Neumann
Southern District Secretary
The Australian Workers' Union Queensland
[redacted] [redacted]
[redacted] www.awu.org.au
Level 13 333 Adelaide Street ,Brisbane Queensland 4000
Find us on Facebook Follow us on Twitter

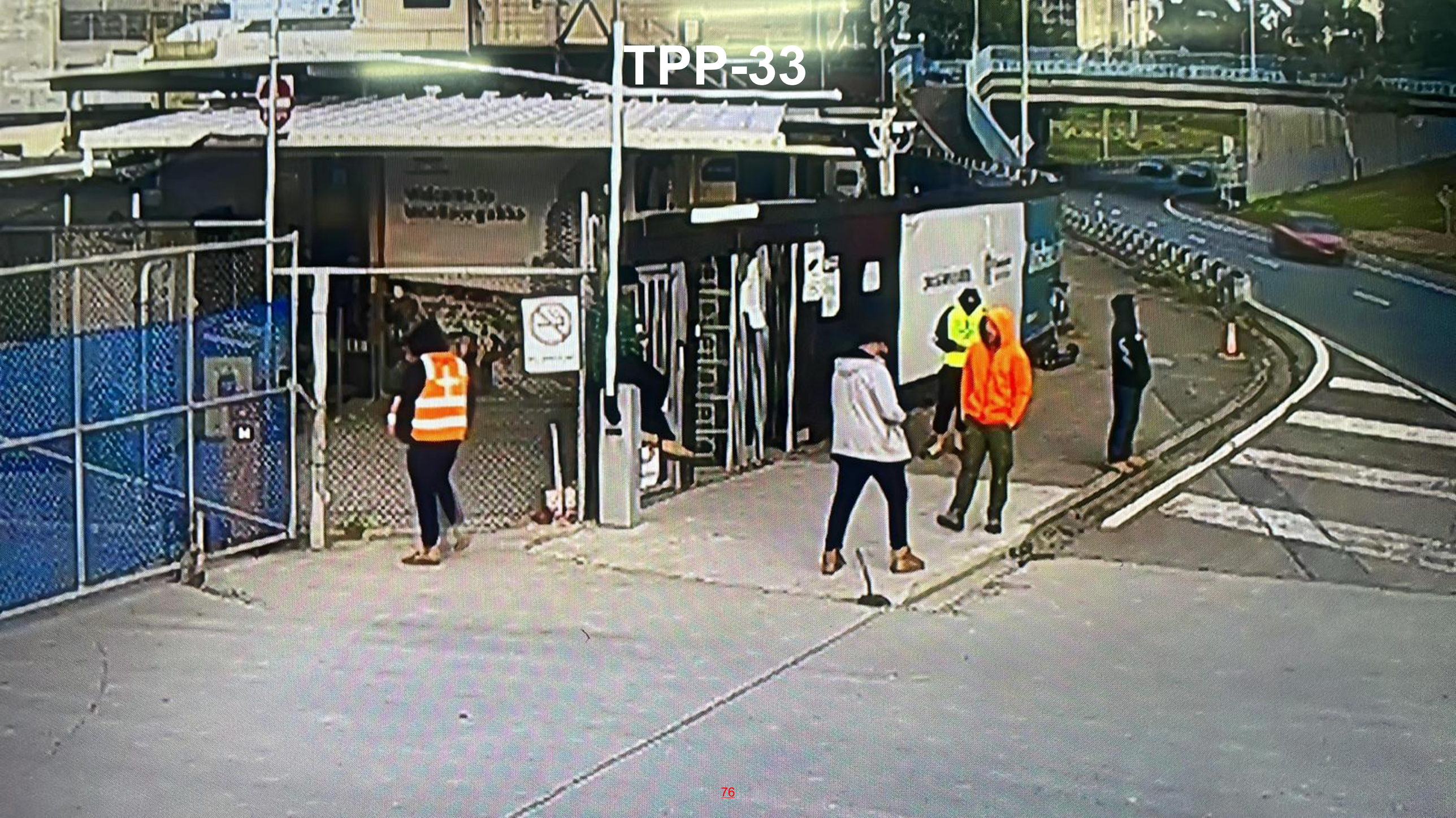
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SAFE WORK. PERMANENT JO FAIR WAGES.

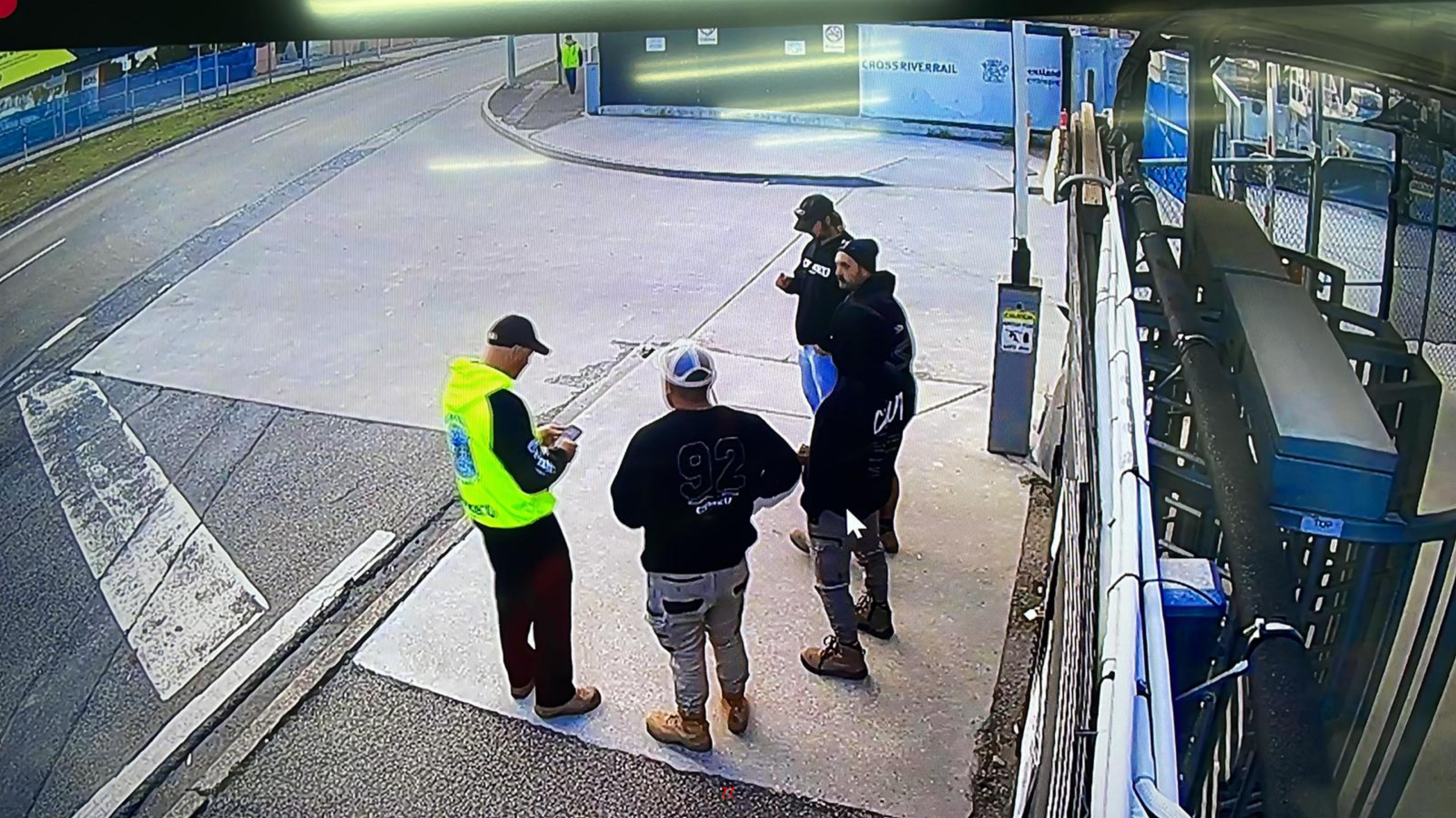
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Stacey Schinnerl
Secretary, Queen land AWU
GPO Box 88
BRISBANE QLD 4001

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TPP-33


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92

David Cooper

From: Prior, Terry [redacted]
Sent: Monday, 19 May 2025 12:13 PM
To: Prior, Terry
Subject: Fw: Union Intimidation and threats NP

From: Bennett, Peter [redacted]
Sent: Tuesday, 1 August 2023 11:01 AM
To: Purvis, Jamey [redacted]
Cc: Rasmussen, Shane [redacted]; Cullen, Peter [redacted]
Subject: Union Intimidation and threats NP

Good Afternoon ,

I thought I would send a follow up email requesting Company assistance with the below situations of union intimidation, threats and accusations at me at the northern portal.

On Wednesday 5th July a HSR Committee meeting was undertaken .The code of conduct and difference of opinion was raised in relation to actions conducted with Union Delegate Rob welsher and Peter Cullen on Tuesday 4th July .
The ETU (chris lynch) was immediately contacted and came out to site and held discussions with Jamey Purvis .
I was Requested to have a meeting with Jamey Purvis and Shane Rasmussen-I was asked to explain the events that transpired at the HSR Committee meeting .I was requested to leave site
(stood down) and work from home – Jamey explain that this was just to cool the situation down and is not on recorded with HR as a reprimand but in the ETU eyes it is the resolution they wanted .The ETU had advised that they are gunning for Peter Cullen, Shane Rasmussen and me to be removed from the job.I accepted the decisions but was not told of the accusation and remined the both that I will be on holidays from 10/07/23 till 24/07/2023.

I returned to site on Monday 24/07/23 and was requested to present to Milton for discussions with HR and Josh Sims .I asked what was the reason for the Meeting and I was told by HR Nicola that there was an accusation of bullying , intimidation and harassment to Rob Welsher at the HSR Committee meeting on Wednesday 5th July.I was advised to fillout a witness statement and wait for the investigation to find the outcome. I was asked to have a meeting with Josh sims and Nicola (HR) that I was cleared of any wrong doing and requested by Josh Sims to undergo some coaching and mentoring by Terry Prior as positive out comes from the investigation.

I returned to full duties onsite (northern portal) Tuesday 25/7/23 and unfortunately heard of the Major Incident that happened at the Bogo rd site.

Wednesday 26/7/2023 5:30am I was greeted by 2 x CFMEU official onsite at Pre-start area advising Shane Rasmussen and I that " No one will be going to work today ".All Blue collar left site by 6am .No one signed on .

Thursday 27/7/2023- 5:30am Greeted at the NP Front gates by 25-35 CFMEU/ETU officials and persons picketing the Front gates. Chains and locks where placed on these CBGUJV gates and no one was allowed to enter site due to the intimidating actions and words from the union officials. I managed to open the back gate and allow some whit collar workers through to conduct work. Throughout the day there was
CFMEU/ETU yelling over the fence "your going to have blood on your hands"
Rocks where thrown over the fence by CFMEU/ETU targeting Shanes Bike and my car and office shed walls.

Friday 28/7/23 -5:30am Greeted at the NP Front gates by 25-35 CFMEU/ETU officials and persons picketing the Front gates. Chains and locks where placed on these CBGUJV gates and no one was allowed to enter site due to the intimidating actions and words from the union officials.
CFMEU Union officials had communicated to Jayce Emerton (AMWU Delo) out the front of site , that there's going to be blood shed if we (Shane and I) allow people to work . They advised that they have have all the number plates of persons onsite especially Shane Rasmussen and Peter Bennett and have no issues following these people home to help them understand what we want.
Jayce Emerton (AMWU Delo) also advised that there are people at the gates with balaclavas on and these persons are carrying weapons -bats/knifes/hand gun.
Shane and I requested a meeting with Jamie Purvis and phoned Jayce Emerton to confirm the threats and intimidation being pushed by the CFMEU/ETU. Jamie Purvis advised everyone to leave site immediately and that he will call and advise on weather to come to work or work from home .
Jamey advised Shane and I to work from home until advised otherwise.

I have major concerns for the safety of myself Shane Rasmussen and peter Cullen at the CRR worksites. These threats to life are very serious to the health and safety of Us.I would like to understand the level of protection that CBGUJV are going to take to ensure I have a safe place of work. Have the local law enforcement agencies been informed. Has WPH&S been informed of these serious threats to us on site ?.

Regards

Regards

Peter Bennett
Senior Supervisor

Cross River Rail – Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] **M**
E [redacted]

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PR772775 — CONSOLIDATED 3 APRIL 2024

FairWork Commission

ORDER

Fair Work Act 2009
s.437—Protected action

Construction, Forestry and Maritime Employees Union
v
CPB Contractors Pty Ltd
(B2024/260)

DEPUTY PRESIDENT HAMPTON ADELAIDE, 27 MARCH 2024

Proposed protected action ballot of employees of CPB Contractors Pty Ltd

Pursuant to s.443 of the *Fair Work Act 2009* (the **Act**) the Fair Work Commission orders:

1. PROTECTED ACTION BALLOT TO BE HELD

The Construction, Forestry and Maritime Employees Union (**CFMEU** or **Applicant**) is to hold a protected action ballot of employees of CPB Contractors Pty Ltd (**CPB** or **Employer**) described in clause 3 of this order.

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot is to be conducted by the Democratic Outcomes Pty Ltd T/As CiVS (**Agent**). The contact details of the Agent are:

Democratic Outcomes Pty Ltd (CiVS)
283 Rokeby Road
Subiaco WA 6008
admin@civs.com.au

3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTED

In accordance with s 437(5) of the Act, the employees to be balloted are those who are currently covered by the *CPB Contractors Pty Ltd Cross River Rail – Civil and Surface Works Greenfields Agreement 2019-2023* and will be covered by the proposed enterprise agreement referred to in the Notice of Employee Representational Rights issued by the employer on 6 December 2023 as the *CPB Contractors Pty Ltd Cross River Rail (Rail Integration and System – Unity Alliance Works) Agreement 2024-2028* and are members of, and are represented by the bargaining representative who is the applicant for this protected action ballot order.

4. DATE BY WHICH BALLOT CLOSES

The date by which voting in the protected action ballot is to close is 12 April 2024.

5. QUESTIONS

The question(s) to be put to voters in the ballot are:

In support of reaching an enterprise agreement with your employer, do you authorise the taking of protected industrial action against your employer separately, concurrently and/or consecutively, in the form of:

1. *An unlimited number of stoppages of work, including consecutive stoppages of work of one (1) hour in duration?*
   Yes [ ] No [ ]

2. *An unlimited number of stoppages of work, including consecutive stoppages of work of two (2) hour in duration?*
   Yes [ ] No [ ]

3. *An unlimited number of stoppages of work, including consecutive stoppages of work of four (4) hour in duration?*
   Yes [ ] No [ ]

4. *An unlimited number of stoppages of work, including consecutive stoppages of work of six (6) hour in duration?*
   Yes [ ] No [ ]

5. *An unlimited number of stoppages of work, including consecutive stoppages of work of eight (8) hour in duration?*
   Yes [ ] No [ ]

6. *An unlimited number of stoppages of work, including consecutive stoppages of work of twelve (12) hour in duration?*
   Yes [ ] No [ ]

7. *An unlimited number of stoppages of work, including consecutive stoppages of work of twenty-four (24) hour in duration?*
   Yes [ ] No [ ]

8. *An unlimited number of indefinite or periodic bans on the performance of overtime, except in the case of emergencies, by all or part of the workforce? (Overtime Ban)*
   Yes [ ] No [ ]

9. *An indefinite or periodic ban on paperwork (other than regulator or safety related paperwork)?*
   Yes [ ] No [ ]

10. *An indefinite or periodic ban on the use of technology including (but not limited to) phones, computers, tablet computers, radios, fax machines and the like?*
    Yes [ ] No [ ]

6. EMPLOYER TO PROVIDE LIST OF ELIGIBLE EMPLOYEES

6.1 The Employer is to provide to the Agent (admin@civs.com.au) by 4:00pm on the third working day after the day the order is issued, a list of its employees (as at the date of the order) being a list that includes all of the employees who would be covered by the

proposed enterprise agreement, in the following format:

6.2 The list is to be provided in the form of a Microsoft Excel compatible spreadsheet in a file named "CPB RIS Building Works – Employee List".

(a) The list is to be in alphabetical order of surname.

(b) The list is to contain the information (if known) for each employee who would be covered by the proposed enterprise agreement as indicated by those column names set out below:

COLUMN 1	Employee ID
Column 2	Surname
Column 3	First Name
Column 4	Middle Name
Column 5	Date of Birth
Column 6	Work Email Address
Column 7	Private Email Address
Column 8	Mobile Phone Number
Column 9	Postal – Address 1
Column 10	Postal – Address 2
Column 11	Postal – State
Column 12	Postal - Postcode

6.3 The list must be accompanied by a declaration in writing that the Employer reasonably believes that the information is complete, up-to-date and accurate in accordance with Regulation 3.15 of the *fair Work Regulations 2009* (**Regulations**).

6.4 The Employer may provide the list of employees to the Agent by way of encrypted or password protected email that is accessible by the Agent.

7. APPLICANT TO PROVIDE LIST OF ELIGIBLE MEMBERS

7.1 The Applicant is to provide to the Agent (admin@civs.com.au) by 4:00pm on the third working day after the day the order is issued a list of its members (as at the date of the order) employed by the Employer in the following format:

7.2 The list is to be provided in the form of a Microsoft Excel compatible spreadsheet in a file named "CFMEU RIS Building Works – Member List".

(a) The list is to be in alphabetical order of surname.

(b) The list is to contain the information (if known) for each member who would be covered by the proposed enterprise agreement as indicated by those column names set out below:

Column 1	Surname
Column 2	First Name
Column 3	Middle Name
Column 4	Date of Birth
Column 5	Work Email Address
Column 6	Private Email Address
Column 7	Mobile Phone Number
Column 8	Union Membership Number (if applicable)
Column 9	Postal – Address 1
Column 10	Postal – Address 2
Column 11	Postal – State
Column 12	Postal – Postcode

7.3 The list must be accompanied by a declaration in writing that the Applicant reasonably believes that the information is complete, up-to-date and accurate in accordance with Regulation 3.15 of the Regulations.

7.4 The Applicant may provide the list of members to the Agent by way of encrypted or password protected email that is accessible by the Agent.

8. VOTING METHOD

8.1 The ballot is to be conducted by electronic voting and must take place in compliance with the Act, the Regulations and this order.

8.2 Pursuant to s.450 of the Act, the Agent is to conduct the protected action ballot in accordance with the following directions.

Timetable

8.2.1 The Agent will determine the date the ballot commences in accordance with s.451. The Commencement Date will be included in the timetable compiled in accordance with paragraph 10 of this order. The ballot will not commence before the Commencement Date.

8.2.2 The date by which voting in the protected action ballot is to close is 12 April 2024.

Voting method

8.2.3 The ballot will be held electronically.

8.2.4 The Agent will design a voting website on a secure server which will allow eligible voters to vote in the ballot.

8.2.5 The Agent will allocate to each eligible voter on the list of voters a unique identifier, being a randomly generated internet voting password, to access and vote on the website.

8.2.6 Just prior to the opening of the ballot, the Agent will issue to eligible voters an Instruction Sheet. The Instruction Sheet will contain the web address for the voting website, each eligible employee's randomly generated internet voting password, instructions on how to vote and any other material the Agent considers relevant.

8.2.7 The Agent will issue the Instruction Sheet to each employee's email address, where provided. Additionally, the Agent will send an SMS to any mobile number for that eligible voter, where a mobile phone has been provided.

8.2.8 For any eligible employees without an email address or mobile phone number, the Agent will send the Instruction Sheet by mail to that employee's home postal address.

8.2.9 The Agent will ensure the voting website will only be accessible for voting in the ballot by eligible voters.

8.2.10 The Agent will ensure that the operation of the internet voting system provides that an authenticated voter may cast only one vote in the ballot.

Updates to the list of voters

8.2.11 Before the Commencement Date, the Employer will provide the Agent with the names of any of its employees that have ceased employment on the day such employment ends. If any of these employees are on the list of voters, their internet voting password to vote in the ballot will be disabled.

9. FINALISING THE LIST OF VOTERS

9.1 The Agent is to finalise the list of voters using its discretion.

10. TIMETABLE FOR BALLOT AND COMPILATION OF LIST OF VOTERS

10.1 The Agent will compile a timetable in accordance with the Act and the Directions outlined in paragraphs 8.2.1 and 8.2.2 of this order, to be sent to the parties.

10.2 The Agent may make variations to the timetable (excluding the date by which the ballot would close) as may be necessary to bring about the efficient and expeditious conduct of the protected action ballot.

11. INFORMATION

11.1 The Agent may give any ballot-related notice, information or other material to employees by means including sending the materials to employees' work email addresses and personal or other email addresses.

11.2 The Agent shall, as soon as practicable, issue to eligible employees on the roll of voters, the notice to employees, consistent with reg. 3.13 of the Regulations, including by email to their nominated email address, and SMS to any mobile phone number for that eligible voter, where a mobile phone number has been provided. For any eligible employees without an email address or mobile phone number, the Agent will send the notice to employees by mail to that employee's home postal address.

11.3 The notice to employees shall contain a copy of the protected action ballot order and include the following information and statements:

a) the name and contact details of the Agent including telephone contact and email address details;

b) the timetable for the conduct of the protected action ballot including the times of opening and closing the ballot;

c) a statement informing employees that the protected action ballot is to be conducted by electronic voting;

d) information about how eligible employees will receive their voting instructions and how they can vote electronically on the designated voting website using unique identifiers;

e) a statement inviting employees to contact the Agent if the employee believes that he or she should be included on the roll of voters;

f) a statement inviting employees to contact the Agent if the employee believes that he or she should not be included on the roll of voters;

g) a statement inviting employees to contact the Agent, the independent advisor (if any) or the Fair Work Commission in the event that the employee has any concerns or complaints relating to the conduct of the protected action ballot; and

h) a statement that the protected action ballot is to be conducted as a secret ballot and that employees are free to approve or not approve the proposed industrial action.

12. PROVISION OF INFORMATION AND ASSISTANCE TO AUTHORISED BALLOT AGENT

12.1 The Applicant and the Employer are to comply as quickly as is reasonably practicable with any reasonable request made by the Agent pursuant to the Act or the Regulations for information or assistance.

12.2 The Employer shall facilitate the email delivery of ballot related notices, information, or other materials to all employees by whitelisting the domain utilised by the Agent.

12.3 The Employer shall allow access to the voting web site from all employees' places of work and accommodation (if applicable) by whitelisting the site across the Employer's internet network.

12.4 Where the Employer does not manage the IT networks that employees may use to vote they will do all that is practicable to ensure that Orders 12.2 and 12.3 are complied with.

13. SCRUTINEERS

13.1 The Applicant and the Employer are to comply with the provisions contained in the Regulations and to notify in writing to the Agent the names of any scrutineer(s) that they propose to authorise to attend the conduct of the ballot.

13.2 Any notification of the appointment of any scrutineer(s) must be served on the other party. Should the other party object to the appointment of any scrutineer(s), then that party is able to apply to the Fair Work Commission to have its objection heard and determined.

13.3 The functions of any scrutineer(s) appointed pursuant to this clause will only occur once all votes have been received, the ballot has closed, but before any ballot result is declared.

14. RESULTS

14.1 The Agent may, on request, report to either the Employer or the Applicant the participation rate.

14.2 The Agent shall report the results of the protected action ballot as soon as practicable after the close of voting to the Applicant, the Employer and the Fair Work Commission.

15. DATE OF EFFECT

This order commences on 27 March 2024.

[redacted]

THE SEAL OF THE FAIR WORK COMMISSION

DEPUTY PRESIDENT

Printed by authority of the Commonwealth Government Printer

Federal Court of Australia

District Registry: Queensland Registry

Division: Fair Work

No: QUD189/2024

CPB CONTRACTORS PTY LTD
Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others named in the schedule
Respondent

ORDER

JUDGE: Justice Collier

DATE OF ORDER: 12 April 2024

WHERE MADE: Brisbane

UPON THE PROVISION OF THE USUAL UNDERTAKINGS AS TO DAMAGES BY THE APPLICANT, AND UNTIL THE HEARING OF THE INTERLOCUTORY APPLICATION FILED ON 12 APRIL 2024 (*INTERLOCUTORY APPLICATION*), THE COURT ORDERS ON AN INTERIM BASIS THAT:

1. Pursuant to s 23 of the *Federal Court of Australia Act 1976* (Cth), the respondents be restrained from taking further steps in or completing the protection action ballots in protected action ballot orders PR772775 and PR772781 made respectively by the Fair Work Commission in matters B2024/260 and B2024/261 (**PABO Orders**), or organising any industrial action in reliance on those ballots.
2. The interlocutory application be listed for hearing before Justice Rangiah at 10:15am on 19 April 2024.
3. By 4:00pm on 15 April 2024, the applicant file and serve any further material and submissions (limited to 10 pages) upon which it relies in support of the interlocutory application.
4. By 12:00pm on 18 April 2024, the respondents file and serve any material and submissions (limited to 10 pages) upon which they rely in respect of the interlocutory application.
5. There be liberty to apply.

Date that entry is stamped: 12 April 2024

Registrar

Psychosocial Hazard Risk Assessment - 14 April 2024

Hazard ID	Element	Risk Source / Hazard*	Potential Events	Contributing Factors/Potential Causes	Potential consequence	Basis for potential consequence	Risk Evaluation – Risk (Before controls have been identified and implemented)			Control measures - So Far As Is Reasonably Practicable (SFAIRP) (That will be used to eliminate or manage likelihood of the hazard/aspect occurring or the severity of the consequence)		Project Risk Evaluation – Risk (Post control identification and implementation)			Owner
										Standard Control Measures**	Other Project Identified Controls				
	Hazard Group	Define the source of potential harm	Define the types of events to occur	State the different causes and interaction with other psychosocial hazards	What is the most likely consequence	What data informs the basis of the most likely consequence	Most credible consequence	Likelihood	Risk Score	Controls specified are the standard business as usual controls identified in the CPB CMS.	Additional Project level controls List controls according to Hierarchy of Controls (1. Eliminate, 2. Substitution, 3. Isolation, 4. Engineering 5. Administrative, 6. PPE)	Most credible consequence	Likelihood	Risk Score	(Role Responsible)
1	**Workplace Interactions**	Workplace Behaviour	Employees of CPB working at our workplaces across the CRR Project have recently reported being subjected to inappropriate, unlawful conduct. That allegedly conduct was engaged in by employees of a third party who had been granted access to our workplaces on the understanding that they had lawful and legitimate business to conduct. The alleged conduct was described by CPB employees as being intimidating and threatening and as a result made the employees feel uncomfortable. Several employees reported this conduct on 11 April 2024. Noting also that the most recent reports of inappropriate and unlawful conduct are not an isolated occurrence across the CRR Project sites, with there being a history of similar instances occurring.	Behaviour that is unreasonable, offensive, intimidating or has the potential to cause distress. Repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Interaction with other psychosocial hazards: - adequate support. - workplace culture.	Injury/ illness to CPB employees Workers compensation risk	Recent employee complaints raised on 11 April 2024. However, this is likely indicative of potentially a broader risk across all sites, particularly when historical instances are taken into account. **EAP usage** - 7.8% - conflict with others; 3.9% workplace behaviour.	Moderate	Likely	Very High	ADMINISTRATION (a) Implementation of CIMIC and CPB polices and procedures; 1. CIMIC Group Code of Conduct; 2. Anti-bullying, Harassment and Discrimination; 3.Safety and Health; 4. Workplace Behaviour. (b) Implementation of CIMIC and CBP Procedures: 1. Group Code of Conduct Management; 2. Monitoring and Reporting; 3.Workers Compensation and Rehabilitation. (c) Staff and Wages personnel to successfully complete CIMIC and CPB Training, toolbox talks, education coaching and mentoring; 1. Respectful workplaces; 2. Code of Conduct; 3. Anti-Bullying & Harassment. (d)Gryphon Psychology Toolkits and EAP to be promoted and made available on the Project.	Across both the CRR TSD and RIS Projects: 1: Commenced proceedings in the Federal Court on 12 April in response to several CPB employees expressing concerns they had been subjected to unlawful interference, intimidation and threats while seeking to exercise their legal right to vote freely and secretly in the Protected Action Ballots. They also reported witnessing other CPB employees being subjected to similar conduct. 2: On the 14 April 2024, CPB sent a communication to all 5 Unions relevant to the CRR Projects (AWU, CFMEU, AMWU, CEPU and ETU). This covered the updated WH&S controls in relation to entry to CPB controlled Premises and Workplaces across the Cross River Rail Project, which were effective immediately. This covered the following reintroduction of the following WH&S controls:- - Any general licence to enter our workplaces (with the exception of those contractual licences granted to contractors for the performance of their contracted works) has been withdrawn. In short, effective immediately, ONLY those persons with a valid entry permit, who have fully complied with all legislative and other requirements (including notice requirements where necessary) to authorise their entry to our workplaces, will be permitted to enter; and - Any person (including a person purporting to exercise a lawful right of entry) will be required to immediately remove themselves from our workplaces if they engage in any conduct that places a CPB employees (and /or any other person lawfully on our workplaces) at risk to their health or safety; and - Any person who is not able to, or declines to provide evidence of their identity, will not be permitted to enter any CPB workplace. 3. CPB across both CRR TSD and RIS Project on 14 April 2024, commenced education of staff teams regarding the access protocols covering the communication to the 5 unions.	Moderate	Possible	High	CPB QLD Business Unit Safety Manager

From: Prior, Terry
Sent: Sunday, April 14, 2024 4:06 PM
To: QNT Industrial [redacted]
Subject: Updated WH&S controls in relation to CPB controlled Premises and Workplaces across the Cross River Rail Project

Attention: Mr Jade Ingham

Dear Mr Ingham

RE: Updated WH&S controls in relation to entry to CPB controlled Premises and Workplaces across the Cross River Rail Project – Effective Immediately

Employees of CPB working at our workplaces across the CRR Project have recently reported being subjected to inappropriate, unlawful conduct. That allegedly conduct was engaged in by employees of a third party who had been granted access to our workplaces on the understanding that they had lawful and legitimate business to conduct.
As a PCBU yourself, you will appreciate that CPB (in its capacity as an employer and PCBU with control over access and egress in its capacity as a Principal Contractor), cannot tolerate any employee of a third party engaging in conduct at our workplaces, which causes, or is likely to cause, a WH&S risk to our employees or any other person who is lawfully on our projects.
To address these risks, we write to inform you that we have, effective immediately, reintroduced the following WH&S controls:-

1. Any general licence to enter our workplaces (with the exception of those contractual licences granted to contractors for the performance of their contracted works) has been withdrawn. In short, effective immediately, ONLY those persons with a valid entry permit, who have fully complied with all legislative and other requirements (including notice requirements where necessary) to authorise their entry to our workplaces, will be permitted to enter; and
2. Any person (including a person purporting to exercise a lawful right of entry) will be required to immediately remove themselves from our workplaces if they engage in any conduct that places a CPB employees (and /or any other person lawfully on our workplaces) at risk to their health or safety; and
3. Any person who is not able to, or declines to provide evidence of their identity, will not be permitted to enter any CPB workplace;

Sincerely,

Terry Prior
Industrial Relations Manager

CROSSRIVERRAIL TUNNEL & STATIONS
Cross River Rail - Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] M [redacted]
E [redacted]

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	1/05/2024 2:00:27 PM AEST
Date Accepted for Filing:	1/05/2024 2:00:36 PM AEST
File Number:	QUD189/2024
File Title:	CPB CONTRACTORS PTY LTD v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. QUD189 of 2024

Federal Court of Australia
District Registry: Brisbane
Division: Fair Work

CPB Contractors Pty Ltd
Applicant

Construction, Forestry and Maritime Employees Union and others
Respondents

Affidavit of:	Terence (Terry) Paul Prior
Address:	Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
Occupation:	Industrial Relations Manager, CPB Contractors Pty Ltd
Date:	1 May 2024

I Terence (Terry) Paul Prior, Industrial Relations Manager (CPB Contractors Pty Ltd), affirm:

1. I am employed by the Applicant in these proceedings (**CPB**) in the role of Industrial Relations Manager working on the CRR Project in relation to the Tunnels, Stations and Development (**TSD**) package of works, awarded to the CBGU Joint Venture.

2. I have read the affidavit of Malcom John Davis sworn 12 April 2024 and filed in this matter (**Davis Affidavit**). Where a term is defined in the Davis Affidavit, I adopt the same definition in this affidavit.

Background to the CRR Project

3. The CRR Project involves building and construction work performed by employees and contractors of the Applicant and other members of the CGBUJV across various work

Filed on behalf of (name & role of party) CPB Contractors Pty Ltd, Applicant
Prepared by (name of person/lawyer) Malcolm Davis
Law firm (if applicable) Mills Oakley
Tel [redacted] Fax
Email
Address for service (include state and postcode) Level 23, 66 Eagle Street, Brisbane QLD 4000

[redacted]
Witness

[redacted]
Deponent

sites. These work sites are at Albert Street, Boggo Road, Roma Street, Southern Area, Northern Portal and Woolloongabba in Brisbane.

4. In my role as the Industrial Relations Manager, I work closely with the Shared Services Director, Mr Chris Butler, to deal with and respond to Industrial Relations issues that arise in relation to the TSD package of works from time to time. These issues often overlap with those that arise in relation to the RIS package of works from time to time.

Background to industrial action

5. In my role as Industrial Relations Manager I am aware of the protected action ballots undertaken by the Construction, Forestry, Maritime and Energy Union (**Union**) in relation to proposed industrial action by employees who will be covered by the proposed RIS Agreement and TSD Agreement as notified by the Union on 22 April 2024.

Events of 30 April 2024

6. I am aware, by virtue of the notices of intention to take industrial action issued by the Union, that the Union intended to commence protected industrial action on 30 April 2024.

7. At approximately 4:00AM on 30 April 2024 I began to receive reports from site supervisors and site managers (including Duncan Reid, Site Manager, Woolloongabba; James Maher, Site Manager, Albert Street; Paul Winduss, General Superintendent and Brendan McEvoy, Senior Industrial Relations Advisor, Roma Street) that individuals had attended CRR Project work sites and had variously:

   (a) applied chains to gates and turnstiles such that access to and egress from the site was prevented;

   (b) applied padlocks to gates and turnstiles such that access to and egress from the site was prevented;

   (c) placed themselves within the gate or turnstile such that access to and egress from the site was prevented;

   (d) placed vehicles in front of vehicle access gates in such a manner as to prevent vehicular access to the site.

8. I am aware through my discussions with Mr Butler that on 30 April 2024 Mr Butler instructed CCTV footage of CRR Project sites from that date to be extracted and reviewed.

[redacted]

Witness

[redacted]

Deponent

9. I have reviewed the footage that Mr Butler instructed to be extracted and provide my observations to this footage in this affidavit.

Boggo Road

10. Videos titled:

    (a) "**BOG-CAM-101 – Tue, Apr 30, 2024 2:53 AM AEST.mp4**" (**Video TPP-1**);

    (b) "**BOG-CAM-102 – Tue, Apr 30, 2024 2:54 AM AEST.mp4**" (**Video TPP-2**);

    (c) "**BOG-CAM-101 – Tue, Apr 30, 2024 4:58 AM AEST.mp4**" (**Video TPP-3**);

    (d) "**BOG-CAM-102 – Tue, Apr 30, 2024 5:09 AM AEST.mp4**" (**Video TPP-4**);

    (e) "**BOG-CAM-101 – Tue, Apr 30, 2024 5:14 AM AEST.mp4**" (**Video TPP-5**);

    (f) "**BOG-CAM-101 – Tue, Apr 30, 2024 5:45 AM AEST.mp4**" (**Video TPP-6**); and

    are annexed to this affidavit and available in this OneDrive folder.

Video TPP-1

11. Video TPP-1 commences at 2:53AM on 30 April 2024 and shows the footpath outside the main entrance to the Boggo Road worksite on Joe Baker Street, Dutton Park.

12. At approximately 0:40 of Video TPP-1 two figures enter from left of frame on the road. Both are wearing face masks and one is wearing a khaki baseball cap. The second figure (wearing the baseball cap) approaches the camera. He is holding something in his hand which at 0:49 appears to be a chain. The second figure then exits at the bottom left corner of the frame, heading towards the turnstiles that provide entrance to the Boggo Road site.

13. At approximately 1:02 of Video TPP-1 a white car enters from right of frame. The car slows to a stop at 1:08 and a man in a grey hoodie gets out of the vehicle and starts to approach the camera. He is holding something in his hand which at 1:17 appears to be a chain. He then exits at the bottom left corner of the frame, heading towards the turnstiles. As he gets closer to the camera he appears to be wearing a bright green face covering.

14. The first man appears in the lower left corner of the frame at 1:18 before moving out of frame towards the turnstiles with the second man at 1:20. Both men re-enter the frame at approximately 1:33. The first man leave the scene on foot, while the second man returns to the white car which then leaves the scene.

Video TPP-2

[redacted]

Witness

[redacted]

Deponent

15. Video TPP-2 commences at 2:54AM AEST on 30 April 2024 and shows the turnstiles at the main entrance to the Boggo Road worksite on Joe Baker Street, Dutton Park.

16. At approximately 0:48 of Video TPP-2 a figure, apparently male and wearing a khaki baseball cap and a white face mask enters the right-hand side of the frame. This is the same man that is described at paragraph 12 above. He is carrying what appears to be a chain.

17. The person is seen to approach the right-hand turnstile and, after moving it slightly with his right hand, proceeds at 0:59 to loop what appears to be a chain through the turnstile and around a solid supporting strut, before appearing to lock it with a padlock.

18. The person then moves to leave area, before stopping and half-turning at 1:16 to interact with a second figure that begins to enter the right-hand side of the frame.

19. At approximately 1:17 a second person, wearing a bright green head covering, is seen to enter the frame and head towards the turnstiles, accompanied by the first person. The second person appears to be carrying an object which he carries towards the left-hand turnstile. The second person is the same man that is described at paragraph 13 above.

20. The second person then proceeds to loop that object, which at 1:21 appears to be a chain, through the turnstile and around a solid supporting strut, before appearing to secure it.

21. Both persons proceed to leave the frame.

Video TPP-3

22. Video TPP-3 commences at 4:58AM on 30 April 2024. At the start of the video:

    (a) a group of masked men can be seen leaning against some fencing alongside the entrance to the Boggo Road site; and

    (b) a man in a green chequered shirt can be seen in conversation with man in a grey baseball cap and orange high visibility clothing near the top of the frame.

23. The man in the green chequered shirt referred to at paragraph 22(b) above is known to me as Mr Corey Taylor, a Health and Safety Representative and member of the Union.

24. The man in the grey baseball cap and orange high visibility clothing referred to at paragraph 22(b) above is known to me as Mr Dean Riely, an organiser for the Union.

25. At 0:56 Mr Taylor and Mr Riely apprcach the group of masked men and appear to engage in a discussion with them. Mr Taylor appears to given instructions to the group of masked men and appears to obtain the assistance of one of the members of that group.

[redacted]

Witness

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Deponent

Mr Taylor and the masked man then head towards an area where cars are parked at the top centre of the frame.

Video TPP-4

26. Video TPP-4 commences at 5:09AM on 30 April 2024 and at 0:45 shows Mr Taylor approaching the chained turnstiles at the Boggo Road site with a placard in his hand.

27. The placard has a photograph of a person who I recognise as Justin Griffin, Project Manager with the words "BOGGO ROADS DR EVIL HATES WORKERS."

28. Mr Taylor then places the placard against the chained turnstiles.

Video TPP-5

29. Video TPP-5 commences at 5:14AM on 30 April 2024 and shows Mr Taylor and Mr Riely placing placards relating to the Union's current industrial campaign outside the locked turnstiles.

Video TPP-6

30. Video TPP-6 commences at 5:45AM on 30 April 2024 and shows a group of persons who I believe to be workers engaged on the CRR Project gathered outside the entrance to the Boggo Road site.

31. Towards the left of the frame, Mr Taylor is seen in conversation with a man in a black CFMEU-branded hoodie. The man in the black CFMEU hoodie is known to me as Mr Hoani Edwards, a Union official.

Roma Street

32. Videos titled:

    (a) "**ROM-CAM-201 – Tue, Apr 30, 2024 2:18 AM AEST.mp4**" (**Video TPP-7**); and

    (b) "**ROM-CAM-201 – Tue, Apr 30, 2024 5:39 AM AEST.mp4**" (**Video TPP-8**);

    are annexed to this affidavit and available in this OneDrive folder.

Video TPP-7

33. Video TPP-7 commences at 2:19AM on 30 April 2024 and shows the turnstile and gate at the main entrance to the Roma Street worksite on Joe Baker Street, Brisbane City.

34. Video TPP-7 commences showing a male person dressed in black/navy blue and wearing a tool belt reach through the bars of the gate before opening the gate and entering the site.

[redacted]

Witness

[redacted]

Deponent

35. The person turns upon entering the gate and obstructs the camera's view of the gate from approximately 0:22, from which point the person appears to interact with the gate.

36. The person then moves away from the gate at 0:32, at which time it is visible that a chain has been looped through the gate and a stationary support strut and closed with a padlock.

37. The person then leaves the frame at 0:34.

Video TPP-8

38. Video TPP-8 commences at 5:39AM on 30 April 2024 and shows the same view as described at paragraph 33 above.

39. In this video, a group of men can be seen standing in front of the entrance gate and turnstile granting access to the Roma Street site. A man in a grey hoodie in particular appears to be standing in the turnstile itself, preventing the turnstile from being used.

40. A man in a black CFMEU-branded hoodie with the words "STAND AND FIGHT" on the back appears to be engaged in conversation with the man in the grey hoodie.

41. At 0:17 the man in the black hoodie turns to face the camera. I recognise this man as Mr Matthew von Hoff, an organiser for the Union.

Albert Street

42. Videos titled:

(a) "**ALB-CAM-117 – Tue, Apr 30, 2024 4:39 AM AEST.mp4**" (**Video TPP-9**);

(b) "**ALB-CAM-117 – Tue, Apr 30, 2024 5:22 AM AEST.mp4**" (**Video TPP-10**);

(c) "**ALB-CAM-117 – Tue, Apr 30, 2024 5:33 AM AEST.mp4**" (**Video TPP-11**);

(d) "**ALB-CAM-117 – Tue, Apr 30, 2024 5:42 AM AEST.mp4**" (**Video TPP-12**);

(e) "**ALB-CAM-117 – Tue, Apr 30, 2024 5:01 PM AEST.mp4**" (**Video TPP-13**); and

(f) "**Timeline-2024-05-01 09.38.52.125 AM.avi**" (**Video TPP-14**);

are annexed to this affidavit and available in this OneDrive folder.

43. Each of the videos listed at paragraph 42 above shows the pedestrian entrance to the Albert Street site in front of 105 Albert Street, Brisbane.

Video TPP-9

44. Video TPP-9 commences at 4:30AM on 30 April 2024. At 0:29 of Video TPP-9 a person who I believe to be a worker on the CRR Project (on the basis that she appears to

[redacted]

Witness

[redacted]

Deponent

approach the entrance to the site with the intent of entering) enters from the left of frame. She is approached at approximately 0:30 by two individuals in orange high visibility clothing, one of whom is known to me as a CFMEU delegate.

45. A group including a woman in a pink sweater (at 0:37) and two men wearing face masks (at 0:46) enter from the left of frame and move to gather in front of the pedestrian entrance to the Albert Street site. The masked men in particular appear to turn the worker away from entering the Albert Street site.

Video TPP-10

46. Video TPP-10 commences at 5:22AM on 30 April 2024. Throughout the video a group of approximately eight men are shown gathered in front of a blue metal door. This door is the pedestrian access point to the Albert Street site.

47. At 1:10 of Video TPP-10, in the left-hand side of the frame, I recognise CFMEU official Dean Mattas engaging in a conversation with two other men in high visibility clothing. Mr Mattas appears to give a direction to one of the men in high visibility clothing.

48. At approximately 1:18 of Video TPP-10 Mr Mattas is joined by a man in a grey sweater or hoodie and a black face mask. At 1:25 to 1:30 Mr Mattas appears to give a direction to this man, who then moves out of frame.

Video TPP-11

49. Video TPP-11 commences at 5:33AM on 30 April 2024. At approximately 0:54 of Video TPP-11 Mr Mattas enters from the left of frame and proceeds to engage in a discussion with the group of masked men gathered in front of the pedestrian access point from 1:04 until approximately 1:45. He appears to be giving directions to the group of masked men.

Video TPP-12

50. Video TPP-12 commences at 5:42AM on 30 April 2024. At approximately 0:34 of Video TPP-12 Mr Mattas is seen approaching the group of masked men gathered in front of the pedestrian access point until approximately 0:57. He appears to be giving directions or instructions to the group of masked men.

Video TPP-13

51. Video TPP-13 commences at 5:01PM on 30 April 2024. At commencement it shows Mr Chris Findlay, an employee of UGL in its capacity as a member of the CBGUJV, attempt to enter the work site. Mr Findlay's access is blocked by the group of masked men who are seated in front of the access door.

52. Mr Findlay appears to take a photograph of the men blocking his access to site.

53. At 0:04 of Video TPP-13 a man in orange high visibility clothing who is known to me as Mr Steve Amies, a Health and Safety Representative and Union delegate, stand up and take his phone out of his pocket, apparently to take a photograph of Mr Findlay.

54. As Mr Findley walks away from the scene, Mr Amies chases after him and appears to catch up to him out of view of the camera. It appears as though Mr Findley defends himself from Mr Amies at 0:12 as it appears that Mr Amies' phone is knocked from his hand.

Video TPP-14

55. Video TPP-14 commences at 5:25PM on 30 April 2024 and shows a person in high visibility clothing, who I believe to be an employee of CPB, attempt to enter the worksite. He appears to take a photograph of the masked men blocking the doorway on his phone.

56. At 0:25 one of the masked men appears to shove the employee's shoulder as the employee walks away from the doorway.

57. I have reviewed the footage of Camera 117 at the Albert Street site and observed that the group of masked men remained gathered in front of the pedestrian access point to the site, seated in such a way as to block access, from approximately 4:42AM until at least 9:21PM on 30 April 2024.

Southern Area

58. Videos titled:

(a) "**Timeline-2024-05-01 06.54.29.525 AM.avi**" (**Video TPP-15**);

(b) "**SAW-CAM-101-2024-05-01 07.42.08.859 AM.avi**" (**Video TPP-16**);

(c) "**SAW-CAM-101-2024-05-01 07.44.03.706 AM.avi**" (**Video TPP-17**);

(d) "**SAW-CAM-101-2024-05-01 08.02.46.830 AM.avi**" (**Video TPP-18**);

are annexed to this affidavit and available in this OneDrive folder.

59. Each of the videos listed at paragraph 58 above show the pedestrian and vehicle access gates to the Southern Area worksite at Kent Street. These gates are the only route permitting access and egress to the Southern Area site.

Video TPP-15

60. Video TPP-15 commences at 3:01AM on 30 April 2024. At 0:15 a man in a black hoodie enters from the left of frame and approaches the vehicle access gates. Shortly after, another man in a black hoodie with white stripes enters from the left of frame and approaches the pedestrian access gate.

61. The first man appears to loop something, possibly a chain, through the vehicle access gates. The second man closes the pedestrian access gate, but any further view of what he does with that gate is obscured.

62. At 0:31 a third man in a black hoodie enters from the left of frame and runs towards the vehicle access gates. He appears to secure the item that the first man looped through those gates, possibly with a padlock.

Video TPP-16

63. Video TPP-16 commences at 3:11AM on 30 April 2024 and shows workers inside the Southern Area site approaching the pedestrian and vehicle access gates. They make multiple attempts to open the gates, but the gates appear to be locked or secured and unable to be opened by those workers.

Video TPP-17

64. Video TPP-17 commences at 3:21AM on 30 April 2024 and shows workers inside the Southern Area site attempting to leave the site by climbing over the boundary fence of the site.

Video TPP-18

65. Video TPP-18 commences at 5:59AM on 30 April 2024 and shows:

    (a) a white ute with what appears to be a placard on its windscreen parked across the vehicle access gates to the Southern Area site; and

    (b) a blue foldable gazebo in front of the pedestrian access gate, with what appear to be plastic chairs blocking the pedestrian access gate.

Affirmed by the deponent)
at Brisbane, Queensland on 1 May 2024)
Before me:)
[redacted])
[redacted])

[redacted]
Signature of Witness

Alexander Edward Millman, Solicitor

Witness

Deponent

Federal Court of Australia

District Registry: Queensland Registry

Division: Fair Work

No: QUD189/2024

CPB CONTRACTORS PTY LTD
Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others named in the schedule
Respondent

ORDER

JUDGE: Justice Rangiah

DATE OF ORDER: 1 May 2024

WHERE MADE: Brisbane

PENAL NOTICE

TO: THE CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION, DEAN MATTHUS AND DEAN RILEY

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

UPON THE PROVISION OF THE USUAL UNDERTAKINGS AS TO DAMAGES BY THE APPLICANT, FROM 9 PM ON 1 MAY 2024 UNTIL FURTHER ORDER, THE COURT ORDERS THAT:

1. In this order:

CRR Construction Site means the construction sites established for the Cross River Rail Project at the date of this order, being those at the following addresses in Brisbane:

(a) the project site known as the Albert Street Precinct (Lot 1, Lot 2, Lot 3), bound by Mary, Edward, Elizabeth and George Street, Brisbane City;

(b) the project site known as the Roma Street Precinct, bound by Roma Street, Countess Street and Parkland Boulevard and the Queensland Rail Corridor, Brisbane City;

(c) the project site known as the Woolloongabba Precinct, bound by Stanley, Main, Leopard and Vulture Streets, Woolloongabba;

(d) the project site known as the Boggo Road Precinct, bound by Boggo Road, Peter Doherty Street and Boggo Road Busway/ Queensland Rail Corridor in Dutton Park;

(e) the project site known as the Southern Area work area, bound by Cornwall Street, Kent Street and Queensland Rail Corridor;

(f) the project site known as the Northern Portal, bound by the Queensland Rail Corridor, Bowen Bridge Road, Gregory Terrace and Kalinga Avenue;

(g) Hamilton Yard at 222 MacArthur Avenue, Hamilton;

(h) BlueWater Yard at 2-6 Bishop Drive, Port of Brisbane;

(i) 271 Gilchrist Avenue, Herston;

(j) 33 Lanham Street, Bowen Hills;

(k) 48 O'Connell Terrace, Bowen Hills;

(l) 58 Chale Street, Yeerongpilly;

(m) Corner of Nobel Street and Annerley Road, Dutton Park;

(n) Corner of Brooke Street and Pegg Road, Rocklea;

(o) Corner of Wilkie Street and Green Street, Yeerongpilly; and

(p) 19 Orient Avenue, Pinkenba.

Point of Entry means any point of entry to (or exit from) a CRR Construction Site, and includes any gate, turnstile, entrance way, driveway or door.

2. The First Respondent (whether by its delegates, office holders, employees, or other representatives) and the Third and Fourth Respondents are prohibited from:
   (a) physically obstructing or physically impeding the free movement of goods or people to and from a Point of Entry;
   (b) abusing, threatening, harassing or intimidating any person entering or leaving a CRR Construction Site;
   (c) aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in orders 2(a) or 2(b) above.
3. Orders 1 and 2 do not apply to the organising or taking by any person of protected industrial action in accordance with section 408 of the *Fair Work Act 2009* (Cth) or activity which is not industrial action because of the operation of s 19(2) of the *Fair Work Act 2009* (Cth).
4. The matter be listed for case management on Friday 10 May 2024 and the hearing of any application for the discharge of these orders.
5. The First, Third and Fourth Respondents are to notify the Court by 12.00 pm on 8 May 2024 as to whether they intend to seek the discharge of these orders.

Date that entry is stamped: 1 May 2024

Registrar

Schedule

No: QUD189/2024

Federal Court of Australia

District Registry: Queensland Registry

Division: Fair Work

Second Respondent	DEMOCRATIC OUTCOMES PTY LTD T/A CIVS
Third Respondent	DEAN MATTHUS
Fourth Respondent	DEAN RILEY
Fifth Respondent	MARK MCKEAN
Sixth Respondent	JOSEPH PRIOR

CROSS CLAIM

Cross-Appellant	CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION
Respondent	MARK MCKEAN
Respondent	JOSEPH PRIOR
Respondent	DEAN MATTHUS
Respondent	DEAN RILEY

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	17/07/2024 7:26:23 PM AEST
Date Accepted for Filing:	17/07/2024 7:26:30 PM AEST
File Number:	QUD189/2024
File Title:	CPB CONTRACTORS PTY LTD v CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION & ORS
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. QUD189 of 2024

Federal Court of Australia
District Registry: Queensland Registry
Division: Fair Work

CPB Contractors Pty Ltd
Applicant

Construction, Forestry and Maritime Employees Union and Anors
Respondents

Affidavit of:	**Terence (Terry) Prior**
Address:	Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064
Occupation:	Industrial Relations Manager, CPB Contractors Pty Ltd
Date:	17 July 2024

I Terence (Terry) Paul Prior, Industrial Relations Manager (CPB Contractors Pty ltd), affirm:

1. I am employed by the Applicant in these proceedings (CPB) in the role of Industrial Relations Manager on the Cross River Rail (**CRR**) Project. I am authorised to give this affidavit.

2. This is my second affidavit in these proceedings.

3. On 10 July 2024 the Applicant received two notices from the Construction, Forestry and Maritime Union of Employees (**CFMEU**) purporting to give notice under s. 414 of *the Fair Work Act 2009* (Cth), of the intention of its members to take protected industrial action commencing from 16 July 2024. The nature of the purported protected industrial action was set out in those notices, and:

   (a) The first notice was said to be issued authorised by the declared results of the protected action ballot order made by the Fair Work Commission in matter

Filed on behalf of (name & role of party) CPB Contractors Pty Ltd, the Applicant
Prepared by (name of person/lawyer) Malcolm Davis
Law firm (if applicable) Ferrous Advisory
Tel [redacted] Fax
Email
Address for service (include state and postcode) [redacted]

B2024/261 to members of the CFMEU employed by the Applicant who would be covered by the *CPB Contractors Pty Ltd Cross River Rail (Tunnel, Station and Development – Pulse Partnership Works) Agreement 2024-2028*; and

(b) The second notice was said to be issued authorised by the declared results of the protected action ballot order made by the Fair Work Commission in matter B2024/260 to members of the CFMEU employed by the Applicant who would be covered by *CPB Contractors Pty Ltd Cross River Rail (Rail Integration and System – Unity Alliance Works) Agreement 2024-2028*.

Copies of these documents are annexed and marked **TP-1.**

4. The CRR Project is currently behind schedule but there are a number of critical elements to the project that are very time sensitive, which if delayed have a compound impact on the critical path for completion. One of those critical elements is the programming of the testing of the first train to travel within the newly constructed tunnels under Brisbane. The first train has been scheduled to be run through the tunnel next Saturday and Sunday the 27 and 28 July 2024. In the coming days it is critical that the necessary preparations to receive that first train are completed. The works that are currently underway must be completed to ensure that the first train can be received into the tunnels and be tested on those days. The number of CPB employees who could legitimately be engaged in protected industrial action is relatively small (of the order of 170 workers) compared to the very significant contractor workforce, which the project relies on day to day, which is typically in the range of 1500 - 2000 each day. Given my role on the project and my day to day interactions with both CPB direct employees and the greater subcontractor workforce the intimidation and threats made against the subcontractor workforce plays a fundamental role in denying the project the workforce it needs to continue its operations and meet its critical path objectives, for the project. In particular, the Exhibition Station is currently being refurbished in preparation for EKKA, and that as a consequence of the conduct engaged in by the respondent Union of recent days, in breach of the Injunction that is currently in place, two days and nights of critical construction activity on the station has been lost. We are further instructed that if these critical works are not completed by the end of July, all persons attending EKKA will needed to be bussed.

The Events of 16 July 2024

5. CPB is the head contractor with control over the following constructions sites established for the CRR Project in Brisbane:

(a) the project site known as the Albert Street Precint (Lot 1, Lot 2, Lot 3), bound by Mary, Edward, Elizabeth and George Street, Brisbane City (**Albert Street Precinct**);

[redacted] [redacted]

(b) the project site known as the Roma Street Precinct, bound by Roma Street, Countess Street and Parkland Boulevard and the Queensland Rail Corridor, Brisbane City (**Roma Street**);

(c) the project site known as the Woolloongabba Precinct, bound by Stanley, Main, Leopard and Vulture Streets, Woolloongabba (the **Gabba**);

(d) the project site known as the Boggo Road Precinct, bound by Boggo Road, Peter Doherty Street and Boggo Road Busway/ Queensland Rail Corridor in Dutton Park;

(e) the project site known as the Southern Area work area, bound by Cornwall Street, Kent Street and Queensland Rail Corridor (**SAW**);

(f) the project site Known as the Northern Portal, bound by the Queensland Rail Corridor, Bowen Bridge Road, Gregory Terrace and Kalinga Avenue;

(g) Hamilton Yard at 222 MacArthur Avenue, Hamilton;

(h) BlueWater Yard at 2-6 Bishop Drive, Port of Brisbane;

(i) 271 Gilchrist Avenue, Herston;

(j) 33 Lanham Street, Bowen Hills;

(k) 48 O'Connell Terrace, Bowen Hills;

(l) 58 Chale Street, Yeerongpilly;

(m) Corner of Nobel Street and Annerley Road, Dutton Park;

(n) Corner of Brooke Street and Pegg Road, Rocklea;

(o) Corner of Wilkie Street and Green Street, Yeerongpilly; and

(p) 19 Orient Avenue, Pinkenba

6. I am informed by Alicia Wood (Senior Industrial Relations Advisor, CPB) and verily believe that the following took place at Lot 1 of the Albert Street Precinct on 16 July 2024:

(a) At approximately 4.40am supplies were dropped off at the Lot 1 entrance to the Albert Street Precinct site. These supplies included BBQs, shade covers and eskys. From this time on she started receiving reports that electrical workers from the site were being turned away by CFMEU officials by site entries, with the workers being told "*Site is closed*" and "*Do not cross the picket line.*"

(b) Two people from the picket counted steps from the front entry of the site to another area at a nearby Café, with the assumption that this was so that shade covering could be placed in this area.

[redacted] [redacted]

(c) Dylan Howard was observed outside the site gates. Mr Howard is known to be employed by the CFMEU in the position of 'Civil Coordinator', having previously been a union organiser.

(d) At approximately 5.20am supervisory and safety workers sought to enter the site. Persons from the picket started filming these workers on their phones, and members of the picket line directed chants and comments to these workers to the following effect:

i. *"We are doing this for our children"*

ii. *"Never cross a picket line"*

(e) These same workers were called "grubs" and "scum" by members of the picket line for seeking to enter site.

(f) Some supervision staff, including and in particular an Electrical Supervisor did not enter site, as they felt intimidated. The delegates or officials of the CFMEU in the picket were not known to the supervisory staff and were not workers on the Albert Street Precinct site.

(g) That Electrical Supervisor commenced work from the St Mary's offices. That Electrical Supervisor was unwilling to provide a statement but stated words to the following effect:

i. *"I'm concerned for my safety."*

ii. *"I won't get another job - I'll be blackmailed if I crossed the picket line and entered site."*

iii. *"I won't risk my safety by crossing the picket line"*

(h) Site workers commenced arriving at the site entry gates from approximately 5.30am, but did not enter site.

(i) By 6.00am, 1 site worker from the Applicant had entered site for the performance of work. No other workers entered site for the prestart. No workers from subcontractors engaged on the site that day entered site or attended prestart. They remained outside the site entrances.

(j) At 6.15am the service trade subcontractors left the site. This included Cooke & Dorsett (plumbers), and KME (electrical subcontractors).

(k) At 6.30am a silver car arrived and parked outside the site entrance. 2 people with CFMEU branded clothing exited the car, and began unloading flags and signs for the members of the picket. Those signs contained various CFMEU and union slogans, and included one that said "CPB grubs".

[redacted]

[redacted]

(l) By 7.00am the direct hire and subcontractor workers outside the site entries disbursed and left the area.

(m) By 7.15am the majority of the crowd by the picket had left, and approximately 6-8 CFMEU delegates or officials remained in the picket, where they remained for the day.

7. I am informed by Daniel Lewis (Supervisor, CPB) and verily believe that the following took place at Lot 1 of the Albert Street Precinct on 16 July 2024:

(a) At approximately 4.55am a picket line of approximately 7-8 people associated with the CFMEU formed near one of the site entrances. The people in the picket line had set up a shade covering and BBQ.

(b) At approximately 5.15am as Mr Lewis was returning from a nearby office to the site entry, he and persons in his company (Murray Harris, Mat Anforth, and Elliot Ham) were confronted by a number persons in the CFMEU picket. He did not recognise those persons, and they were not workers on the Albert Street Precinct. One member of the CFMEU picket filmed Mr Lewis and his group using their Iphone as they entered site. Members of the picket line shouted words to the effect of "*You are not going to cross the picket line*", "*Stand with your brothers and sisters for better conditions and better rates*".

8. I am informed by Murray Harris (Shift Boss, CPB) and verily believe that the following took place at Lot 1 the Albert Street Precinct on 16 July 2024:

(a) As he was entering the site in the morning (with Mr Lewis), he encountered a CFMEU picket.

(b) A number of comments were directed at him from CFMEU delegates and persons in the picket, including:

i. "*Don't cross the picket line.*"

ii. "*Are you going to stand with your brothers and sisters and fight for better wages and conditions?*"

(c) He observed that one of the CFMEU delegates was filming him, using an Iphone.

9. I am informed by James Maher (Superintendent, CPB) and verily believe that the following took place at Lot 1 the Albert Street Precinct on 16 July 2024:

(a) At approximately 5.10am he received reports site supervisors that a CFMEU picket had formed at the entry to the Albert Street Precinct entry points, and members of that picket were filming and otherwise intimidating workers who were seeking to enter the site.

[redacted]

[redacted]

(b) Mr Maher followed the supervisors to site. He encountered a number of persons while walking to site who were wearing CFMEU-branded clothing, and in particular black hoodies emblazoned with the words 'CFMEU'.

(c) A picket had formed outside the entry gate to the precinct. Persons wearing CFMEU branded clothing and members of the picket called out to him encouraging him to join the picket and not enter site.

(d) Before entering site he paused to speak to a supervisor who was standing near the picket. That supervisor said to him words to the effect of "*They have asked me not to cross the picket line...they are filming...I have to work in the industry* [the construction industry]."

(e) Mr Maher then sought to enter the site. He unsuccessfully swiped is security access card on the entry gate 3 times, and while doing so, heard directed at him from persons in the picket lines the following comments:

i. "*Stand with your brothers, don't cross the picket line*"

ii. "*This will benefit you too*"

iii. "*Think of your family*"

iv. "*This is for your kids too*"

(f) Mr Maher was able to enter the site, and as the door was closing behind him someone from the picket called him a "grub".

(g) Mr Maher observed that Phil Robinson (General Superintendent) was also seeking to enter site behind him. Similar comments were directed to Mr Robinson as he sought to enter the site.

(h) As a result of the picket and actions of the CFMEU personnel in the picket, only 1 worker (in addition to the supervisors) entered site and attended the site pre-start meeting.

10. I am informed by Mr Robinson and verily believe that the following took place at Lot 1 of the Albert Street Precinct on 16 July 2024:

(a) He sought to enter the site at approximately 5.20am. He encountered a picket of approximately 6 people. He did not recognise the people in the picket but observed that they appeared to be associated with the CFMEU.

(b) While he was entering his security number in the entry gate, the following comments were directed towards him:

i. "*We don't cross picket lines mate.*"

[redacted] [redacted]

ii. *"This company is unsafe mate and kills people."*

iii. *"Think of your wife and kinds. They will appreciate you for not cross the picket line."*

iv. *"You're a fucking grub anyway."*

11. At 8.46am Ms Wood emailed me a copy of CCTV footage taken outside one of the entry gates to the Albert Street Precinct at approximately 5.11am that morning. A copy of that video footage is annexed and marked **TP-2**.

12. There are also pickets on each of the other CRR Project sites, with CFMEU delegates and officials present at the entry points to these other sites.

13. All the CRR Project sites are presently subject to picket by the CFMEU.

The Events of 17 July 2024

14. I am informed by 3 CBGU JV administration coordinators and verily believe that the following took place at the Roma Street site on 17 July 2024:

(a) At approximately 11.41am those employees were re-entering the site after returning from lunch, when they were approached by a person near the entry gate, who had been sitting on one of the chairs in the picket. They did not know the identity of that person. That person said to them: "*We will put your photo on Whatsapp*".

15. In my capacity as Industrial Relations Manager I receive reports of activities that occur on the project on a daily basis. Annexed and marked **TP-3** is a record, including videos of activities across the sites on 16 and 17 July 2024. In relation to this document:

(a) Page 1 of this document contains photos and links to CCTV footage annexed as TP-2, and a link to that footage.

(b) Pages 2-3 of this document contains photos and links to CCTV footage of events that occurred on 17 July 2024 at the SAW site, whereby the actions of the CFMEU disrupted a subcontractor carrying out a concrete pour.

(c) Page 4 of this document contains photos and links to CCTV footage of events that occurred on 17 July 2024 at the Gabba site in which the CFMEU picket blocks the vehicle entry to site.

16. In relation to the matter referred to in 14(b) I am informed by a site Project Manager and verily believe that the relevant subcontractor received a phone call from a CFMEU official who said to him words to the effect of "*If you pump concrete* [on the CRR Project that day], *you will be black balled in Queensland*". Shortly thereafter the concrete truck workers ceased work, and the concrete trucks exited the site and no further concrete was poured on that day by that subcontractor. This has caused additional cost expense

[redacted] [redacted]

and delay to the project. Delays of this kind will have an impact on the critical path objectives of the project and are likely to cause substantial damages and other losses to be incurred by CPB and its joint venturers in the performance of contracted works on the CRR Project.

Affirmed by the deponent)
at Brisbane)
in Queensland)
on 17 July 2024)
Before me:)

[redacted]

Sig[redacted]

[redacted]

Signature of witness

David Cooper, solicitor

This document was signed in counterpart and witnessed over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000.

CFMEU

REGIONAL OFFICES
Darwin – Ph (08) 8981 5280
Townsville – Ph (07) 4766 8715
CFMEUQ
State Construction
& General Division

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
qntqueries@cfmeu.org

ANNEXURE "TP-1"
referred to in the affidavit of Terence Paul Prior
at Brisbane on 17 July 2024
Before me: David Cooper Solicitor

10 July 2024

Anthony Zervaas
CPB Contractors Pty Ltd
Level 6, 520 Wickham St
Fortitude Valley, QLD, 4006

By email: [redacted]

Dear Anthony,

Notification of Intention to take Industrial Action

In accordance with the requirements of section 414 of the Fair Work Act 2009, I hereby advise of the intention of all members of the Construction Forestry Maritime Employees Union (CFMEU) employed by CPB Contractors Pty Ltd who are to be covered by the *CPB Contractors Pty Ltd Cross River Rail (Tunnel, Station and Development – Pulse Partnership Works) Agreement 2024-2028*, to take protected industrial action.

The action is authorised pursuant to the Protected Industrial Action Ballot made by the Fair Work Commission in matter B2024/261 and declared on 22 April 2024. The industrial action is in support of claims made in negotiations for the proposed enterprise agreement with CPB Contractors Pty Ltd.

The CFMEU issues this written notice, in its capacity as the bargaining representative for employees of CPB Contractors Pty Ltd who are members of the CFMEU and who will be covered by the Agreement (Employees).

The nature of the industrial action and the day on which it will start are as follows:

1. 1-hour stoppage of work on Tuesday 16 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;

q. 4.00pm;
r. 5.00pm;
s. 6.00pm;
t. 7.00pm;
u. 8.00pm;
v. 9.00pm;
w. 10.00pm;
x. 11.00pm;

2. 1-hour stoppage of work on Wednesday 17 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;
    q. 4.00pm;
    r. 5.00pm;
    s. 6.00pm;
    t. 7.00pm;
    u. 8.00pm;
    v. 9.00pm;
    w. 10.00pm;
    x. 11.00pm;

3. 1-hour stoppage of work on Thursday 18 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;

k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

4. 1-hour stoppage of work on Friday 19 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;
    k. 11.00am;
    l. 12.00pm;
    m. 1.00pm;
    n. 2.00pm;
    o. 3.00pm;
    p. 4.00pm;
    q. 5.00pm;
    r. 6.00pm;
    s. 7.00pm;
    t. 8.00pm;
    u. 9.00pm;
    v. 10.00pm;
    w. 11.00pm;

5. 1-hour stoppage of work on Monday 22 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;

f. 6.00am;
g. 7.00am;
h. 8.00am;
i. 9.00am;
j. 10.00am;
k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

6.

7. An unlimited number of stoppages of work, including consecutive stoppages of work of twenty-four (24) hour in duration, commencing on Tuesday 16 July 2024.

8. An unlimited number of indefinite or periodic bans on the performance of overtime, except in the case of emergencies, by all or part of the workforce, commencing on Tuesday 16 July 2024.

9. An indefinite or periodic ban on paperwork (other than regulator or safety related paperwork), commencing on Tuesday 16 July 2024.

10. An indefinite or periodic bans on the use of technology including (but not limited to) phones, computers, tablets computers, radios, fax machines and the like, commencing on Tuesday 16 July 2024.

Yours sincerely

Paul Dunbar
CFMEU Industrial Officer

CFMEU

REGIONAL OFFICES
Darwin – Ph (08) 8981 5280
Townsville – Ph (07) 4766 8715
CFMEUQ
State Construction
& General Division

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4600
Fax (07) 3231 4699
qntqueries@cfmeu.org

10 July 2024

Michael McCann
CPB Contractors Pty Ltd
Level 6, 520 Wickham St
Fortitude Valley, QLD, 4006

By Email: [redacted]

Dear Michael,

Notification of Intention to take Industrial Action

In accordance with the requirements of section 414 of the Fair Work Act 2009, I hereby advise of the intention of all members of the Construction Forestry Maritime Employees Union (CFMEU) employed by CPB Contractors Pty Ltd who are to be covered by the *CPB Contractors Pty Ltd Cross River Rail (Rail Integration and System – Unity Alliance Works) Agreement 2024-2028*, to take protected industrial action.

The action is authorised pursuant to the Protected Industrial Action Ballot made by the Fair Work Commission in matter B2024/260 and declared on 22 April 2024. The industrial action is in support of claims made in negotiations for the proposed enterprise agreement with CPB Contractors Pty Ltd.

The CFMEU issues this written notice, in its capacity as the bargaining representative for employees of CPB Contractors Pty Ltd who are members of the CFMEU and who will be covered by the Agreement (Employees).

The nature of the industrial action and the days on which it will start are as follows:

1. 1-hour stoppage of work on Tuesday 16 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;

q. 4.00pm;
r. 5.00pm;
s. 6.00pm;
t. 7.00pm;
u. 8.00pm;
v. 9.00pm;
w. 10.00pm;
x. 11.00pm;

2. 1-hour stoppage of work on Wednesday 17 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    c. 2.00am;
    d. 3.00am;
    e. 4.00am;
    f. 5.00am;
    g. 6.00am;
    h. 7.00am;
    i. 8.00am;
    j. 9.00am;
    k. 10.00am;
    l. 11.00am;
    m. 12.00pm;
    n. 1.00pm;
    o. 2.00pm;
    p. 3.00pm;
    q. 4.00pm;
    r. 5.00pm;
    s. 6.00pm;
    t. 7.00pm;
    u. 8.00pm;
    v. 9.00pm;
    w. 10.00pm;
    x. 11.00pm;

3. 1-hour stoppage of work on Thursday 18 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;

k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
q. 5.00pm;
r. 6.00pm;
s. 7.00pm;
t. 8.00pm;
u. 9.00pm;
v. 10.00pm;
w. 11.00pm;

4. 1-hour stoppage of work on Friday 19 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;
    f. 6.00am;
    g. 7.00am;
    h. 8.00am;
    i. 9.00am;
    j. 10.00am;
    k. 11.00am;
    l. 12.00pm;
    m. 1.00pm;
    n. 2.00pm;
    o. 3.00pm;
    p. 4.00pm;
    q. 5.00pm;
    r. 6.00pm;
    s. 7.00pm;
    t. 8.00pm;
    u. 9.00pm;
    v. 10.00pm;
    w. 11.00pm;

5. 1-hour stoppage of work on Monday 22 July 2024, including consecutive stoppages of work, commencing at:
    a. 12.00am;
    b. 1.00am;
    b. 2.00am;
    c. 3.00am;
    d. 4.00am;
    e. 5.00am;

f. 6.00am;
g. 7.00am;
h. 8.00am;
i. 9.00am;
j. 10.00am;
k. 11.00am;
l. 12.00pm;
m. 1.00pm;
n. 2.00pm;
o. 3.00pm;
p. 4.00pm;
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7. An unlimited number of stoppages of work, including consecutive stoppages of work of twenty-four (24) hour in duration, commencing on Tuesday 16 July 2024.
8. An unlimited number of indefinite or periodic bans on the performance of overtime, except in the case of emergencies, by all or part of the workforce, commencing on Tuesday 16 July 2024.
9. An indefinite or periodic ban on paperwork (other than regulator or safety related paperwork), commencing on Tuesday 16 July 2024.
10. An indefinite or periodic bans on the use of technology including (but not limited to) phones, computers, tablets computers, radios, fax machines and the like, commencing on Tuesday 16 July 2024.

Please direct any queries to Elliot Dalgleish, CFMEU Industrial officer via email on qntindustrial@cfmeu.org

Yours faithfully,

[redacted]

Michael Ravbar

DIVISIONAL BRANCH SECRETARY

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
ALBERT STREET					
1	ALB-CAM-117	05.12.07	CBGU Staff members entering lot 1 worksite. Verbal intimidation and being filmed as they enter the worksite from individuals in the pedestrian gantry. Commentary *'you're a grub', 'if you care about your family, you won't cross the picket line', 'we're doing this for your children'.*		https://www.dropbox.com/scl/fi/9x7h3mcmvt82g1rfeblto/Timeline-2024-07-16-10.25.39.228-AM.avi?rlkey=j9caxdo80bvlv07ac96v2bhnr&st=6x4kny1v&dl=0
1	ALB-CAM-117	05.13.20	Individuals in CFMEU attire standing directly out the front of pedestrian gate, filming worker as he tries to enter		https://www.dropbox.com/scl/fi/tr6hjv4r9nxvr4s8jgulc/Timeline-2024-07-16-10.30.08.012-AM.avi?rlkey=j9bhufjrticuh9ial7wnw1nf1&st=bwsqu92e&dl=0

ANNEXURE "TP-3"
referred to in the affidavit of
Terence Paul Price affirmed
on 17 July 2024
Before me
David Cooper Solicitor

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
SOUTHERN AREA WORKSITE					
2	SAW-CAM-101	06:54:15	Concrete truck arrives to Southern Area Worksite Kent Street gate 2. Driver is approach by worker (CFMEU hoodie) and traffic control.		https://www.dropbox.com/scl/fi/7gbpxyrdaltn56ett945s/Timeline-2024-07-17-11.36.26.320-AM.avi?rlkey=9ct1a1neaqtoh9lp1nho6g7s0&st=a12i7801&dl=0
2	SAW-CAM-101	07:09:10	Second concrete truck arrives to Southern Area Worksite Kent Street gate 2. Driver is approach by worker and traffic control.		https://www.dropbox.com/scl/fi/xsedztzpr3d1gck1ep807/Timeline-2024-07-17-11.43.36.546-AM.avi?rlkey=ifvn3aslvenuu1qciijzm0l2y&st=2tchr4wv&dl=0
2	SAW-CAM-101	07:20:30	First concrete truck enters site.		https://www.dropbox.com/scl/fi/s76lfosc4ojxhzwy4tlea/Timeline-2024-07-17-11.49.30.429-AM.avi?rlkey=hefxd9xorslr13ojjwfrvto00&st=9hhi3hat&dl=0
2	SAW-CAM-101	07:34:00	Second truck enters site. Third concrete truck arrives to Southern Area Worksite Kent Street gate 2. Driver is approach by worker and traffic control.		https://www.dropbox.com/scl/fi/rzxnaoxb0doae2uoqvz2n/Timeline-2024-07-17-11.54.21.600-AM.avi?rlkey=4lzdd2dbxla4jhxdg84q7b6xn&st=1jwka5fp&dl=0

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
2	SAW-CAM-101	07:37:50	Third concrete truck enters site. Traffic controllers shut Kent Street gate 2 behind.		https://www.dropbox.com/scl/fi/vtqokd2skscl1mn8126ik/Timeline-2024-07-17-12.06.18.217-PM.avi?rlkey=v6bst5iw8794i4fugburhjm0r&st=xacc2tro&dl=0
2	SAW-CAM-101	07:52:50	Three concrete trucks exit Southern Area Worksite through Kent Street gate 2. Concrete cylinders are still rotating indicating concrete has not been removed. Trucks have entered site and been directed to turn around.		https://www.dropbox.com/scl/fi/ekip10vg4vjcrrobp1tel/Timeline-2024-07-17-12.12.10.486-PM.avi?rlkey=aeg36iwz4kuxo6b7s9ucus3cn&st=j6ke4afk&dl=0
2	SAW-CAM-101	8:29:30 – 8:32:20	Three concrete trucks leave Kent Street gate 2. Reports from Project Manager is the Qld General Manager from DMG Concrete Pumping received a phone call advising that in the event the concrete pump that was getting set up to pump the concrete pumped they would *"be black balled in Queensland"*.		

CRR TSD - Union activity

EVIDENCE NUMBER	CAMERA NAME	TIME - STAMP	ACTIVITY OBSERVED	SCREEN SHOT	VIDEO DOWNLOAD
WOOLLOONGABBA					
3	GAB-CAM-127	05:59:30	Morning crowd in front of Vulture Street site access gate at Woolloongabba. Picket line blocks access to Vulture Street site access gate. CBGU Supervisor asked group to move on as this was a vehicle access, they declined.		https://www.dropbox.com/scl/fi/t6wacfrqksxljrq2g7h05/Morning-crowd.PNG?rlkey=7b2ppe6x0jzkut9o61n2rwkgy&st=25hn2bfb&dl=0 https://www.dropbox.com/scl/fi/zubluefck248u8c0xzsq9/Timeline-2024-07-17-09.29.16.557-AM.avi?rlkey=9kn6kbylo6stp3i7b724v7a6s&st=9m2gjowi&dl=0
3	GAB-CAM-127	09:35:00	Morning crowd in front of Vulture Street site access gate at Woolloongabba. Picket line blocks access to Vulture Street site access gate.		https://www.dropbox.com/scl/fi/6ypg08khjgwbcquv5gkxo/Timeline-2024-07-17-10.15.57.873-AM.avi?rlkey=9cbydsrcfjshodw17i01gb0fi&st=4gpdpr3y&dl=0

Federal Court of Australia

District Registry: Queensland Registry

Division: Fair Work

No: QUD189/2024

CPB CONTRACTORS PTY LTD
Applicant

CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION and others named in the schedule
Respondent

ORDER

JUDGE: JUSTICE COLLIER

DATE OF ORDER: 18 July 2024

WHERE MADE: Brisbane

PENAL NOTICE

TO: THE CONSTRUCTION, FORESTRY AND MARITIME EMPLOYEES UNION

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR

(B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

NOTING THE PROVISION OF THE USUAL UNDERTAKINGS AS TO DAMAGES BY THE APPLICANT, THE COURT ORDERS THAT:

1. In this Order:

   CRR Project means the Cross River Rail Project.

   CRR Construction Site means the construction sites established for the CRR Project at the date of this order, being those at the following addresses in Brisbane:

(a) the project site known as the Albert Street Precinct (Lot 1, Lot 2, Lot 3), bound by Mary, Edward, Elizabeth and George Street, Brisbane City;

(b) the project site known as the Roma Street Precinct, bound by Roma Street, Countess Street and Parkland Boulevard and the Queensland Rail Corridor, Brisbane City;

(c) the project site known as the Woolloongabba Precinct, bound by Stanley, Main, Leopard and Vulture Streets, Woolloongabba;

(d) the project site known as the Boggo Road Precinct, bound by Boggo Road, Peter Doherty Street and Boggo Road Busway/ Queensland Rail Corridor in Dutton Park;

(e) the project site known as the Southern Area work area, bound by Cornwall Street, Kent Street and Queensland Rail Corridor;

(f) the project site known as the Northern Portal, bound by the Queensland Rail Corridor, Bowen Bridge Road, Gregory Terrace and Kalinga Avenue;

(g) Hamilton Yard at 222 MacArthur Avenue, Hamilton;

(h) BlueWater Yard at 2-6 Bishop Drive, Port of Brisbane;

(i) 271 Gilchrist Avenue, Herston;

(j) 33 Lanham Street, Bowen Hills;

(k) 48 O'Connell Terrace, Bowen Hills;

(l) 58 Chale Street, Yeerongpilly;

(m) Corner of Nobel Street and Annerley Road, Dutton Park;

(n) Corner of Brooke Street and Pegg Road, Rocklea;

(o) Corner of Wilkie Street and Green Street, Yeerongpilly; and

(p) 19 Orient Avenue, Pinkenba.

Point of Entry means any point of entry to (or exit from) a CRR Construction Site, and includes without limitation any gate, turnstile, entrance way, driveway or door.

2. Until further order, the First Respondent (whether by its officers, delegates, employees, or other representatives) be restrained from:

(a) photographing, recording by any means, or creating or maintaining a record of the identity of, any person or vehicle entering or leaving a CRR Construction Site;

(b) coming within 15 meters of a Point of Entry, or going or remaining within 15 meters of a Point of Entry, excluding:

(i) transit to and from a school; or

(ii) to catch public transport; or

(iii) travel in a moving vehicle on a public roadway; or

(iv) persons seeking to enter the site for the purpose of performing work in accordance with their contract of employment, or a person with a valid right of entry exercising that right of entry in accordance with applicable legislation or as otherwise permitted by law; or

(v) legal and other professional third-party representatives.

3. The First Respondent take all reasonable steps **forthwith**, but no later than **9.00am on 19 July 2024**, to:

(a) bring the existence and content of this order to the attention of its officers, delegates, members, employees and other representatives within the First Respondent's Construction and General Division Queensland and Northern Territory Branch; and

(b) direct its officers, delegates, employees and other representatives within the First Respondent's Construction and General Division Queensland and Northern Territory Branch to comply with paragraphs 2(a) and (b) above; and

(c) direct its officers, delegates, employees and other representatives within the First Respondent's Construction and General Division Queensland and Northern Territory Branch to comply with the Order of the Court made on 1 May 2024.

4. The First Respondent is to notify the Applicant and the Court by 12:00PM on 25 July 2024 as to whether it intends to seek the discharge of these orders.

5. In the event that the First Respondent notifies the Applicant and the Court in accordance with paragraph 4 above, the matter be listed before a Duty Judge for case management and the hearing of any application for the discharge of these orders.

6. Costs be reserved.

Date orders authenticated: 19 July 2024

Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Schedule

No: QUD189/2024

Federal Court of Australia
District Registry: Queensland Registry
Division: Fair Work

Second Respondent	DEMOCRATIC OUTCOMES PTY LTD T/A CIVS
Third Respondent	DEAN MATTHUS
Fourth Respondent	DEAN RILEY
Fifth Respondent	MARK MCKEAN
Sixth Respondent	JOSEPH PRIOR

David Cooper

Subject: UPDATED Albert Summary - Friday 19 July
Attachments: Albert Station CCTV Pictures - Friday 19 July.docx

From: Wood, Alicia [redacted]
Sent: Monday, July 22, 2024 9:57 AM
To: Prior, Terry [redacted]
Subject: Albert Summary - Friday 19 July

Terry,

As discussed, summary of Fridays incidents below.

CCTV is attached of the incident involving CPB employees – Tyson Hayes, Kadyne Coyle and James Nikora. All employees are engaged on the TFO Logistics scope.

There are several circumstances of CCTV capturing this throughout the night shift. I have provided some but can locate more if required.

- On Friday 19th July 2024 at approx.. 6.30am, Sean Korostovetz and Steve Amies (CPB Delegates) were standing by the access door to the Albert St station site. There were a number of other delegates/ workers also at the entrance door who were not recognised by the supervisors.
- Sean entered the Albert site (prior to the 6am prestart), walked into the crib rooms and pressured a number of CPB, UGL, VTS and Rocktown workers to leave site. No worker was willing to provide a written statement.
- At 4.45pm, 3x CPB workers arrived and read the court orders on the main access door. The group then remained at the entrance to site whilst the night shift workforce arrived over the next hour.
- At 5.25pm, prior to the commencement of night shift, 2x Supervisors contacted James Maher to advise him that 3x CPB workers (and an identified worker) were standing outside the entrance to site. The employees were reported to the Supervisor as warning Rocktown workers not to cross a picket line and enter the site.
- The supervisor spoke to a number of workers who confirmed they felt threatened and uncomfortable in returning to work and left site. A number of UGL electricians also felt threatened and did not enter site. No worker or subcontractor agreed to provide a written statement out of fear of repercussion.
- James spoke to the night shift CPB Delegate (via phone) and advised him of the reported behaviour of the workers. The Delegate was reminded of the court injunction and that these workers were in breach of it. The Delegate was requested to remove the crowd breaching the 15m radius immediately or this would escalate to QPS. A hard copy of the court orders was provided to the crowd on the picket line.
- At approx.. 5.37am, the CPB worker receives a phone call and walks away to take this. The other two workers then followed this worker to the boundary of the exclusion zones where the majority of the crowd was located.
- Throughout the night, the Supervisor checked the boundaries and was photographer by the crowd and threatened that ‘we know who you are’

There were no other attempts to prevent workers from accessing site on Saturday or today by delegates or crowds.

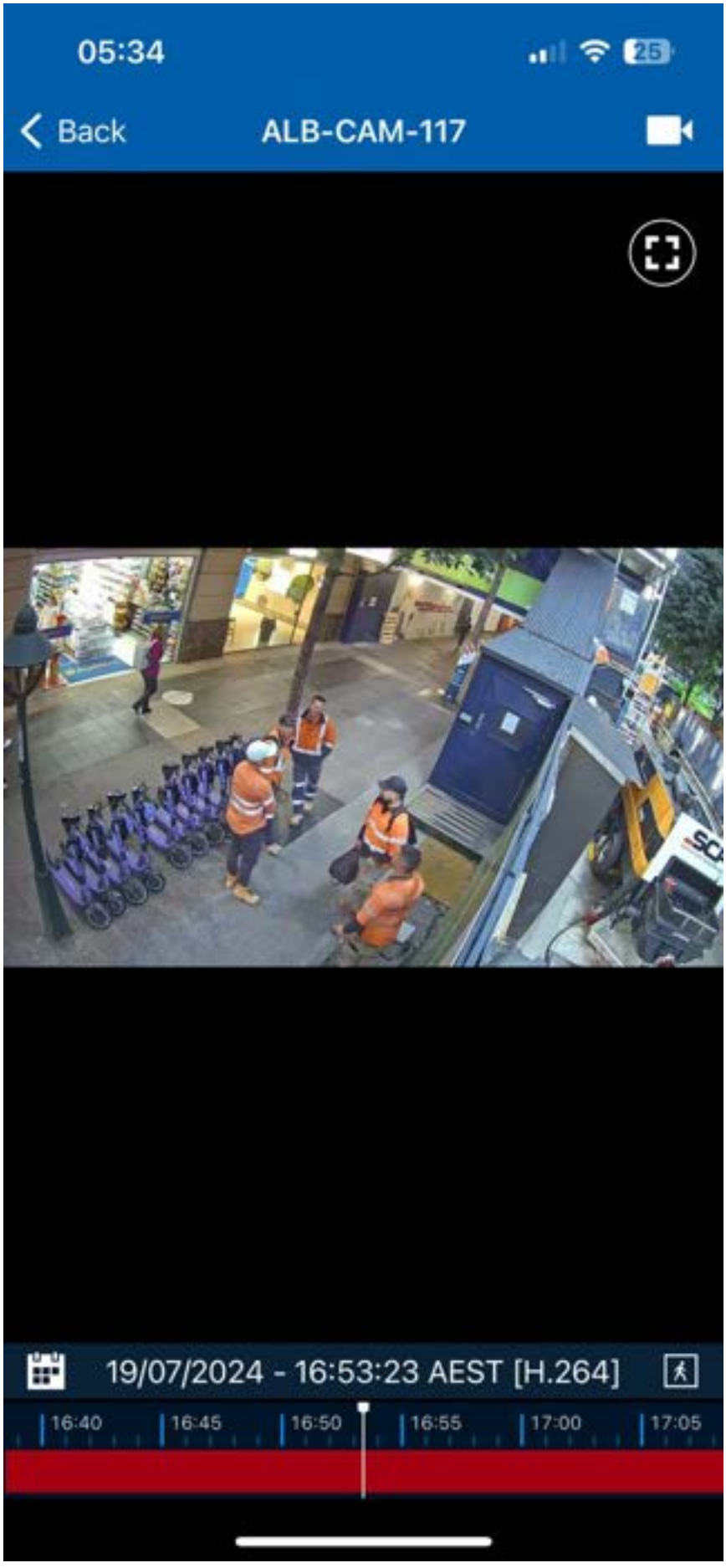
Regards

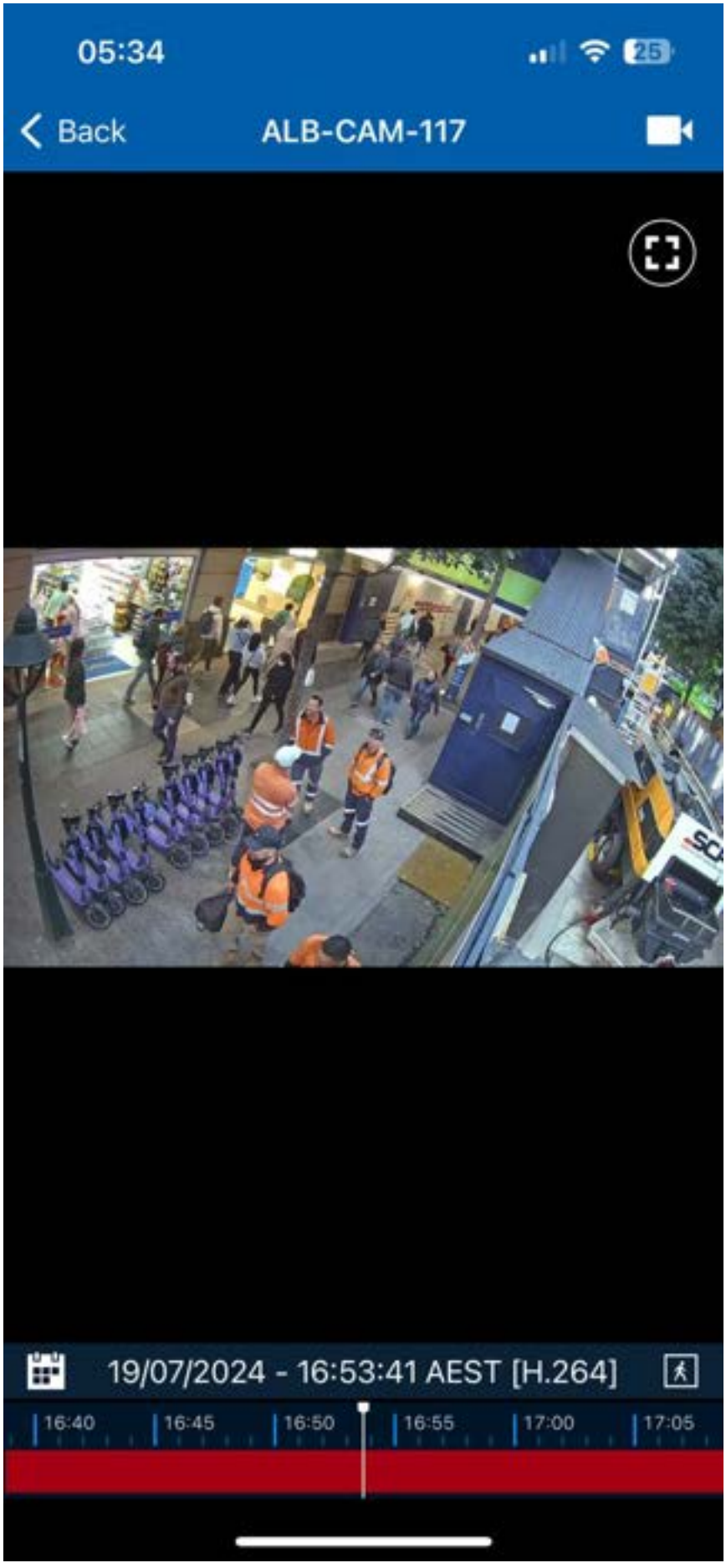
Alicia Wood
Senior IR Advisor

Cross River Rail – Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] **M** [redacted]
E [redacted]


19 July 2024 5:15:47 pm
242° SW


05:34
Back
ALB-CAM-117
19/07/2024 - 16:53:23 AEST [H.264]
16:40
16:45
16:50
16:55
17:00
17:05


05:34
Back
ALB-CAM-117
19/07/2024 - 16:53:41 AEST [H.264]
16:40
16:45
16:50
16:55
17:00
17:05


Back
ALB-CAM-117
19/07/2024 - 16:52:23 AEST [H.264]
16:39
16:42
16:45
16:48
16:51
16:54
16:57
17:00
17:03
17:06


Back
ALB-CAM-117
19/07/2024 - 16:52:19 AEST [H.264]
16:39
16:42
16:45
16:48
16:51
16:54
16:57
17:00
17:03
17:06


Back
ALB-CAM-117
19/07/2024 - 16:52:16 AEST [H.264]
16:39
16:42
16:45
16:48
16:51
16:54
16:57
17:00
17:03
17:06

David Cooper

Subject: RE: Albert St delegate - Sean K - evening of Friday 19 July 2024

From: Wood, Alicia [redacted]
Sent: Tuesday, July 23, 2024 12:03 PM
To: Prior, Terry [redacted]
Subject: Sean K - Friday 19 July 2024

Terry,

As discussed, please see attached CCTV of Sean K entering Albert Station on Friday 19th July 2024. Timeline as follows:

- Sean arrives outside the Albert Station entrance at 5.17am. He is joined by Steve Amies.
- At approx.. 5.31am, Sean speaks to Steve briefly and then enters site into the Lot 1 & Lot 3 crib rooms.
- Sean speaks to the workers in the crib rooms for about 5 minutes before exiting site. The workforce in the crib rooms start leaving about 2 minutes after Sean has left.
- Sean then goes to the tunnel/ PSD/ UGL crib rooms where CCTV shows him entering the cribs and exiting about 1 min later. The workforce leave site thereafter.

Regards

Alicia Wood
Senior IR Advisor

CROSSRIVERRAIL TUNNEL & STATIONS
CPB CONTRACTORS | bam | Ghella | UGL
Cross River Rail – Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] **M** [redacted]
E [redacted]

********** This email, and any files transmitted with it, are confidential and intended for use by the addressee only. The confidential nature of the information contained in the email and/or file attachment is not waived, lost or destroyed if it is sent to other than the addressee. Use or dissemination of the information contained in the email and/or file attachment, by a recipient other than the addressee, may cause commercial damage to both/either the sender and/or addressee. If you are not the addressee of this email/file attachment contact the sender immediately and delete this email/file attachment.
****

David Cooper

Subject: RE: Cbgu jv strike employees treating workers and breaching court injunction 5pm Friday 19th of July

---

From: Maher, James [redacted]
Sent: Sunday, 21 July 2024, 5:47 am
To: Prior, Terry; Butler, Chris
Cc: Byrne, Dominic
Subject: Cbgu jv strike employees treating workers and breaching court injunction 5pm Friday 19th of July

Terry / Chris,

On Friday 19/07/24 I had a call from Michael Repia and Shane Penfold (night shift supervision) @ 17: 25 to advise me that we had X4 persons that appeared to be CBGU jv employees standing outside the Blue door (entrance to Albert street site). These x4 persons were actively reported to Mike as warning Rocktown workers not to cross a Picket line and enter the Albert street site.

Michael investigated further confirming that they had actually made workers feel uncomfortable and threatened to the point where they turned around and went home. Michael through our network of staff was also able to identify x3 of the x 4 persons engaging in the threatening behaviour.

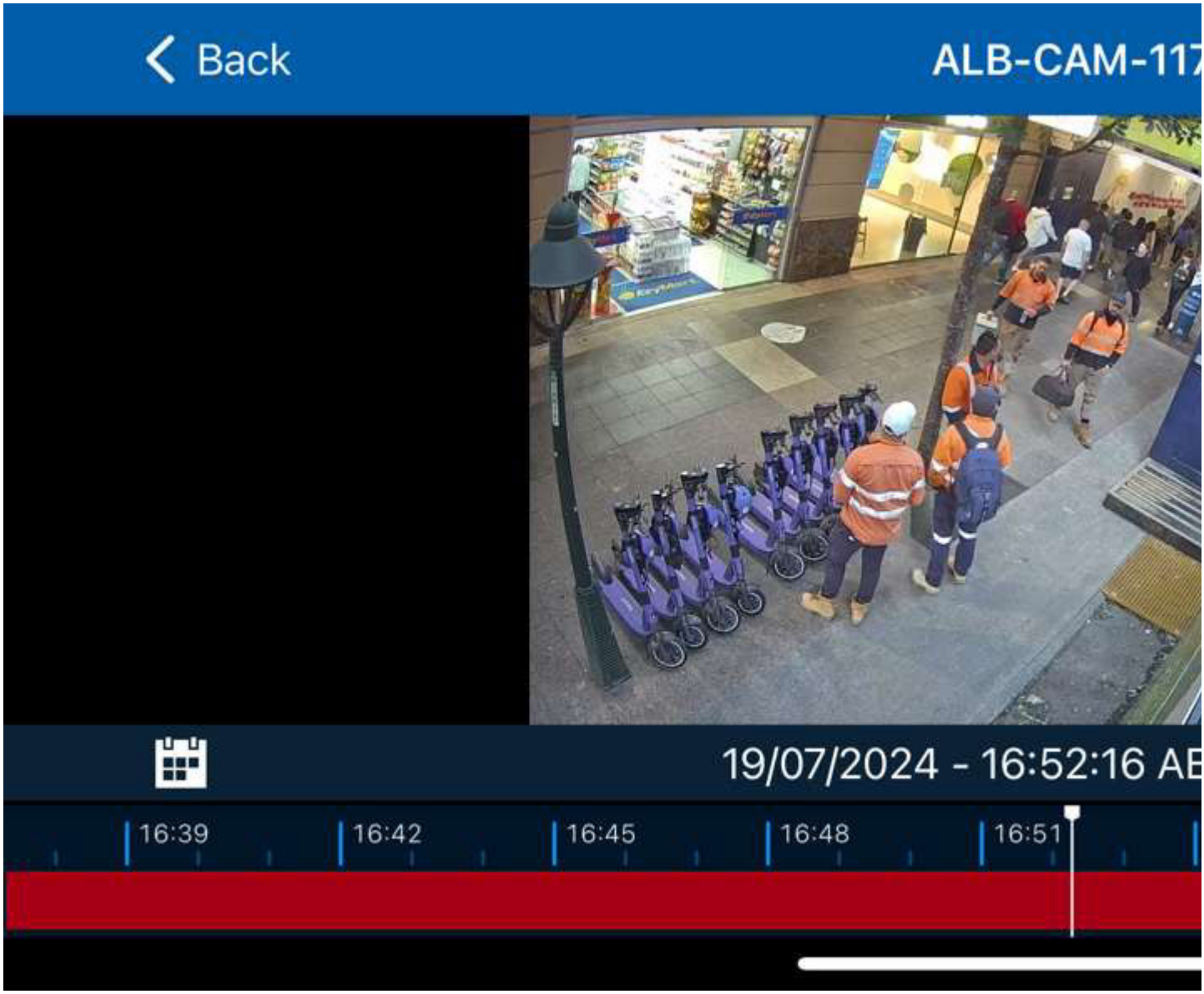
I then contacted Ross love (Albert street CFMEU, night shift Delegate), and advised him of the reported behaviour of these strikers. I reminded Ross of the court injunction and that these people were in breach of it. I requested that he remove the strike crew immediately or we would be forced to escalate to the authorities.

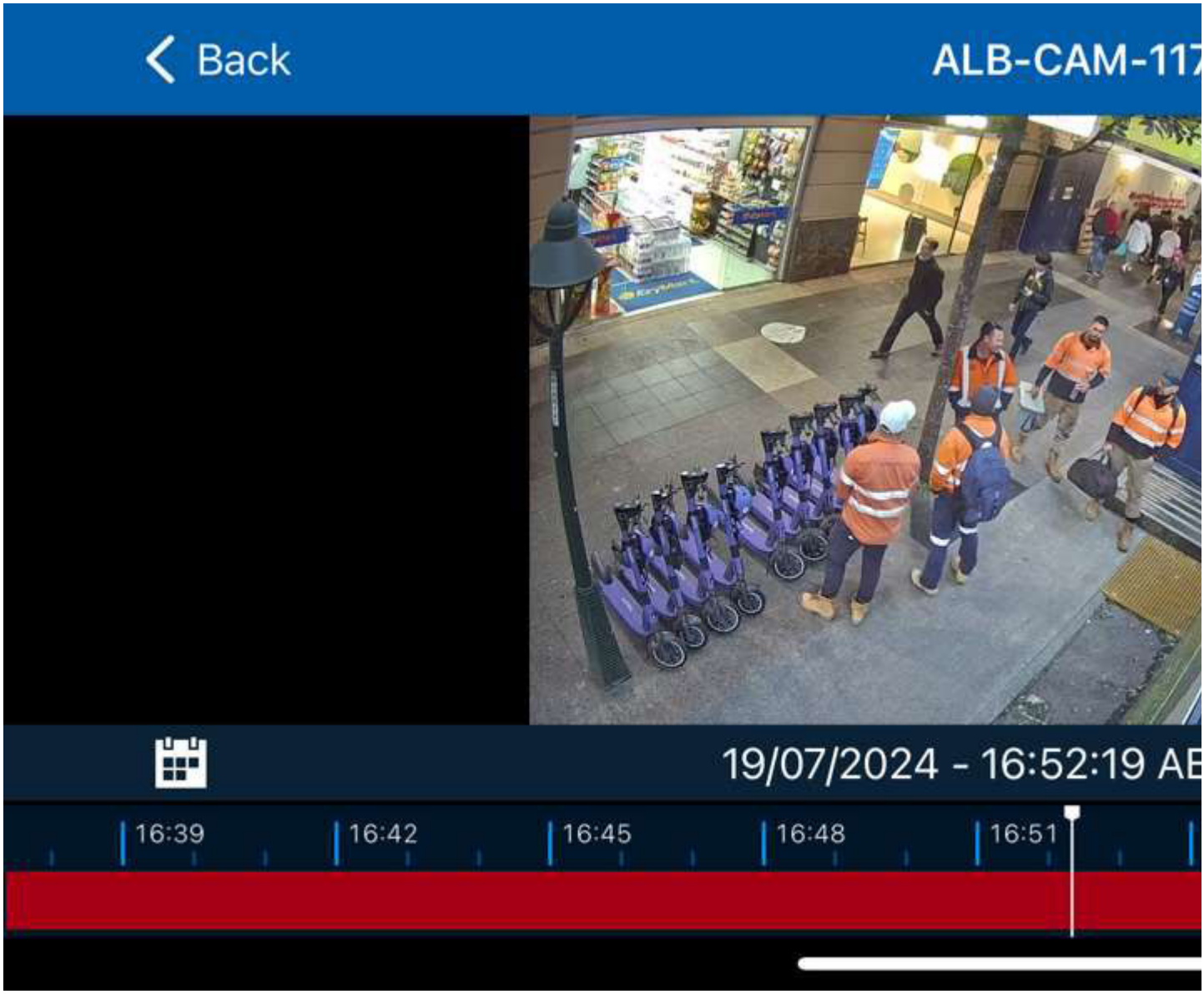
Moments afterwards the crew were contacted by phone and departed the area and returned to the boundary of the exclusion zones with the rest of the strike crews were.

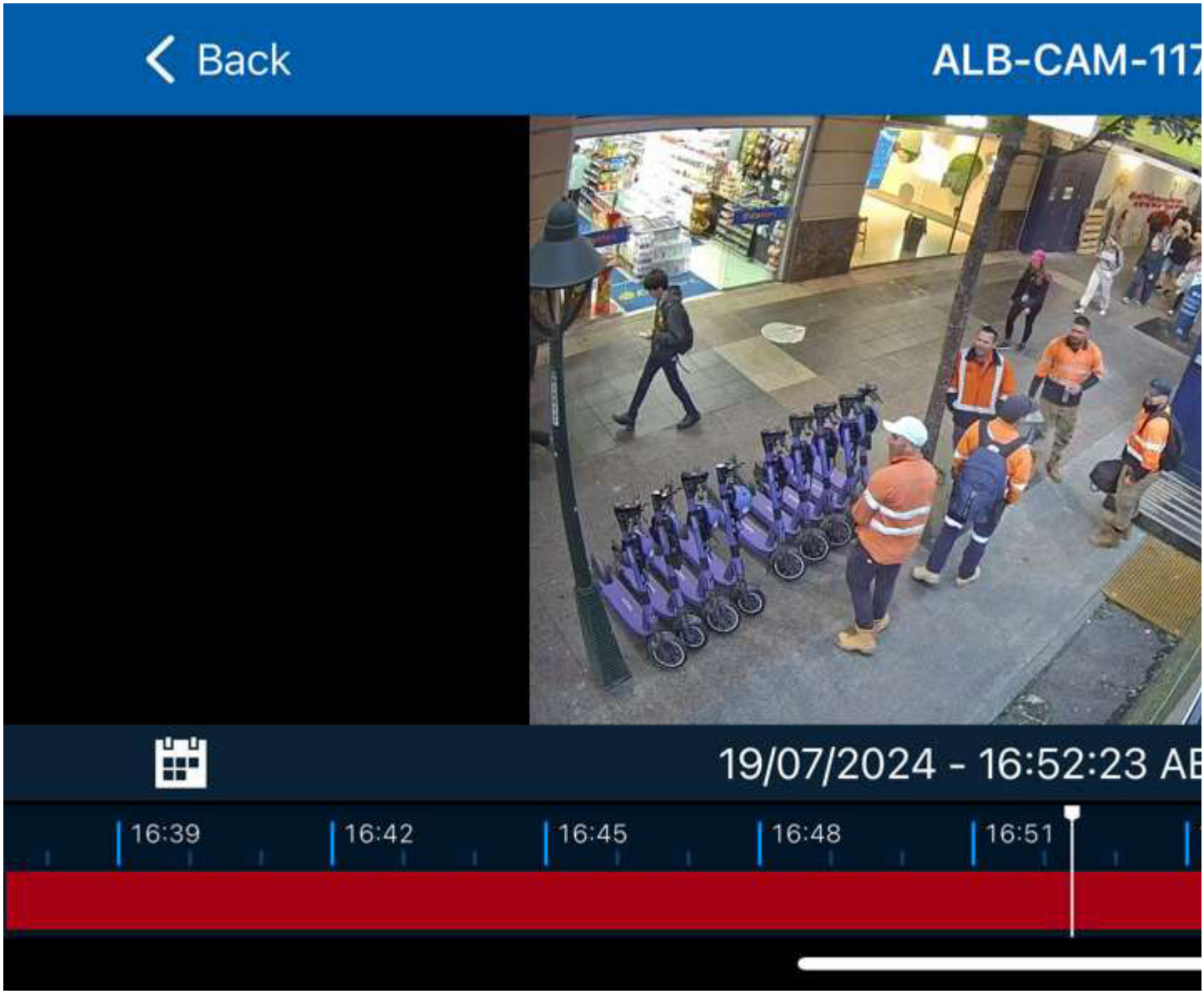
Through out the rest of the night on several occasions while michael was completing his boundary checks was photographed and threatened by there's and other strike crew members, "we know who you are Mike".

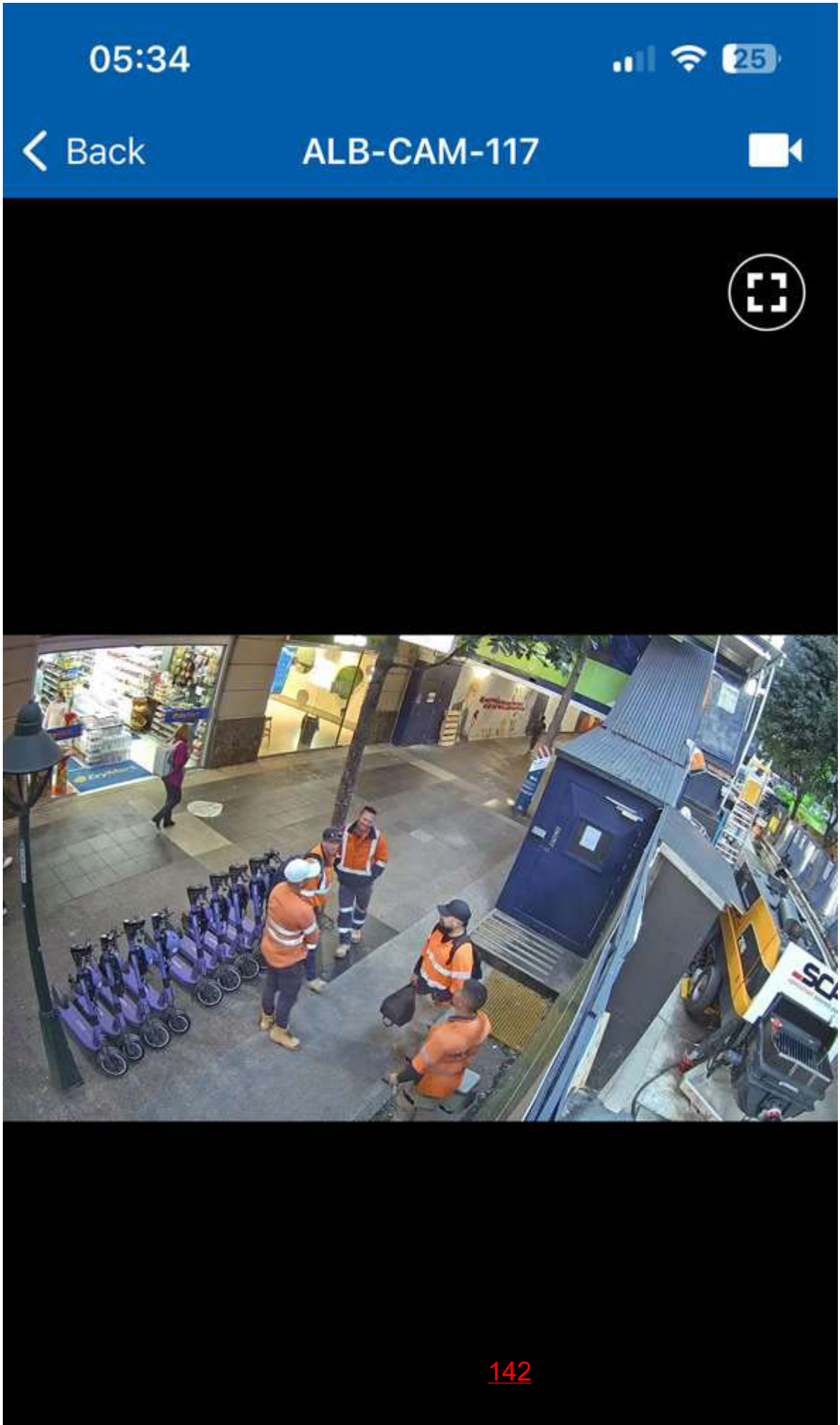
Images attached of the Damstra profiles found as well as evidence of the presence & interactions deterring from people entering (I had to get the security camera images from Dominic Byrne as I no longer have access to the cameras for some reason).

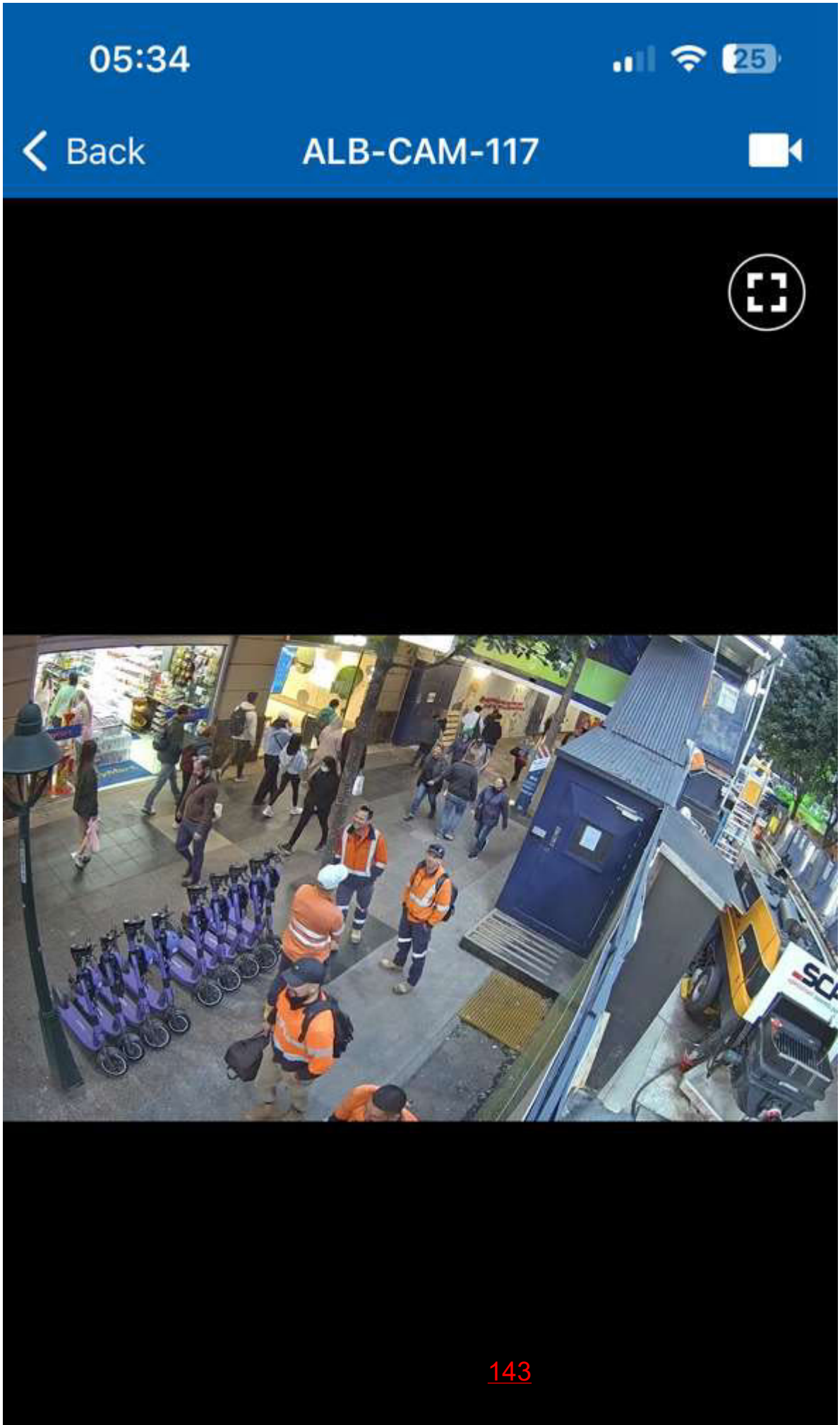
Please feel free to let me know if there is anything else that we can assist with. Happy to discuss further if required.


Back
ALB-CAM-117
19/07/2024 - 16:52:16 AE
16:39
16:42
16:45
16:48
16:51


Back
ALB-CAM-117
19/07/2024 - 16:52:19 AE
16:39
16:42
16:45
16:48
16:51


Back
ALB-CAM-117
19/07/2024 - 16:52:23 AE
16:39
16:42
16:45
16:48
16:51


05:34
25
Back
ALB-CAM-117


05:34
25
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N
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S
HOUSE

DAMSTRA

TRACK • MANAGE • PROTECT

View Profile

NIKORA, JAMES



DAMSTRA

TRACK • MANAGE • PROTECT

View Profile

COYLE, KADYNE A



DAMSTRA

TRACK · MANAGE · PROTECT

View Profile

HAYES, TYSON E



Regards,

James Maher
Superintendent

Stations Matisse Tower, Level 8, 110 Mary Street, Brisbane, QLD 4000, Australia
T [redacted] **M** [redacted]
E [redacted]

At CBGU JV we work flexibly. I am sending this message now because it suits my work hours.
I do not expect that you will read, respond or action this message outside of your usual hours.

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David Cooper

Subject: RE: Email 1 of 3 - Possible Albert Station Coercion - 23 July 2024

From: Prior, Terry [redacted]
Sent: Wednesday, July 24, 2024 4:27:52 AM
To: Malcolm Davis [redacted]
Cc: Butler, Chris [redacted]
Subject: Email 1 of 3 - Possible Albert Station Coercion - 23 July 2024

From the Albert St IR Adviser……

Please see attached WhatsApp conversation.

Sean (HSR) has spoken to Brad (HSR) verbally by phone – threatening and coercing him and saying that he (Sean) will not allow Brad to come back early. Will see what else I can get on this.

Please see summary below for incidents yesterday at Albert Station.

23 July 2024

- The HSR committee walk occurred as usual with only 8 HSRs – usual numbers around 25.
- As the walk occurs, the safety advisors/ supervisors post actions on the Whatsapp to be fixed and/or completed.
- These tasks are usually undertaken by CPB labourers, leading hands etc. There are very minimal CPB numbers on-site this week.
- As such, Brad Kinson (CPB HSR) replied to the actions and asked whether he could return to work early (prior to Tuesday) to close out these actions.
- Sean K and Steve Amies (HSR's) both responded that – unless an EBA is agreed to, he cannot return and/or CPB need to agree with the heat policies and other clauses the CFMEU want before he can return.
- The HSRs who are on-site today are frustrated as the HSR meeting will not go ahead with less than 50% of the committee members present.

23 July 2024 @ approx.. 1.30pm.

- Dean Mattas (CFMEU ORGANISER) contacted a number of subcontractor companies – VTS, IDEC, FTF to leave site at 2pm.
- Sean K (HSR) arrived outside Albert St at approx.. 1.30pm and was seen on the phone. He was also seen speaking to Mick Fisher (Rocktown HSR) on several occasions where pressure was applied for Rocktown to also leave site by 2pm.
- However there is no evidence of this and Rocktown are feeling threatened and are refusing to provide a statement.
- Sean K, Steve Amies and Tom Williams (HSRs) stayed around till the commencement of night shift where further pressure was applied to the workforce who arrived for work.
- Subbies who left at 2pm included – Rocktown, Altus, IDEC, FTF, KME, Cooke & Dowsett and NWCI.

Regards

Alicia Wood
Senior IR Advisor

Cross River Rail - Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] **M** [redacted]
E [redacted]

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David Cooper

Subject: RE: Email 3 of 3 - Gabba site -early morning concrete pour by subcontractor Rocktown

From: Loakes, Ben [redacted]
Sent: Wednesday, July 24, 2024 11:14:13 am
To: Prior, Terry [redacted]
Subject: Re: Rocktown numbers 24/07/24

Rocktown started earlier to do pour. A Rocktown worker who was deliberately left off the early start crew came into site a bit later and then proceeded to tell all the Rocktown workers from the early start crew that there was a site bbq out the front of the site and they should head out the front for it, and after speaking to the other Rocktown workers he exited without signing in or out.

The Rocktown Site Foreman left site at approximately 7:00am and was verbally abused by Sean K (the HSR from Albert Street) 'why are you bringing people into site early,.. you know what's going on'

From: "Graham, Matthew" [redacted]
Date: 24 July 2024 at 7:44:04 AM AEST
To: "Bishop, Justin" [redacted], "McHarg, Wade" [redacted], "Curtin, Mark" [redacted], "Hayes, Kip" [redacted], "Reddy, Garren" [redacted], "Schofield, David" [redacted], "Penhall, Brendan" [redacted], "Nortje, Jaco" [redacted], "Rippon, Christopher" [redacted]
Cc: "Borhani, Moein" [redacted], "Small, Rodney" [redacted]
Subject: Rocktown numbers 24/07/24

Morning

This morning as we have larger concrete pours starting again this week, we bought in Rocktown concreter's early for 4:30 prestart

The numbers were as follows

18 concreters and relevant support staff to man the pump lines and spot Agis.

3 from large conc pumping . they left site shortly after arriving

We also had a HSR present.

At approx. 5:15 am we had industrial action at the gates, the rocktown men were placed into the crib huts until further direction. During this time union activist sent word to rocktown employees

to leave site. The exodus was quick with the men leaving through a back gate. We have had six rocktown men stay and allocated work with mezz and canopy this is up from 4 on Monday. The Rocktown employees had stated if they were already pouring they would have stayed to complete the concrete placement and finishing.

Regards

Matthew Graham
Structure Supervisor

CROSSRIVERRAIL
TUNNEL & STATIONS

CPB CONTRACTORS | bam
Cross River Rail – T
CBGU

91 Leopard Street, Woolloongabba, QLD 4102, Australia
T **M**
E [redacted]

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David Cooper

To: Malcolm Davis
Subject: RE: EMAIL 1 - Albert Night Shift Interactions - Thursday 25 July

From: Wood, Alicia [redacted]
Sent: Friday, July 26, 2024 8:13 AM
To: Prior, Terry [redacted]
Subject: Albert Night Shift Interactions - 25/07/24

Terry,

Please see summary below of interactions at Albert Station last night – 25th July.

CPB employees include:

- Tom Williams (SAW HSR)
- Tyson Hayes (TFO Operator)
- Kadyne Coyle (Gabba Form setter)
- Lachlan Donald (Albert Operator/ Hoist Driver)
- Quinton Semple (TFO Operator)

- 4.41pm – Tom Williams spotted outside the Albert access door (not seen on camera). Supervisor witnessed telling Tom that he needs to stand outside the 15m radius. Tyson Hayes arrives and Supervisor delivers the message again. Tom and Tyson refuse to leave.

- 4.49pm – Tom told 2 employees there was a picket line and intimidated them to leave. 4x additional workers are intimidated by Tyson and Tom to leave.

- 4.50pm – A separate supervisor approached Tom Williams and told him he could not stand there. Tom told the supervisor that because he was a CBGU employee and not a CFMEU employee he was within his rights to be there. The supervisor asked him to leave and he (Tom) refused.

- 5.05pm - Kadyne Coyle arrived and was also standing within the 15m radius. The group refused to move when requested by the supervisor.

- 5.10pm – Lachlan Donald joined the crowd within the 15m radius.

- 5.22pm – Supervisor and safety spoke to Lachlan and asked him to remove himself. He complied and was reasonable about the request. Tom, Kaydne, Tyson and Quinton remained at the entrance.

- The group eventually leave the area at 6.38pm.

- Tom was witnessed going into the pub on several occasions and smelling like alcohol throughout his interactions with the workforce.

Note – Quinton Semple was the fourth unidentified person who was at the access door on Friday.

Regards

Alicia Wood
Senior IR Advisor

Cross River Rail – Tunnels and Stations
CBGU D&C JV

Level 3, North Tower, 339 Coronation Drive, Milton, QLD 4064, Australia
T [redacted] **M** [redacted]
E [redacted]

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STATEMENT OF CRAIG ALLAN KELLY

1. My name is Craig Allan Kelly of [redacted] in the state of Queensland.
2. Since 3 October 2023 I have been employed by RMTWF Pty Ltd Ltd Trading as Rocktown at the Cross River Rail (**CRR**) Project as a leading hand concreter.
3. Part of my duties is to unlock the entry to the Lot 1 site at Albert Street Station at 5.00 am each working day, I also have keys for lot 2 and lot 3 of the Albert Street Station site.

BACKGROUND

4. The CCR's main contractor is CPB Contractors Pty Ltd (**CPB**)
5. I am aware that that on 1 May 2024 CPB obtained an injunction from the Federal Court of Australia (**FCA**) against the CFMEU and its organisers and delegates (**respondents**) which restrained them from blocking or preventing access and egress from the entry points to the CRR construction sites (**Orders**).
6. It is my understanding that the Orders prohibited the respondents' from:
   (a) Physically obstructing or physically impeding the free movement of goods or people to and from a point of entry.
   (b) Abusing, threatening, harassing or intimidating any person entering or leaving the CRR construction site.
   (c) Aiding, abetting, counselling, procuring or inducing any person to engage in the conduct referred to in the orders above.
7. On 18 July the FCA granted CPB a further injunction and made the following Order restraining the respondents' from:
   (a) Photographing, recording by any means, or creating or maintaining a record of the identity of, any person or vehicle entering or leaving a CRR construction Site:
   (b) Coming within 15 meters of a Point of Entry, or going or remaining within 15 meters of a Point of Entry:

INCIDENT OF 29 JULY 2024

8. The morning of 29 July 2024, I attended work at 5.00 am to unlock the Entry Point of Lot 1 of Albert Street Station construction site.
9. A CFMEU delegate I know as Sean Korostovetz, and another unidentified person were near the Lot 1 Entry Point.
10. I know that Sean Korostovetz (**SK**) is a direct employee of CPB.
11. SK approached me and said aggressively words to the following effect '*This is a union picket line and you cannot fucking cross it*', at which I replied 'I going to work I need to work as I cannot afford to lose any more money.' He said, '*everyone is losing money, so you are going to too.*'
12. I believe that SK was clearly within 15 meters of the Entry Point of the Lot 1 and definitely was trying to intimidate me not to enter the site to go to work.
13. During the day I received several phone calls from colleagues telling me that the CFMEU had 'blacklisted' me and I will never get another job in the industry.
14. Later that day when I returned to my vehicle in the Myer carpark, someone had placed a sticker on the vehicle which read 'GRUB'.
15. On the evening of 29th July and into the morning of the 30th July 2024 I received approximately 50 calls from a NO ID Caller.
16. I believe the CFMEU and their delegates SK and Steve Amies are engaging in intimidating conduct to scare me into not attending work.

Dated this 8th day of August 2024

[redacted]

Craig Allan Kelly

TPP-50

David Cooper

To: Prior, Terry
Subject: RE: Statement of Justin Bishop - Site Manager at Gabba Site re CFMEU issues this afternoon

From: Bishop, Justin [redacted]
Sent: Friday, September 27, 2024 3:04 PM
To: Prior, Terry [redacted]; Butler, Chris [redacted]
Cc: Hayes, Kip [redacted]; Reddy, Garren [redacted]
Subject: RE: Interaction with CFMEU

Terry/Chris,

Sequence of events:

- 6;17am received a call from my GF advising me that at the morning prestart **Ritchie Atutuola (CPB CW)** addressed the entire work force that, the CFMEU had a meeting today with them@ 12;30pm.
- 6:25am One of my supervisors attended my office quite unsettled, advising me that during the prestart what **Ritchie Atutuola** had said re the meeting, it was then after, a Safety Award was presented to a Rocktown employee. As he got up to receive his award my supervisor heard someone say its only because you crossed the picket you scab
- Continued to field questions the entire day from my direct staff re a meeting,
- At multiple times, again threw out the day text messages where, sent around from various trades , sub-contractors, Rocktown/ALP reminding them to
- 12:12 **Ritchie Atutuola** left site to meet **Dean Mattas (CFMEU) & Corey Taylor (CFMEU) on Vulture St**
- 12:20 returned, unlawfully entered site to site via the side gate.
- I then went and addressed the traffic controller who let him in, and questioned why he disobeyed my direct instruction from the morning when i instructed him to under no circumstance allow any person's access through the side gate.
- At 12:23pm **Dean Mattas (CFMEU) & Corey Taylor (CFMEU)** approached the gate , I received a call from **Corey Taylor (CFMEU)** advising me he was here to execute a sect.484 and meet with his members.
- I met **Dean Mattas (CFMEU) & Corey Taylor (CFMEU)** outside the turnstile with **Ben Loakes (IR) & Nicole Watson (HR)** and question both **Dean Mattas (CFMEU) & Corey Taylor (CFMEU)** who they were here to see, were and when
- **Dean Mattas (CFMEU)** advised they were here to see their members/ potential members and the workforce, I then question "sorry the work force" and" when this was supposed to happen I have received nothing".
- **Ben Loakes** advised both that they should seek advise from there management prior to continuing the conversation.
- For the next ten minutes or I tried to consult with Dean who continuously referred to me hindering and obstructing him.
- At approximately 12:40pm a group of approximately 25 persons all attended the gate, all of which I could only identify **5 CPB** employees, and the rest being subcontractor from varying companies all yelling abuse from with in the project all instigated by **Ritchie Atutuola**
- I continued to explain to **Dean & Corey** this was not a scheduled lunch break, I had not seen, and or been privy to an application, and Ritchie orchestrating my employees and other trades to to participate in a meeting that was unlawful, and I would not be facilitating.

- **Dean Mattas (CFMEU) & Corey Taylor (CFMEU)** continued to escalate the conversation and encourage the workers behind the fence, to continue with verbal abuse towards Ben /Nicole and myself and directed at CPB .
- This went on for several minutes, which in the end I explained my position, and I would not be facilitating t6he situation with anymore om my time and wished hi a lovely weekend.

Regards

Justin Bishop
Manager, Site

91 Leopard Street, Woolloongabba, QLD 4102, Australia
T **M**
E [redacted]

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David Cooper

To: Prior, Terry
Subject: RE: Statement of Ben Loakes - IR adviser helping Gabba team during CFMEU issues this afternoon

From: Loakes, Ben [redacted]
Sent: Friday, September 27, 2024 3:38 PM
To: Prior, Terry [redacted]
Subject: Fw: Gabba

Attended Gabba at approximately 11:30am, soon after at 12:05 Ritchie the cfmeu delegate walked past us and left site, at approximately 12:20 he returned onto site and then soon after the 2 cfmeu officials appeared making their way to the entrance of site.

CFMEU Organisers Dean and Corey attended site entry at approximately 12:23 under 484, I greeted them and said unfortunately the same applies at Gabba as it did at Roma street this morning re their RoE, and prompted them to reach out and speak to their own legal people from the CFMEU as the situation has possibly changed. Dean and Corey stepped away and made call.

They returned soon after saying it's no big deal and continued discussions with us as to why they aren't being allowed on site.

Both Justin and I reiterated to them that there are no scheduled breaks in or around that time, and during this they kept repeated 'why not'?, Meanwhile a mob of workers have gathered at turnstiles being and led by the Ritchie the CPB CFMEU delegate and another Subcontractor delegate and then began chanting 'let them in' with Dean (CFMEU) continually placing himself in view of the mob and making suggestions towards the mob with his hands.

Dean then attempted to prompt me to tell the gathered workers as to why I am obstructing their access. I told him to stop trying to grandstand me you know exactly why no access is allowed. Soon after at around 12;50 they left.

In addition:

- Ritchie the CPB delegate was seen to be organizing a meeting on the site for 12.30pm a long time before the organisers were at the site. Subcontrcators and a small number of CPB workers were starting to gather.
- The 2 organisers outside of the site were seen to be conversing with the group inside the turnstiles which in turn got that group more excited and loud

Regards

Ben Loakes

IR Advisor

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

M [redacted]
Email: [redacted]

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TPP-52

David Cooper

From: Maher, James [redacted]
Sent: Saturday, 5 October 2024 6:14 AM
To: Prior, Terry
Cc: O'Brien, Michael; Butler, Chris; Byrne, Dominic
Subject: ROE: 04/10/24: CFMEU: D Mattas & Corey Taylor: Jump form, B7 & B9 Lot 1 Albert street (Silica & silica exposure registers)
Attachments: RE: WAH Incident Lot B7; WAH Incident Lot B7; Fw: B7 Union; Conversation with Sean k regarding B7 Signage.; Sean Korostovetv

Importance: High

Terry,

The following are my notes from Yesterday's ROE @ Albert Street. Let me know if you need any more details.

- CFMEU x 2 organisers Corey Taylor & Dean Mattas arrived at the Albert Street site circa 08:09
- I'm led to believe that they were trying to contact me but I was underground with limited phone coverage.
- @ circa 08:10 Mat Anforth (CBGU JV Supervisor) called as I resurfaced and advised me that x 2 cfmeu were at the gate and looking to see me for a 117
- @ circa 08:15 I contacted Terry Prior to arrange IR support for a suspected ROE (TP dispatched Michael O Brian
- @ circa 08:16 I contacted the Safety Team (Farren Wyper & John Wells to advise them of the arrival of the Officials and to prepare for a ROE when MOB arrived
- @ circa 08:30 MOB arrived and we engaged with the x 2 CFMEU officials
- Permits verified, ROE sighted & a quick discussion on the merits of the ROE completed
- JM contacted TP to verify it seemed to be a valid ROE and advise that the team would progress. Appeared at this stage that the ROE was for Rocktown works being undertaken on the jump, B9 & B7
- Sean K was hovering around the gate while we commenced the safety induction part and login of the visitors.
- Once in PPE yet again free issued to the CFMEU and again they refuse to wear the PPE once they had come through the gate despite several attempts by myself and the safety person (John Wells requesting that they comply
- First stop was the jump form , Focused on one of the cells, BC06
- They climbed down into a patchers work are and claimed that was dust in the area. Confirmed that the patcher was completing patching work known to have dust and he was to follow his SWMS and wear RPE

- They debate went on for 20 minutes or so before they started demanding documentation be brought to the site to verify personal medicals and face fitting. The safety team and I on several occasions advised that paper work/register doesn't get stored on site and any approved paper work to be shown would happen in the training room after the site walk.

- CFMEU official Corey Taylor attempted to claim immediate danger as a result of a steel fixer who never worked at Albert Street or even on the Cross river rail project having contracted Silicosis. He demanded that I pull the workers off the jump. I advised CFMEU officials that there was no immediate threat and that we would not be directing people out of the area. The Rocktown Supervision agreed and their workforce remained working

- CFMEU once they eventually accepted that we would not be taking registers to site move to inspect the other 2 areas noted on the ROE (nil further findings)

- @ circa 10 am all moved back to the gate and we were advised that WHSQ had been contacted by the CFMEU for assistance

- As we arrived back at the gate @ circa 10:10 WHSQ arrived and we were advised they were called to assist the CFMEU with a ROE they were exercising

- @ circa WHSQ advised that they would like to see the areas of concern, We completed the entry process and again we returned to site

- Once we arrived back at the Jump form, we reinspected the areas inspected previously by x 2 CFMEU. The inspector engaged with several employees and the Rocktown HSRs and the Rocktown supervisors as well as our management and safety team.

- WHSQ x 2appeared to be satisfied and only wanted to see some paperwork to verify what information they had collected

- The CFMEU x 2 and our own employee Sean K when seeing this became agitated and slightly aggressive to the point where the inspector was pinned into the corner and forced to defend herself by directing Dean Mattas to calm his deminer and stop his attacks. Dean then stepped away and took 5 mins away from the group. At this stage, I offered WHSQ an opportunity to take a break / respite from the environment. I was advised that they were fine and that they wanted to continue with a couple of workers conversations.

- The debate continued and WHSQ when Dean Mattas and Corey Taylor returned. Dean Mattas again raising his voice at the WHSQ officials attempting to point out a worker who did not put a mask off entering a RPE zone. The WHSQ inspector again became frustrated at the way she was being treated and advised Dean Mattas to allow her to finish doing her job and conversation. She also took the opportunity to advise Dean Mattas and Corey Taylor that if employees signed on to SWMS and trained as well as provided the PPE and tools they need chose not to follow the safe systems of work then fines would be applied to the individuals not the company.

- Dan Mattas raised a debate with the WHSQ about duty of care, went around in circles for another 5 mins.

- @ Circa 11:20 Once WHSQ had spoken to several employees, WHSQ advised that they wanted to return to the training room to verify the findings with the documentation requested. At this stage, Sean K attempted to insist on going to B7 to observe the other areas. The request was denied by WHSQ, they wanted to close out this area before looking at others, 2 mins later Sean K returned to advise WHSQ that there was a loose handrail and that we should go to level 7 immediately to view. Sean was claiming a potential fall to death scenario The WHSQ inspector advised Sean K that he should pass on the information to me, Sean advised its and a community group and that he didn't need to inform me.

Sean was advised that if he didn't inform us they how could we act on it. WHSQ agreed with me. Sean became irritated and claimed that he was being victimised for some reason. MOB was present for the whole of this event to verify the facts.

- Sean Departed to Level 7, where I had already dispatched a supervisor & leading hand to address the matter. An individual has removed a bolt from a hand rail, there were pipes through the penetration. Photos in the attached email, potential for someone to fit through the penetration (nil) The matter is currently under investigation by the safety team

- When we returned to the training room outside the turnstiles we, a staged visit was arranged by Dean Mattas where he took Andrew Thompson (Known CFMEU activist) into the room to describe his experience with the handrail and penetration, Dean Mattas, requested that CBGU JV depart the room, The inspector advised that she wished he escorts to remain with her (I got the scene she no longer felt comfortable and safe with ethe CFMEU on her own) Dean Mattas then used Mr Andrew Thompson as a tool to attempt to drag down the reputation of the Albert street Precinct. Talked about being here 3 years and having mental health issues and having just come back from a friend's funeral only to be met with potentially his own funeral today at Albert Street. Mr Thompson at one stage forgot that he was supposed to be distraught and started joking and mocking our flash report process while laughing. Once he realised his error he returned to his distraught position. Farren Wyper was also present to witness this

- While this was happening, I was advised that Sean K, was observed on B7 pulling off / hiding all of the Mandatory RPE signs and taking videos / photos of areas that would then appear to be patching works without adequate warning for persons entering these areas. This was reported to a CBGU JV supervisor who challenged Sean K. Mr Sean K advised the CBGU JBV supervisor that it was a lie and that his name is being dragged through the mud. Supervisor advised Sean K that he had been given several reports and he was obliged to enquire. Sean K then quickly departed the area. (Statement of witnesses also attached to this mail)

- Rocktown (Supervisor, & HSR) , WHSQ, and CBGU JV Reps (FW, MOB & JM) then attempted to walk through the paperwork requested. CBGU JV & Rocktown presented the all they were requested must to the disagreement of the x 2 CFMEU. The back and forward debates became again heated and I requested WHSQ to step out for some respite. (I was thanked by WHSQ before the CFMEU coming out and again attacking WHSQ. They did a spiel on not being assisted and not being supported by WHSQ. WHSQ protested advising that both CBGU JV as well as WHSQ had being addressing all and any concerns as well as making available evidence as required.

- @ circa 13:20 x 2 cfmeu departed site dissatisfied with their result for the day

- WHSQ and the rest of the team worked through the list of evidence only occasionally interrupted by Sean K. At several stages, I had to remind Sean K about the Cimic group code of conduct. I also advised the room to maintain a respectful environment, or we would have to end the exposure of this disrespectful behaviour to our visitors. At this stage, Sean K attempted to claim that he was being picked on. MOB, and FW were present to verify this was not the case.

- MOB offered Sean K the opportunity to lodge a formal complaint, but Sean K declined. I was outside the room for this addressing other site matters but I'm advised that Steve Amies returned just as the meeting was wrapping up.

- X2 WHSQ departed @ circa 2pm with nil notices issued.

Regards

James Maher
Superintendent

Cross River Rail – Tunnels and Stations
CBGU D&C JV

Stations Matisse Tower, Level 8, 110 Mary Street, Brisbane, QLD 4000, Australia
T [redacted] **M** [redacted]
E [redacted]

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TPP-53


WARNING
Dust hazard.
Wear appropriate dust mask in this area.
POZ
Plant Operating Zone
CONTACT THE PLANT OPERATOR
PRIOR TO ACCESSING THIS AREA
CBGU D&C JV