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

WITNESS STATEMENT OF JONATHAN LAWRENCE BEKKERS

I, Jonathan (Jonty) Lawrence Bekkers, 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 page number of that Bundle.

3. I am an Industrial Relations Manager employed by Acciona Construction Australia (**Acciona**). I have held this role since June 2025.

4. From September 2022 to May 2025, I was employed by Georgiou Group (**Georgiou**). I started with Georgiou as a Senior Human Resources (**HR**)/Industrial Relations (**IR**) Advisor and was promoted to HR/IR Manager in 2024.

5. While at Georgiou, I worked predominately on the Coomera Connector Stage 1 North Project (**Coomera Connector Project**) and the Hope Island Station Project (**Hope Island Station Project**). A joint venture comprising Acciona and Georgiou (**AGJV**) delivered the projects concurrently on adjacent sites.

6. In addition to these projects, I provided ad hoc IR advice to Georgiou, including to the team working on the Centenary Bridge Upgrade Project, which was being delivered by a joint venture between Georgiou and BMD Group (**Centenary Bridge Project**).

7. My responsibilities with Georgiou included implementing and advising on the Queensland Government's Best Practice Industry Conditions (**BPIC**) policy, supporting with employment relations matters, making and interpreting enterprise agreements, attending and advising on union right of entries, and otherwise interacting with unions.

8. From May 2020 to September 2022, I was employed by Ghella Pty Ltd (**Ghella**) as a Senior IR Advisor.

9. While at Ghella, I worked on the Tunnels and Station Development side of the Cross River Rail project, which was being delivered by a joint venture between CPB Contractors Pty Ltd, BAM International Australia Pty Ltd, Ghella and UGL Engineering Pty Ltd (**CRR Project**).

10. I was predominantly based at the Albert Street Precinct site, but I would attend the other CRR Project sites as required. A large component of my role involved interacting with unions and responding to union rights of entry, wherein union officials would seek to enter a CRR Project site to exercise a statutory power to inquire about safety contraventions or speak to relevant workers.

[redacted]

CRR Project

Union attendances generally

11. I dealt with various unions on the CRR Project, including the Australian Workers' Union (**AWU**), Construction, Forestry and Maritime Employees Union (**CFMEU**), Electrical Trades' Union (**ETU**) and the Plumbers Union.

12. If a union official wished to enter a site, my role was to confirm that they held a valid right of entry to do so and were exercising it lawfully. This generally involved me:

    (a) verifying their right of entry documentation and entry permits;

    (b) ensuring that union officials had completed the sign-in procedures to safely enter the site;

    (c) escorting union officials while they were on site to ensure their safety (sometimes this was done by the site superintendent or safety advisor); and

    (d) giving directions to union officials, where necessary, to ensure both their safety and the safety of workers around them.

13. If a union representative had given prior notice that they would be attending a site, I would normally be ready to meet the representatives on site and sign them in on the day of the entry.

14. If a union representative was not required to provide 24 hours' notice of the visit, one of my colleagues would normally call to tell me that a union representative was at the site, seeking to exercise a right of entry. I would then meet the representative at the gate of the relevant site.

15. During my time on the CRR Project, I was involved in over 200 union visits to site from the respective unions I interacted with.

16. Generally, I found the AWU officials to be respectful in my dealings with them. In contrast, I often found the CFMEU officials to be belligerent and obstinate.

Behaviour of the CFMEU

17. I dealt with numerous CFMEU representatives during my time working on the CRR Project, including Dean Rielly, Beau Seiffert, Luke Gibson, Blake Hynes, Andrew Blakeley, Scott Vink and Michael Davis. At varying times and to a varying degree, they all engaged in the same aggressive and discourteous manner and used the tactics described below, such as refusing to show permits, refusing to be escorted around the site, and generally behaving in an anti-social manner.

18. CFMEU representatives would normally arrive at a site seeking to exercise a right of entry under s 117 of the *Work Health and Safety Act 2011* (Qld) (**WHS Act**). This section of the WHS Act allowed an official of a union to enter the workplace to inquire into a suspected safety contravention.

19. However, there was a period when CFMEU representatives regularly attended sites seeking to enter the CRR Project under the guise of s 81(3) of the WHS Act. At the time, this section of the WHS Act allowed a 'party' involved in a health and safety dispute to enter the site to attend discussions, with the view of resolving the dispute.

[redacted]

20. These CFMEU persons would claim to be a "*worker's representative*" for the purpose of a purported health and safety dispute as opposed to a union official. CFMEU representatives who sought entry under s 81(3) of the WHS Act would claim they are not affiliated with the CFMEU and were "*just a member of the public*". This was despite the fact that these CFMEU representatives wore CFMEU-branded clothing and provided business cards stating they were employed by the CFMEU-Q (being the Queensland faction of the CFMEU).

21. For context, and as I understand it, several CFMEU organisers had their federal entry permits revoked after being found not to be fit and proper persons to enter workplaces. In response, I was told the CFMEU transferred those organisers from the federally registered CFMEU to the state-registered CFMEU-Q branch. My understanding is that this was done because the CFMEU-Q was not registered under the *Fair Work (Registered Organisations) Act 2009* and, consequently, the CFMEU considered that these officials were not regarded as 'union officials' for the purposes of the *Fair Work Act 2009* (**FW Act**). As a result, I believe the CFMEU considered these representatives were not required to hold a federal entry permit when exercising state or territory work health and safety entry rights, which would include entry under s 81(3) of the WHS Act.

22. When CFMEU representatives were entering under s 81(3), they would refuse to tell us the name of the worker whom they were supposedly representing or any specific information about the purported safety dispute. At these times, we did not have any safety disputes on foot.

23. When CFMEU officials would seek entry under s 117 of the WHS Act, they would often refuse to discuss the details of the contravention or concern they were purporting to investigate. They would attend with a right of entry notice listing a vague contravention, for example "*access/egress*". Rather than discuss a specific safety issue, they would use this general claim as an excuse to wander around the whole site and note apparent issues they observed.

24. Most of the time, CFMEU officials would initially refuse to show me a permit. They would only show me the permit after wasting significant time arguing with me about this. I would describe the process of getting them to show me permits and comply with other legislated entry requirements as like pulling teeth. Their refusal to show entry permits caused significant delay, as we would go around and around arguing, usually culminating in the official showing the permit to me, which they had on their person all along.

25. On site, we referred to this protracted process of needless argument around the validity of their rights of entry as "*doing the dance*" with the CFMEU.

26. Regardless of what power they were purporting to exercise, CFMEU representatives would frequently refuse to sign in to site. It is a very common requirement of construction sites that any visitor, whoever they are, must sign a register to record when they enter and leave site. This process has a safety function and helps ensure that site management are aware of who is on site in the event of an emergency. As far as I am aware, a union representative exercising a right of entry is required to comply with safety policies on the relevant site, including the requirement to sign in.

27. Signing in is a very simple process, merely requiring the person to write their name, time of entry and position. The requirement to sign in was also an acknowledgement that the person entering the worksite had read the pre-start for that morning and was aware of the safety risks of the work being carried out on the day. It would have been

[redacted]

much quicker for CFMEU representatives to simply sign in, rather than argue about this every time. The contradiction of the CFMEU seeking access to the CRR Project based on alleged safety concerns, yet refusing to comply with the site's safety requirements, was bewildering to me.

28. When attending sites, CFMEU representatives would say that they did not need to sign in because they would be escorted around the site. They would reference advice they had apparently received from Work Health and Safety Queensland (**WHSQ**) that confirmed this. I recall a CFMEU representative showed me a copy of this WHSQ advice on one occasion, but I do not recall the details of what it said.

29. CFMEU representatives would also make it incredibly difficult to escort them around site. They regularly refused to stay with their escort and tried to walk around all areas of the relevant site, regardless of the apparent reason for their entry, without informing the escort of where they were going or what they were doing. Most concerningly, CFMEU representatives would regularly walk into exclusion zones, which are work areas where high-risk construction activities were occurring in the area.

30. They would also usually wander around taking videos and photos on their phones. Although this never happened to me, some of my colleagues were videoed by the CFMEU while onsite, and the CFMEU later posted these videos on Facebook. The videos would often be edited to remove context, make the site official seem incompetent, or otherwise humiliate them.

31. The standard practice of the CFMEU on right of entries seemed to be to make the process as adversarial and unpleasant as they could. The representatives would always behave with a sense of urgency, hurrying me and becoming annoyed and aggressive at any simple request I made, such as for them to sign in or to leave an exclusion zone.

WHSQ Inspectors

32. It was a regular occurrence for CFMEU representatives to call WHSQ inspectors to attend the site during a right of entry. Sometimes, they would call inspectors once they were on site; sometimes they would arrive with inspectors, and on other occasions they would call inspectors while we were "*doing the dance*" at the site entrance.

33. I interacted with many WHSQ inspectors during CFMEU attendances at CRR Project sites, although I met certain WHSQ inspectors more often than others.

34. The majority of WHSQ inspectors would acquiesce to the CFMEU representatives' demands and would push for their entry to go ahead. I observed the inspectors to be overzealous in issuing regulatory notices on the CRR Project when attending site with CFMEU representatives present. In my experience, regulatory notices were issued more frequently in those circumstances than when inspectors attended the site without CFMEU representatives present.

35. It appeared that the goal of the CFMEU representatives was simply to get notices issued, cause a nuisance on site and achieve a tally of notices, rather than genuinely improve safety. This was frustrating to me, as it was my observation that the people I worked with placed workplace health and safety above all else, and I felt that the CFMEU were pushing 'safety' to further their particular industrial agenda.

[redacted]

Some examples of union attendances

36. On 22 June 2020, there was an entry to the Boggo Road Precinct tunnel site by Mr Seiffert and Mr Desmond, as well as two WHSQ inspectors, under s 117 of the WHS Act. Immediately afterwards, I took a file note.

37. A copy of my file note, sent via email to IR Manager, Terry Prior, is at **Annexure JLB-01**, from pages 2 to 3 of the Bundle.

38. On 1 July 2020, there was an entry to the Woolloongabba Precinct tunnel site by AWU officials, Jim Wilson and Paul Cradden, under s 484 of the FW Act. This was recorded on a right of entry form.

39. A copy of the record of right of entry form is at **Annexure JLB-02**, from pages 4 to 6 of the Bundle.

40. On 16 July 2020, there was an entry to the Albert Street Precinct tunnel site by AWU officials, Mr Cradden, Mr Wilson and Stacey Schinnerl, under s 484 of the FW Act. This was recorded on a right of entry form.

41. A copy of the record of right of entry form is at **Annexure JLB-03**, from pages 7 to 9 of the Bundle.

42. On 22 July 2020, there was an entry to the Roma Street Precinct station site by Mr Seiffart, Mr Parfitt and Mr Desmond, as well as Wendel Moloney and Chris Lynch of the ETU and three WHSQ inspectors, under s 117 of the WHS Act. Immediately afterwards, I took a file note.

43. A copy of my file note is at **Annexure JLB-04**, from pages 10 to 12 of the Bundle.

44. On 4 August 2020, there was an entry to the Albert Street Precinct tunnel site by Mr Seiffert and Mr Parfitt, as well as two WHSQ inspectors, under s 117 of the WHS Act. Immediately afterwards, I took a file note.

45. A copy of my file note is at **Annexure JLB-05**, from pages 13 to 14 of the Bundle.

46. On 5 August 2020, there was an entry to the Albert Street Precinct tunnel site by Mr Seiffert and Mr Parfitt, as well as two WHSQ inspectors, under s 117 of the WHS Act. This was recorded on a right of entry form.

47. A copy of the record of right of entry form is at **Annexure JLB-06**, from pages 15 to 16 of the Bundle.

48. On 6 August 2020, there was an entry to the Albert Street Precinct tunnel site by Mr Seiffert and Mr Partiff, under s 117 of the WHS Act. This was recorded on a right of entry form.

49. A copy of the record of right of entry form is at **Annexure JLB-07**, from pages 17 to 18 of the Bundle.

50. On 11 August 2020, there was an entry to the Albert Street Precinct tunnel and station site by Mr Seiffert, Mr Gibson, Mr Blakeley and Mr Desmond, as well as three WHSQ inspectors, under s 117 of the WHS Act. Immediately afterwards, I took a file note.

[redacted]

51. A copy of my file note is at **Annexure JLB-08**, from pages 19 to 20 of the Bundle.

52. On 13 August 2020, there was an entry to the Albert Street Precinct station site by ETU officials, Mr Lynch and Beau Malone, as well as two WHSQ inspectors, under s 117 of the WHS Act. Immediately afterwards, I took a file note.

53. A copy of my file note is at **Annexure JLB-09**, from pages 21 to 23 of the Bundle.

54. On 4 March 2021, there was an entry to the Albert Street Precinct station site by Mr Blakeley and Mr Seiffert, as well as two WHSQ inspectors, under ss 117 and 121 of the WHS Act. Immediately afterwards, I took a file note. This entry was also recorded on a right of entry form.

55. A copy of my file note is at **Annexure JLB-10**, from pages 24 to 49 of the Bundle.

56. A copy of the record of right of entry form is at **Annexure JLB-11**, from pages 50 to 51 of the Bundle.

57. On 2 September 2021, there was an entry to the Albert Street Precinct tunnel site by Mr Blakeley and Mr Seiffert, as well as two WHSQ inspectors, under ss 117 and 121 of the WHS Act. Immediately afterwards, I took a file note.

58. A copy of my file note is at **Annexure JLB-12**, from pages 52 to 57 of the Bundle.

59. On 28 September 2021, there was an entry to the Roma Street Precinct station site by Mr Blakeley, under s 117 of the WHS Act. This was recorded on a right of entry form.

60. A copy of the record of right of entry form is at **Annexure JLB-13**, from pages 58 to 60 of the Bundle.

Incident with Luke Gibson

61. I recall a particular incident around June 2020 when Mr Gibson arrived at the Boggo Road site entrance, and I observed that he was bleeding heavily from a large gash to his head. I do not know how he got this injury or what he had been doing before he approached the site entrance. I do not believe he had been on any of our sites that day.

62. I went up to Mr Gibson and asked him if he required assistance or first aid. He refused to speak to me and walked onto the site. I do not recall where he went.

63. He did not sign in or provide any reason for his attendance. I found this a very bizarre interaction, and it caused us significant concern on site.

Unauthorised entry to restricted area at Albert Street Precinct – 1 July 2021

64. I recall a particular entry that occurred at the Albert Street Precinct of the CRR Project on 1 July 2021.

65. At around 9.20 am, Mr Blakeley and Mr Seiffert arrived at the site gate. Both showed me their entry permits and a notice of entry, although they refused to sign in. I escorted them onto site, along with Senior Safety Advisor Mark Taylor and Site Superintendent James Maher. Mr Blakely and Mr Seiffert inspected a couple of

[redacted]

staircases going down towards some excavation work and then left the site. They were onsite for a little over an hour.

66. On the same day, at approximately 2.00 pm, I received a phone call from a site supervisor, Lyndon Hinrichsen, who told me that a CFMEU representative called "*Dean*" was standing at the site entrance. I presumed this was Mr Rielly, whom I had dealt with before.

67. I met Mr Rielly at the gate, along with Mr Hinrichsen and Mr Maher. At the time, it was raining, but not severely. Mr Rielly complained that traffic controllers were standing out in the rain. Both Mr Hinrichsen and Mr Maher told Mr Rielly that the workers had been told they could get undercover if they wanted to, but they had chosen to stay at their posts.

68. The conversation about the rain continued for several minutes, until I said that we were not going to stand around arguing and that, unless Mr Rielly had a reasonable suspicion that there were safety contraventions occurring on site, we would leave. At that point, Mr Rielly produced an entry notice that related to a suspected contravention regarding wet weather protocols. He then showed me his right of entry permit.

69. Mr Rielly insisted on entering the site under his notice. He refused a request that he wait until the site safety supervisor arrived, refused to sign in, refused to sign a COVID-19 declaration and refused to undergo a safety induction.

70. Mr Rielly entered the site without permission and began rummaging through the sign-in sheet on the lectern immediately inside the gate. He did not say why he was doing this. He asked me where the safe work method statements were kept, and I told him he would be able to talk to the site safety manager when he arrived. At about that time, Mr Taylor arrived.

71. Mr Rielly then began to walk up the scaffolding stairs that led to the tower crane pad, despite the fact that his notice related to wet weather protocols. I told him he was not authorised to go up there, but he ignored me. Mr Maher, Mr Taylor, Mr Hinrichsen and I stood nearby and kept Mr Rielly in our line of sight whilst he was wandering on the crane pad.

72. Mr Rielly then walked down from the crane pad and towards the restricted area. I said something along the lines of, "*Where are you going? How is this relevant to your 117 notice?*", to which he did not respond. Mr Rielly then walked into the restricted area. To do so, he either had to move the fence blocking the area or squeeze through the fence.

73. The restricted area was an area being used for excavation works and is surrounded by a one-metre-high steel fence. It had been established to ensure persons did not walk within the operating zone of the mobile plant. There are four signs clearly warning that the area is for authorised personnel only and there is a risk of moving machinery.

74. Mr Maher and I told Mr Rielly he was in a restricted area and instructed him to leave. He ignored us. While in the restricted area, Mr Rielly walked into the swing radius of an excavator. Thankfully, the excavator was not operating at the time. After a while, Mr Taylor said that he would go down and try to get Mr Rielly out. I saw Mr Taylor speak to Mr Rielly for two to three minutes. I could not hear the conversation but after

[redacted]

those few minutes, Mr Rielly left the restricted area. Mr Taylor then escorted him off site. All this was recorded on a right of entry form.

75. A copy of the record of right of entry form, which erroneously records the entry date as 2 July 2021, is at **Annexure JLB-14**, from pages 61 to 62 of the Bundle.

76. This incident led to court action taken by the Fair Work Ombudsman against the CFMEU and Mr Rielly.

77. On 22 July 2022, I affirmed an affidavit about the incident as part of that court action.

78. A copy of my affidavit is **Annexure JLB-15**, from pages 63 to 121 of the Bundle.

79. I am informed by the solicitors assisting the Commission that the court action resulted in the following decisions:

    (a) *Fair Work Ombudsman v CFMMEU* [2023] FedCFamC2G 101 (**Liability**); and

    (b) *CFMEU v Fair Work Ombudsman (Cross River Appeal) (No 2)* [2024] FCAFC 55 (**Appeal**).

80. I am informed by the solicitors assisting the Commission that the:

    (a) Liability hearing decision was handed down on 21 February 2023, which resulted in the imposition of $43,000 in total penalties; and

    (b) Appeal hearing decision was handed down on 9 May 2024, which increased the total penalties as follows:

        (i) $37,500 to $60,000, payable by the CFMEU; and

        (ii) $5,500 to $6,300, payable by Mr Rielly.

Unauthorised entry to Woolloongabba Precinct – 19 August 2021

81. On 19 August 2021, I attended Woolloongabba Precinct due to the unlawful entry of Mr Blakeley and Michael Ravbar, who were hosting an on-site barbecue with the Building Unions Superannuation Scheme (Queensland).

82. This incident led to court action taken by the Fair Work Ombudsman against the CFMEU, Mr Ravbar and Mr Blakeley.

83. On 14 July 2022, I affirmed an affidavit about the incident as part of that court action.

84. A copy of my affidavit is **Annexure JLB-16**, from pages 122 to 142 of the Bundle.

85. I am informed by the solicitors assisting the Commission that the court action resulted in the following decision: *Fair Work Ombudsman v CFMMEU (BBQ Case)* [2023] FedCFamC2G 668.

86. I am informed by the solicitors assisting the Commission that the decision was handed down on 27 July 2023, which resulted in the imposition of penalties as follows:

    (a) $204,000, payable by the CFMEU;

[redacted]

(b) $12,000, payable by Mr Blakeley; and

(c) $9,320, payable by Mr Ravbar (including a personal payment order, which required Mr Ravbar to personally pay the penalty, as opposed to the CFMEU paying same on his behalf).

Unauthorised entry to Albert Street Precinct – 14 October 2021

87. On or around 14 October 2021, I was made aware of an incident that took place at the station site of Albert Street Precinct due to the unlawful entry of Mr Blakeley.

88. At approximately 7.40 am, I understand labourer Chris Nimwegen was entering the site via the main pedestrian gate when he became aware that Mr Blakeley was following him. He attempted to shut the gate, but Mr Blakeley managed to enter site before he was able to do so. Mr Nimwegen advised him that he was not permitted to be on site, but Mr Blakeley did not respond and instead asked after Senior Site Supervisor, Lyndon Hinrichsen. Mr Nimwegen yelled out to Mr Hinrichsen, who approached Mr Blakeley.

89. Mr Hinrichsen again advised Mr Blakeley he was not permitted on site. Mr Blakley asked to use the bathroom. Mr Hinrichsen agreed on the understanding Mr Blakeley would leave thereafter. Mr Hinrichsen then escorted Mr Blakeley around the protection slab of the excavation area and to the bathroom.

90. Neither Mr Nimwegen, nor labourer, Padraig Dineen who had witnessed the incident from a short distance, recollected Mr Blakeley using the bathroom. They did observe him peer over the edge of the excavation/station box area, and into the toilet block and first aid room.

91. Mr Blakeley then left site. It was estimated he was only there for approximately five minutes.

92. Once Mr Blakeley left, Mr Hinrichsen contacted me to inform me of the incident. I obtained witness statements from Mr Nimwegen and Mr Dineen.

93. A copy of Mr Nimwegen's statement is **Annexure JLB-17**, on page 143 of the Bundle. A copy of Mr Dineen's statement is **Annexure JLB-18**, from pages 144 to 145 of the Bundle.

94. I understand Mr Hinrichsen also prepared an affidavit in relation to this incident, which I am informed was never filed in a proceeding.

95. A copy of this affidavit is **Annexure JLB-19**, from pages 146 to 149 of the Bundle.

S 81(3) WHS Act entries

96. In around 2021, I was working on the CRR Project at the Boggo Road site. I received a call to go down to the gate, as CFMEU representatives were seeking to enter the site. When I arrived, I saw that Mr Vink and Mr Davis were at the gate; I had dealt with them both a few times previously, and they had always been difficult in my dealings with them.

97. I do not recall the specific details of our interactions at the gate on this day, although I recall that they were difficult as usual. I recall that they were purporting to enter under s 81(3) of the WHS Act and arguing that they did not need to show me permits.

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98. We "*did the dance*" at the gate for about two hours. At one point, I believe that they called WHSQ, and two inspectors arrived. I cannot recall the inspectors' full names, but I remember one of them was named "*Chris O'Donnell*". I recall advising the WHSQ inspectors that Mr Vink and Mr Davis were CFMEU officials who had lost their federal entry permits as they were deemed 'unfit and improper' by the Fair Work Commission, and were using s 81(3) as a mechanism to continue accessing sites. Notwithstanding, the WHSQ inspectors would determine the entry as valid and would escort the representatives on-site.

99. I confirmed our position that the entry was unlawful, but I did not physically prevent Mr Davis and Mr Vink from coming onto site. Mr Davis and Mr Vink walked onto the site and began wandering around. They did not sign in. The inspectors came onto site as well.

100. As we were walking around, I was repeatedly telling Mr Davis that his entry to the site was unlawful and requesting that he leave. It seemed to annoy him. At one point, he tried to talk to a worker, and I told him to leave them alone as he was unlawfully on the site.

101. Further to this, I recall that the first time I met Mr Davis we had been "*doing the dance*" outside the site gate. He handed me a laminated copy of an extract of s 81(3) of the WHS Act. When I took the copy, he said something like, "*Careful, I've spat on that*".

102. On another occasion, Mr Davis said something to the effect of, "*You'll be up in front of a curly-haired fuck* [I took this as a reference to a judge] *for killing these workers*". Mr Davis made this comment in response to me advising him that he was on-site unlawfully.

Coomera Connector Project and Hope Island Station Project

Interactions with unions

103. As explained above, between 2022 and 2025, I worked on the Coomera Connector Project and Hope Island Station Project

104. The main union I interacted with while working on these projects was the AWU. The main AWU official I dealt with was Jamie McQueen. When I was dealing with the AWU, the right of entry process ran smoothly. As far as I recall, AWU representatives always provided the required notice, showed permits, and signed in as required. I appreciated that they were doing their job, and I believe they took the same approach to me.

105. My interactions with the CFMEU were comparatively rare as this was mostly dealt with by the superintendents.

106. The CFMEU representatives I did interact with would generally be compliant when they attended the Coomera Connector Project or Hope Island Station Project.

107. I noticed that the CFMEU's behaviour improved substantially after the CFMEU Administrator was appointed.

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Advice to Georgiou colleagues

108. During my time working for Georgiou, I provided advice to the business on dealing with attempted rights of entry.

109. On 13 April 2023, I sent to Georgiou colleagues a list of the safety items that the CFMEU would target on site. I don't recall how I came into possession of this document.

110. A copy of the relevant email chain and list is at **Annexure JLB-20**, from pages 150 to 156 of the Bundle.

111. On 17 April 2024, I emailed the Project Manager at Georgiou, Quinn Murray a copy of the procedure that AGJV was using on the Coomera Connector Project to manage union representatives who were seeking to exercise right of entries under s 81(3) of the WHS Act.

112. A copy of the relevant email chain and document is at **Annexure JLB-21**, from pages 157 to 162 of the Bundle.

113. On 18 April 2024, I responded to an email chain with colleagues at Georgiou regarding CFMEU site attendances. Georgiou was considering asking WHSQ to write to both the CFMEU and Queensland Police Service, setting out clear directions on the CFMEU's rights when attending sites under s 81(3) of the WHS Act. My view, as set out in that email, was that Georgiou should make this request, but the CFMEU would continue to walk onto site even if WHSQ wrote to them.

114. A copy of my email dated 18 April 2024 is at **Annexure JLB-22**, from pages 163 to 166 of the Bundle.

Request regarding Seadar Construction employees

115. Around January 2025, I recall receiving a phone call from CFMEU official, Connor Rutene in regard to concerns he had with Seadar Construction (**Seadar**) workers supposedly being misclassified under their enterprise agreement.

116. Mr Rutene advised me that he would like to attend the Coomera Connector Project to talk to Seadar's workforce about their concerns.

117. I advised Mr Rutene that he would need to issue AGJV with a compliant entry notice pursuant to s 484 of the FW Act if he wished to access the project.

118. Shortly after this phone call, I contacted Paul Davis from Seadar to better understand Mr Rutene's concerns. During that phone call, I recall telling Mr Davis to send me a copy of any entry notices issued to Seadar relating to the Coomera Connector Project.

119. I don't recall if Mr Rutene ever attended the Coomera Connector Project regarding this issue.

Centenary Bridge Project

120. While employed by Georgiou, I also provided some ad hoc IR advice to the Centenary Bridge Project on various topics, including site attendances by the CFMEU.

[redacted]

121. At the early stages of that project, I provided some advice on how to implement the BPIC. For example, on 28 March 2023, I emailed Mr Murray a copy of the BPIC calculations and tender questionnaires that AGJV had used on the Coomera Connector Project, so he could repurpose these for the Centenary Bridge Project.

122. A copy of my email dated 28 March 2023, and its attachments, is at **Annexure JLB-23**, from pages 167 to 180 of the Bundle.

123. In March 2024, I sent advice to the Centenary Bridge Project team setting out some suggested courses of action on how they could respond to this blockade. The severity of courses of action ranged from "*low*", which involved writing to the CFMEU to put them on notice that the joint venture may take them to court, to "*nuclear*", which involved seeking an urgent injunction in the Queensland Supreme Court.

124. A copy of the advice I drafted, which was attached to a meeting invitation dated 13 March 2024, is at **Annexure JLB-24**, from pages 181 to 182 of the Bundle.

Advice based on union experience generally

125. Given my experience working on projects that were the subject of union attention, I also provided ad hoc advice to colleagues at Georgiou regarding how to deal with union representatives.

126. On 20 May 2024, I emailed colleagues at Georgiou regarding my experience of using body-worn cameras to record union interactions on projects. I advised that body-worn cameras could be helpful in some scenarios, but could also escalate matters, so they should be considered on a case-by-case basis.

127. A copy of my email dated 20 May 2024 is at **Annexure JLB-25**, from pages 183 to 185 of the Bundle.

128. In January 2025, I presented to colleagues at Georgiou about my experiences dealing with union disruption on both the Cross River Rail and Coomera Connector Projects.

129. A copy of an email dated 8 January 2025, and the attached PowerPoint presentation, is at **Annexure JLB-26**, from pages 186 to 208 of the Bundle.

[redacted]

I affirm the contents of this statement are true.

S [redacted]

Fortitude Valley, Qld
Place

Date 22/01/2026

[redacted]
Before me (signature of witness)

JUSTICE OF THE PEACE (QUALIFIED)
QUEENSLAND GOVERNMENT
Reg.No.: 137497
DEPARTMENT OF JUSTICE

Debra Lynne Cremer.
Full name of witness (please print)

- [x] Justice of the Peace (JP # 137497
- [ ] Notary public
- [ ] Lawyer
- [ ] Another authorised person (specify)

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

Bundle of Documents to Statement of

of Jonathan Bekkers

Grace Johnston

From: Bekkers, Jonathan
Sent: Monday, 22 June 2020 3:26 PM
To: Prior, Terry
Subject: 22.06.2020 Boggo Road CFMEU s117 - JLB notes

Date: 22.06.2020
Time: 8.30 am to 1.40 pm
Site: CRR Boggo Road Tunnels
CFMEU attendees ("Officials"): Beau Seiffert and Shaun Desmond
CBGU JV attendees: Bekkers, Jonty (IR Advisor); Bradley, Shane (Superintendent); Cullen, Peter (Safety Advisor); David Alt (Tunnelling Director); Matthew Papworth (Senior HR Advisor)
WHSQ attendees ("Regulators"): Peter Stevens (Senior Inspector) and Daniel Ala-Outinen (Senior Inspector)

Chronology

8.30 am to 9.40 pm – two CFMEU Officials arrived on site. Officials present s117 notice and entry forms and displayed their permits upon request. Notice of entry forms listed the following suspected contraventions:

1. Unsafe access/egress;
2. Non-compliant first-aiders;
3. Unsafe systems of work; and
4. Non-compliant hazardous chemicals storage.

Site inquired into the specifics of the suspect contraventions, with little clarification provided by the Officials. Officials were notified of an ABCC visit occurring at 9 am. Officials asked, "Is that what you do now?" (ie, call the ABCC when they arrive). The site told Officials it was at the ABCC's initiation. Officials made some calls and were overheard requesting "two additional people down here".

9.40 am to 11.30 am – Officials entered the Boggo Road construction site and began inspecting the chemical storage containers at the shop area, along with the SDS register - the Officials noted no issues with either of these. Officials inspected the portaloos and noted no issues. Officials inspected the diesel station, including pre-start book, with no issues noted. Officials checked access into the pit area and noted no issues. Officials checked the agitator tanks storage against SDS and noted no issues. Officials checked a decommissioned piece of plant and noted no issues. Officials checked Caporn's (piling subcontractor) lifting register and equipment, along with their servicing dates/logbook. At 10.45 am two WHSQ Regulators arrived to the site, however, did not join the Officials and site party until 11.30 am.

11.30 am to 12 pm – Officials and Regulators continued to inspect Caporn's piling rig and inquired as to whether a 3rd party engineer had signed off on their recent bolt variations. Regulators requested documentation from Caporn indicating sign-off (this was not followed up by the Regulators or Officials). Regulators raised issues with Caporn not having their material boxes serialised or identifiable, and no record of inspection. Officials alerted Regulators to some lifting equipment not being on Caporn's registers. Caporn will likely receive two improvement notices for these issues, however, I am told they may dispute the former. The party left Caporn's work area and returned to the Hazchem storage/storeroom area.

12 pm – 1 pm – Officials and Regulators worked through the SDS register. Regulators indicate they are happy with what's been recorded but noted one chemical had an incorrect quantity labelled. We may still

receive an improvement notice for this. Officials alerted the Regulators to the flammable liquid storage cabinet as they believed the "Ramset explosive charges" were incorrectly stored in it. There was debate as to whether the storage cabinet was considered a magazine. In response, the site team removed the explosive charges of the site. The Regulators considered this satisfactory. The Officials directed the Regulator back to the previously inspected portaloos and noted to them that there was no sanitary bin in the female toilet. This was quickly rectified by the site team and, subsequently, an improvement notice will not be issued. Officials and Regulators moved to inspect the storage of aluminium sulphate. Regulators noted the insufficient storage of 100mL of agitator sitting out in the sun for planned removal off-site. We will receive a notice of improvement for this, however, the Regulators have been advised that we will be disputing it.

1 pm to 1.40 pm – the group left the construction site and walked back to the site offices. Once there, the Officials raised concerns with whether the recent variation undertaken by Side by Side (Sacaffoloding contractor) had considered the additional load-bearing incurred by the variation (originally designed for 1.4m, however, had been varied to 1.8m). The Regulators were shown the original design report, however, considered this unsatisfactory. Regulators requested certification from Side by Side's engineer be sent through. We will be receiving an improvement notice for this.

1.40 pm – Officials and Regulators departed the site.

Chronology end

Regards

Jonathan Bekkers
IR Advisor

CROSSRIVERRAIL TUNNEL & STATIONS
CPB CONTRACTORS | bam | Ghella | UGL
Cross River Rail - Tunnels and Stations
CBGU D&C JV

159 Roma Street, Brisbane, QLD 4000, Australia
T [redacted] **M** [redacted]
E [redacted]

RECORD OF RIGHT OF ENTRY-CONTRACTOR

JLB-02

CBGU D&C JV

Contractor's details	
Name of Contractor	CBGUJV
Site / Workplace	Gabba Tunnels
Persons position	IR Advisor
Contact person	Jonty Bekkers
Contact number	[redacted]
Contact email	[redacted]
Entry details	
Date	1.07.2020
Time	9.30 am
Union	AWU
Persons present from union	Jim Wilson and Paul Cradden
Persons present from contractor	N/A
Persons present from CBUGU JV	Bekkers, Jonathan [redacted]; Gardner, John [redacted]; Morrison, Craig [redacted]; Fowler, David [redacted]
Entry requirements met – ENTRY NOTICE – this Notice must be reproduced every time a union official enters site, even if they enter twice on one day	
Purpose of Entry	
Fair Work Act 2009 (Cth)	☐ Suspected breach of the *Fair Work Act 2009* (Cth) or industrial instrument (s.481 of the FW Act) Details of suspected breach (must be descriptive and not vague):
Fair Work Act 2009 (Cth)	☒ Discussions with employees during meal or other breaks only (s.484 of the FW Act) Details of
Work Health and Safety Act 2011	☐ Suspected contravention of the *Work Health and Safety Act 2011* (s.117 of the WHS Act) Provision of the organisation's rules that entitles the organisation to represent the employee:
Work Health and Safety Act 2011	☐ Inspection of records (s.120 of the WHS Act) Details of suspected contravention:
Work Health and Safety Act 2011	☐ Consult and advise workers (s.121 of the WHS Act)
Other	☐ Details:
Other details	
☒ Yes ☐ No	Notice addressed to: ☒ occupier: ☐ affected employer:
☒ Yes ☐ No	Project name: CRR Gabba Tunnels
☒ Yes ☐ No	Name of union: AWU
☒ Yes ☐ No	Day specified on the entry notice is the same day entry is being sought

RECORD OF RIGHT OF ENTRY

CBGU D&C JV

☒ Yes ☐ No	Name of permit holder / authorised representative intending to enter:
☒ Yes ☐ No	Declaration that union can cover eligible employees
Select one of the following:	
☒ Yes ☐ No	**FW Act (all sections) / WHS Act – ss. 120 and 121** Notice provided at least 24 hours before entry and not more than 14 days before intended entry **OR**
☐ Yes ☐ No	**WHS Act – ss. 117**: As soon as is reasonably practicable after entry to site, provide written notice of entry
Entry requirements met – RIGHT OF ENTRY PERMIT	
1. FW Act Right of Entry Permit	
☒ Yes ☐ No	Union official has produced valid FW Act right of entry permit
☒ Yes ☐ No	FW Act Right of entry permit has not expired – only valid 3 years from date of issue
☒ Yes ☐ No	FW Act Right of entry permit is still valid (e.g. has not been revoked) – check online https://www.fwc.gov.au/registered-organisations/entry-permits/check-entry-permit
☒ Yes ☐ No	Union official has produced union photo identification
2. WHS Act Right of Entry Permit	
☐ Yes ☐ No	Union official has produced valid FW Act right of entry permit
☐ Yes ☐ No	FW Act Right of entry permit has not expired – only valid 3 years from date of issue
☐ Yes ☐ No	FW Act Right of entry permit is still valid (e.g. has not been revoked) – check online https://www.fwc.gov.au/registered-organisations/entry-permits/check-entry-permit
☐ Yes ☐ No	Union official has produced valid WHS Act right of entry permit
☐ Yes ☐ No	WHS Act Right of entry permit has not expired – only valid 3 years from date of issue
☐ Yes ☐ No	WHS Act Right of entry permit is still valid (e.g. has not been revoked) – check online for; https://www.qirc.qld.gov.au/sites/default/files/whs_report_050220.pdf?v=1580888630
Entry requirements met – CONDITIONS OF SITE ENTRY	
☒ Yes ☐ No	Entry occurring during normal project hours (if outside working hours, entry is not permitted)
☒ Yes ☐ No	Visitor sign in register completed
☒ Yes ☐ No	Visitor Site induction completed – *officials must undertake a visitor induction on every entry* (if a union official signs out of site and then returns on one, the induction must be completed again)
☒ Yes ☐ No	Correct PPE worn on site
☒ Yes ☐ No	Advised of area that designated discussions will take place
☒ Yes ☐ No	Covid 19 declaration completed
☒ Yes ☐ No	Escort allocated to accompany permit holder at all times
Was entry permitted?	
☒ Yes ☐ No	If "no" was selected in any of the above boxes, entry should not have been permitted
Unauthorised footage or photos taken?	
☐ Yes ☒ No	If "Yes" was selected, management should be notified immediately

RECORD OF RIGHT OF ENTRY

CBGU D&C JV

Visit summary / information request (attach additional pages if required)	
Record of any conversations	
Conversation between	Paul Cradden, Jim Wilson, Jonty Bekkers and David Fowler
Date	2.07.2020
Time	10 am
Mode of communication	☒ Face to face ☐ Telephone ☐ Third party report, who:
Witnesses	John Gardener
Jonty Bekkers asked Paul Cradden how the meeting went. Paul Cradden raised the point that "the bloys are frustrated with the blackhats (ie, CFMEU) always coming on site". Jonty advised Paul that we are aware of the problem. Paul responded, "the guys don't want to talk to them and don't think they need to – they're not even their union". Paul continued, "I am organising a meeting with Terry (Prior) and Chris (Butler) to discuss what we can do." Paul also stated, "we are speaking to our lawyers as well about avenues we can look at." Jonty and Dave Fowler informed John Gardener of the feedback raised.	
Have there been any suspected breaches of legislation, including breaches of the 2016 Code during entry / attendance?	
No	
Signature	
Name	Jonty Bekkers
Date	2.07.2020
Signature	[redacted]

A copy of this report must be provided to the Industrial Relations Manager within 24 hours from right of entry / attendance

JLB-03

Record of Right of Entry (ROE) form

CBGU D&C JV

Project and site details					
PCBU:	CBGU D&C JV	**Project:**	Cross River Rail TSD	**Site:**	Albert Street Tunnels

Principal site representative/contact details					
Name:	Martin Harvey	**Position:**	Superindendant	**Contact #:**	[redacted]
Employer:	CBGU JV	**Email:**	[redacted]		

Entry details					
Entry date:	16.07.2020	**Entry time:**	10 am	**Union:**	AWU
Union attendees:	Paul Cradden, Jim Wilson and Stacey Schinnerl				
CBGU JV attendees:	Jonty Bekkers and Martin Harvey				
WHSQ attendees:	N/A				
Contractor attendees:	N/A				

Purpose of entry (select only one)		
Fair Work Act 2009 (*Cth*)	**s481** – Entry to investigate a suspected breach of the Fair Work Act 2009 (*Cth*) or industrial instrument (at least 24 hours' notice of entry must have been provided)	☐
	s484 – Entry to hold discussions with workers during a meal or other breaks (at least 24 hours' notice of entry must have been provided)	☒
Work Health and Safety Act 2011 (*Qld*)	**s117** – Entry to investigate into a suspected contravention(s) of the WHS Act (notice of entry must have been provided as soon as reasonably practicable)	☐
	s120 – Entry to inspect records related to a suspected contravention of the WHS Act (at least 24 hours' notice of entry must have been provided)	☐
	s121 – Entry to consult and advise workers on WHS matters (at least 24 hours' notice of entry must have been provided)	☐

Entry compliance – Notice of Entry form	
Entry notice contained the official's full name and signature	☒ Yes ☐ No
Entry notice contained the name of the represented union	☒ Yes ☐ No
Entry notice contained the correct address/project of the workplace being entered	☒ Yes ☐ No
The day specified on the entry notice is the same day entry is being sought	☒ Yes ☐ No
Entry notice contains a declaration that represented union can cover eligible employees	☒ Yes ☐ No
For WHS s117 entry only – Entry notice listed the suspected contravention(s) and the official provided sufficient detail as to what the contravention is specifically, where the contravention is occurring on-site, who the contravention effects, and if the contravention is still occurring.	☐ Yes ☐ No

Entry compliance – Fair Work (FW) and WHS permits		
Fair Work Act Right of Entry permit	Union official produced a FW Right of Entry permit when requested	☒ Yes ☐ No
	Union official produced photo identification (if using old A4 FW permit)	☒ Yes ☐ No
	FW Right of Entry permit has not expired – valid 3 years from issue date	☒ Yes ☐ No

Record of Right of Entry (ROE) form

CBGU D&C JV

	FW Right of Entry permit is still valid (ie, has not been revoked) – check online here	☒ Yes ☐ No
WHS Act Right of Entry permit (if applicable)	Union official produced a WHS and FW Right of Entry permit when requested	☐ Yes ☐ No
	WHS and FW Right of Entry permits have not expired – valid 3 years from issue date	☐ Yes ☐ No
	WHS and FW Right of Entry permits are still valid – check online here	☐ Yes ☐ No
Entry compliance – Site attendance		
Union official entered during normal project hours		☒ Yes ☐ No
Union official signed-in/out of the visitor register		☒ Yes ☐ No
Union official completed a visitor site induction – *officials must undertake a visitor site induction on every entry to a CRR TSD site*		☒ Yes ☐ No
Union official completed a Covid-19 declaration, with no concerns noted		☒ Yes ☐ No
Union official wore correct PPE while on-site at all times		☒ Yes ☐ No
Union official was accompanied by an escort at all times		☒ Yes ☐ No
Entry compliance – Confirmation		
Was entry permitted? *If "No" was selected in any of the above boxes, the entry should not have been permitted*		☒ Yes ☐ No
Was unauthorised footage or photos taken? *If "Yes", management should be notified immediately*		☐ Yes ☒ No
Was there a direct stoppage of work caused by the union official? *If "Yes", management should be notified immediately*		☐ Yes ☒ No

Visit summary – *include any suspected breaches of legislation, including breaches of the 2016 Code during entry/attendance*
Nil. See RoC below.

Record of conversations	
Conversation between:	Paul Cradden and Jonty Bekkers
Time:	10.30 am
Witnesses:	Stacey Schinnerl and Justin Durham
Details of conversation:	Paul advised me that Justin Durham had been elected as the employee representative following a vote. I congratulated Justin.

Acknowledgement	
Name:	Jonty Bekkers
Date:	16.07.2020
Signature:	[redacted]

Record of Right of Entry (ROE) form

CBGU D&C JV

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

Author:	Jonty Bekkers
Date:	22.07.2020
Duration:	Approx. 8.00 am to 5.30 pm
Project/Site ("PCBU"):	CBGU JV – Cross River Rail TSD / Roma Street Stations
ETU Officials ("ETU"):	Wendel Moloney and Chris Lynch
CFMEU Officials ("CFMEU"):	Beau Seiffert, Matthew Parfitt and Shaun Desmond
CBGU JV attendees ("Site"):	Bekkers, Jonty (IR Advisor); Bramich, Stewart (Senior IR Advisor); Riches, Robert (Site Manager); Everill, Peter (Safety Advisor); Moore, Tony (Site Supervisor)
WHSQ Inspectors ("WHSQ"):	Frank D'Allura (Senior Inspector) and Youngmin Lee (Senior Inspector)

Summary

1. I arrived at the Roma St Stations site at approx. 8.00 am on request from Stewart Bramich;
2. Upon arrival, I approached two ETU attempting to enter the site. ETU presented their s117 forms. The forms listed the following suspected contravention: *Section 19 WHS Regs – Failure to ensure health and safety of workers due to potential Covid-19 exposure*. Given the circumstances, the site deemed this suspected contravention as specific enough to warrant entry. Upon request, ETU presented valid WHS and FW permits. ETU entered the Roma Street Stations site at approx. 8.25 am
3. ETU signed in, completed a visitor induction and Covid-19 Declaration form;
4. Upon my arrival, Stewart Bramich updated me to the following:
    a. Delta and Xcel were in the crib sheds and were not returning to work due to potential Covid-19 exposure. This was formed on the belief that ABCC Commissioner Stephen McBurney had recently arrived in Brisbane from Melbourne to conduct interviews concerning previous industrial action at the Roma St Stations site. The CFMEU had formed a view that the Commissioner had been in contact with Delta supervisors, namely Paul Ryan and Richard Littleworth, who had since attended the site.
    b. CFMEU had spoken to the Delta and Xcel workforce, despite being advised that this was being done so without authorisation;
    c. An HSR meeting, attended by CFMEU, was held following the workforce meeting, and in that meeting, it was agreed that the workforce would remain in the cribs to isolate until such a time the risk was assessed;
    d. A Delta supervisor advised me that he had instructed the workers to return to work as they didn't deem there to be an imminent risk, however, the workers did not comply. I am later told this occurred at approx. 7.30 am. I was also advised by that Delta supervisor that the workers were notified that they were not being paid for the ensuing four hours;
    e. We were awaiting Stephen McBurney's travel clearance documents from Delta, of which I was told Delta were yet to provide to the PCBU; and
    f. I was later made aware that the subcontractor Stowe was also involved in the matter.
5. ETU joined the CFMEU party and echoed the CFMEU's concerns over the PCBU's supposed miss-management of the potential Covid-19 outbreak. ETU and CFMEU requested work to stop and all workers on site provided with an update. This was declined by the Site, who didn't deem there to be an imminent risk until the facts were established.
6. At approx. 9.30 am, a Delta supervisor joined the party and provided the following paperwork: an exemption letter from Queensland's Chief Health Officer, Jeannette Young, along with a copy of a text message indicating a negative Covid-19 test result. Both documents pertained to the ABCC Commissioner in question. When requested by the Site, Delta declined to hand over the documents due to it containing names.
7. ETU and CFMEU refuted this evidence and believed it inadequate as the Commissioner should have also sought a clearance upon arrival to Brisbane. Throughout, ETU and CFMEU continued

to express their frustrations that we had people still working despite a potential Covid-19 outbreak occurring. ETU and CFMEU reiterated their claim that the PCBU had failed in its duty of care.

8. At 10 am, the Site called an HSR meeting. At that meeting, Rob Riches updated the HSR committee as to the morning's events and the clearance documents received. Both ETU and CFMEU spoke at the HSR committee meeting, raising concerns with the PCBU failing to follow the correct Covid-19 procedure/management. This HSR meeting was attended by Daniel Smith (Delta HSR), Dean Ackinclose (Xcel HSR), Lee Clues (Stowe HSR), CFMEU, ETU and Site.
9. At approx. 10.20 am, Chris Lynch departed the site to attend matters at the Queen's Wharf construction site.
10. Following the HSR Committee meeting, Beau Seiffert requested to address the workers in the crib shed (those being Xcel, Delta and Stowe). The Site redirected Beau back to the Delta HSR, who confirmed they had updated the workforce.
11. Beau again requested to address the workforce. The Site stated, "We are not permitting that; however, we will not physically stop you". Beau entered the crib shed and proceeded to address the workforce present in the room. I was not privy to what was discussed in this meeting.
12. At approx. 11 am, Shaun Desmond attended the site under section 117 of the WHS Act. Shaun presented his permits upon request. The Site queried Shaun on his suspected contraventions. Shaun began writing in his notebook as he believed we were hindering him. Shaun reneged and stated he would not be looking into access/egress or unsafe systems of work, as listed in his s117 notice of entry form, but wants to inspect the amenities as they relate to a suspected contravention following a potential Covid-19 outbreak. When asked, Shaun explicitly stated he would like to check the hand sanitizer quantities, access to soap in the toilets and crib shed max capacity/spread of chairs. Shaun was escorted on site, signed in and undertook a verbal visitor induction. Shaun proceeded to enter the crib shed and inspect the hand sanitizer levels and crib shed max capacity/seating. Shaun exited the crib shed and checked the toilets, remarking that the cubicles seemed low. Shaun departed the site at approx. 11.25 am.
13. At approx. 11.40 am, CFMEU and ETU exited the site to get lunch, indicating that they would be returning shortly.
14. CFMEU and ETU returned and re-entered the site at approx. 12.10 pm. CFMEU and ETU advised that they were entering under the same suspected contravention. CFMEU and ETU informed the Site that WHSQ was shortly attending the site.
15. WHSQ arrived at approx. 12.30 pm. WHSQ was given an update from the Site before signing in and completing the required forms. The party (WHSQ, Site, CFMEU and ETU) entered the crib sheds to discuss the matter further.
16. At this meeting, CFMEU stated concerns with our Covid-19 declaration form as they believed it inadequate. WHSQ and ETU requested to see our Covid-19 Management Plan. CFMEU also requested the document, however, decided not to pursue the matter further. The site broke away to escalate the request up the chain for approval.
17. Following deliberation and conversations with management, Site informed WHSQ that we would provide them with a copy of our Covid-19 Management Plan; however, we would not be handing over the document to the ETU, who had also requested it under s118 of the WHS Act relating to their original s117 notice of entry. The Site informed all parties that, since the risk has been assessed and not deemed imminent, the Project believes there is no contravention occurring as such, won't be handing over the requested document to the ETU.
18. ETU requested WHSQ to issue the PCBU with an improvement notice for hindering and obstructing a permit holder. WHSQ escalated the matter to their managers, who did not provide instruction at the time.
19. At approx. 2.30 pm, the Party adjourned to attend an HSR meeting. In attendance was the Xcel, Delta and Stowe HSRs, along with CFMEU and members of the Site. In this discussion, the meeting minutes from this morning's HSR meeting were discussed (the one that occurred before my arrival) as CFMEU didn't believe they accurately reflected the discussion – specifically, CFMEU wanted the portion that references agreeance to remain in the cribs and await management direction to be more prescriptive. It was mutually agreed by all committee members to update the morning's HSR meeting minutes to reflect the belief that there was an imminent health and safety risk and that all workers agreed, without CFMEU direction, to remain in the crib room to isolate. This meeting concluded at 2.40 pm.

20. WHSQ, CFMEU, ETU and Site resumed discussions, with Site handing over the Project's Covid-19 Management Plan to WHSQ, as instructed. ETU continued to request that WHSQ issue an improvement notice to the PCBU for hindering and obstructing. WHSQ raised with the ETU that their original notice of entry form didn't list a contravention of the PCBU's Covid-19 Management Plan. The ETU requested to amend and initialise their form to include the management plan. The Site refused this because the ETU entered for the listed purpose and should not be allowed to retrospectively amend their entry notice. The ETU stated they would issue a new form within a reasonable and practicable time. The Site refuted this again with the ETU stating, "we had this battle at Roma Tunnels, and we won, you were there." WHSQ proceeded to interview me and Rob Riches on the original entry facts, whereby it was agreed it was a lawful entry. This interview served no later purpose during the entry.
21. At approx. 4 pm, ETU stated words to the effect of, "you are clearly not going to issue them an improvement notice tonight so I am going to leave." At approx. 4 pm Wendel Moloney departed the site.
22. At approx. 4.20 pm, the Site and WHSQ (with CFMEU commentary throughout) proceeded to work through the provided Covid-19 Management Plan. WHSQ sought instruction from their management on whether there were grounds to issue the PCBU an Improvement Notice as the Covid-19 Declaration form did not ask if they had recently been interstate or been in contact with someone with Covid-19. WHSQ were instructed that there was, however, the Site rectified the form immediately and subsequently, no Improvement Notice was issued.
23. CFMEU departed the site at approx. 5.20 pm. Stewart Bramich and I departed the site at approx. 5.30 pm, with Rob Riches and Peter Everill remaining to close out discussions with WHSQ.

Author ("I"):	Jonty Bekkers
Date:	04.08.2020
Duration:	Approx. 9.40 am to 2.15 pm
Project/Site ("Project"):	CBGU JV – Cross River Rail TSD / Albert Street Tunnels
CFMEU Officials ("Officials"):	Beau Seiffert and Matthew Parfitt
WHSQ Inspectors ("WHSQ"):	Lewis Cash (Senior Inspector) and Youngmin Lee (Senior Inspector)
CBGU JV attendees ("Site"):	Susan Sarlanis (Safety Advisor); Marty Harvey (Site Superintendent); Bekkers, Jonty (IR Advisor); Stewart Bramich (Senior IR Advisor)

Summary:

1. 9.40 am – I approached two CFMEU Officials attempting to enter the Albert St Tunnels site. Officials had walked into the site's sign-in area, completed a Covid-19 declaration form and signed the visitors' book before my arrival. Upon my arrival, Officials presented to me their WHS and FWA entry permits. I escorted Officials off-site to discuss the purpose of their entry. Once outside, both Officials provided me with an s117 notice of entry form. Following this, I contacted Susan Sarlanis and Marty Harvey to attend the site;
2. 10.10 am – Site convened to discuss the suspected contraventions listed on the Officials' notice of entry forms. The entry forms listed the following details of the contraventions:
    a. No updated rigging gear register as per the Mobile Crane Code of Practice;
    b. Working outside of SWMS for high-risk activity;
    c. Request for the rigging gear register for all contractors using rigging equipment onsite;
    d. No enforcement notices displayed on-site; and
    e. SWMS for McFayden Earthmoving and CPB concerning the use of rigging equipment on site.
3. Marty noted that there were no mobile cranes on site currently – only a fixed gantry crane. Upon returning to the Officials, Site queried as to what mobile cranes on site they were referring to. Officials responded that they wanted to inspect every crane's lifting register/equipment on-site, not just mobile cranes. The Site advised Officials that, as we don't have any mobile cranes on-site, we are not sure how they suspect a contravention of the Mobile Crane Code of Practice could be occurring. Officials responded that they believe the Code of Practice covers all cranes, not just mobile cranes.
4. Site adjourned to seek advice from the Tunnel Safety Manager, who confirmed that the Code of Practice does not provide instruction on fixed or gantry cranes.
5. Site advised Officials of the Project's position and stated that they don't believe a contravention is occurring as per the referenced code of practice.
6. Officials refuted this and advised Site that they would be contacting WHSQ to attend the site for dispute resolution.
7. 10.45 – Officials approached me and requested to amend their original s117 Notice of Entry forms to remove reference to the Mobile Crane COP and replace it with reference to Section 19c of the WHS Act (PCBU's primary duty of care). I advised Officials that I would need to seek guidance on retrospectively amending a Notice of Entry form. Following advice from my Manager, this amendment was approved, subject to officials correctly initialising the change.
8. 11 am – Officials remained outside the site as they awaited the arrival of WHSQ.
9. 11.35 am – WHSQ arrived and approached the Officials and Site. WHSQ informed the party that they had been requested to attend the site by the Officials. I advised WHSQ that we have not yet denied entry to the Officials and at this stage we are working through the requisite questions as they relate to the Officials suspected contraventions. The party discussed the original dispute regarding reference to the Mobile Crane COP and the amendment since made. The party also discussed the "No enforcement notices displayed on-site" suspected contravention. The Officials confirmed that they had since viewed these notices and are satisfied that the contravention is not occurring.
10. Site adjourned to discuss the other matters listed on the Notice of Entry forms and whether they were satisfied with the information provided by the Officials. Site agreed that entry would

be permitted on the grounds of inspecting the gantry crane's lifting register, however, the entry would not be permitted for any other purpose beyond that original scope (ie, working outside SWMS). This information was relayed onto WHSQ and the Officials. WHSQ agreed with the site's assertion.

11. I advised the party that the "SWMS for McFayden Earthmoving" related to a completely different site and that we would discuss that matter upon receipt of a new s117 Notice of Entry form from the Officials pertaining to the Stations Site (Lot 1). Officials stated that they would not provide this and commented, "they're the same site and we've told you everything we want to see."
12. 12.00 pm – Officials alerted WHSQ to the arrival of a Cleanaway truck and that they did not observe the driver complete a Covid-19 declaration and that they believed this was not occurring for delivery drivers/couriers arriving at the site. WHSQ brought the issue to the Site's attention and requested to see documentation relating to the process. Site produced a "Delivery Driver Induction" form, part of which contains a Covid-19 declaration. Officials continued to press WHSQ as believed the form wasn't being filled out each time, and that this is an imminent risk and work should be stopped. WHSQ requested to see the completed forms from the delivery drivers and began questioning the Site on the Project's Covid-19 management of delivery drivers arriving at site. The Site adjourned to discuss the matter further. During this time, WHSQ approached the Cleanaway driver and asked him if he had completed the declaration form. The Cleanaway driver stated that he had not, however, his own company have extensive Covid-19 management processes in place.
13. Officials approached me and provided a new s117 that listed the following:
    a. Failure to provide a primary duty of care;
    b. No Covid-19 check of delivery drivers;
    c. Request to see the Covid-19 management plan; and
    d. Request to see the management plan for managing the delivery of goods to the site.
14. I approached WHSQ and advised them of the Notice of Entry forms received and that we would only be dealing with one matter at a time, to which WHSQ agreed.
15. I instructed Marty to seek management approval before providing documents to any third party present. Marty contacted David Alt, who engaged Mick Nash on the matter. Dave and Mick approved the release of the Covid-19 management plan to WHSQ and Officials to view only, and that no copies would be provided.
16. Site presented the Covid-19 Management Plan to WHSQ, who identified that there is no reference made to the delivery driver induction form and that they believed this form wasn't being completed by delivery drivers arriving to site.
17. 1.50 pm – WHSQ advised Site that an Improvement Notice would be issued concerning the Covid-19 Management Plan and a failure to have delivery drivers complete a declaration upon their arrival. WHSQ further stated that they believe there is no imminent risk given the sites controls currently in place and that they would now be departing from that matter and moving onto the original entry to view the lifting register. WHSQ stated that they would also like to see information on the 'competent' third party that signs-off on the register. I advised WHSQ that we would not be entering for that purpose given the original notice of entry did not specify that. WHSQ agreed and acknowledged that entry is only to view the lifting register located on-site. I advised WHSQ that we would not be undertaking a general site walk.
18. 2 pm – Stewart Bramich arrived and relieved me as the Party entered the site.

JLB-06

Record of Right of Entry (RROE) form

CBGU D&C JV

Project and site details					
PCBU:	CBGU D&C JV	**Project:**	Cross River Rail TSD	**Site:**	Albert Street Tunnel (Lot 2)

Principal site representative/contact details					
Name:	Marty Harvey	**Position:**	Superintendent	**Contact #:**	[redacted]
Employer:	CBGU JV	**Email:**	[redacted]		

Entry details					
Entry date:	05.08.2020	**Entry time:**	9.20 am	**Union:**	CFMEU
Union attendees:	Beau Seiffert and Matthew Parfitt				
CBGU JV attendees:	Martin Harvey, Susan Sarlanis and Jonty Bekkers				
WHSQ attendees:	Chris Mutton and Anzac Te Oka				
Contractor attendees:	Nil				

Purpose of entry (select only one)		
Fair Work Act 2009 (*Cth*)	**s481** – Entry to investigate a suspected breach of the Fair Work Act 2009 (*Cth*) or industrial instrument (at least 24 hours' notice of entry must have been provided)	☐
	s484 – Entry to hold discussions with workers during a meal or other breaks (at least 24 hours' notice of entry must have been provided)	☐
Work Health and Safety Act 2011 (*Qld*)	**s117** – Entry to investigate into a suspected contravention(s) of the WHS Act (notice of entry must have been provided as soon as reasonably practicable)	☒
	s120 – Entry to inspect records related to a suspected contravention of the WHS Act (at least 24 hours' notice of entry must have been provided)	☐
	s121 – Entry to consult and advise workers on WHS matters (at least 24 hours' notice of entry must have been provided)	☐

Entry compliance – Notice of Entry form	
Entry notice contained the official's full name and signature	☒ Yes ☐ No
Entry notice contained the name of the represented union	☒ Yes ☐ No
Entry notice contained the correct address/project of the workplace being entered	☐ Yes ☒ No
The day specified on the entry notice is the same day entry is being sought	☒ Yes ☐ No
Entry notice contains a declaration that represented union can cover eligible employees	☒ Yes ☐ No
For WHS s117 entry only – Entry notice listed the suspected contravention(s) and the official provided sufficient detail as to what the contravention is specifically, where the contravention is occurring on-site, who the contravention effects, and if the contravention is still occurring.	☒ Yes ☐ No

Entry compliance – Fair Work (FW) and WHS Right of Entry permits		
Fair Work Act Right of Entry permit	Union official produced a FW Right of Entry permit when requested	☒ Yes ☐ No
	Union official produced photo identification (if using old A4 FW permit)	☒ Yes ☐ No
	FW Right of Entry permit has not expired – valid 3 years from issue date	☒ Yes ☐ No

Record of Right of Entry (RROE) form

CBGU D&C JV

	FW Right of Entry permit is still valid (ie, has not been revoked) – check online here	☒ Yes ☐ No
WHS Act Right of Entry permit (if applicable)	Union official produced a WHS Right of Entry permit when requested	☒ Yes ☐ No
	WHS permit has not expired – valid 3 years from issue date	☒ Yes ☐ No
	WHS Right of Entry permit is still valid – check online here	☒ Yes ☐ No
Entry compliance – Site attendance		
Union official entered during normal project hours		☒ Yes ☐ No
Union official signed-in/out of the visitor register		☐ Yes ☒ No
Union official completed a visitor site induction – *officials must undertake a visitor site induction on every entry to a CRR TSD site*		☐ Yes ☒ No
Union official completed a Covid-19 declaration, with no concerns noted		☒ Yes ☐ No
Union official wore correct PPE while on-site at all times		☒ Yes ☐ No
Union official was accompanied by an escort at all times		☒ Yes ☐ No
Entry compliance – Confirmation		
Was entry permitted? *If "No" was selected in any of the above boxes, the entry should not have been permitted*		☐ Yes ☒ No
Was unauthorised footage or photos taken? *If "Yes", management should be notified immediately*		☒ Yes ☐ No
Was there a direct stoppage of work caused by the union official? *If "Yes", management should be notified immediately*		☐ Yes ☒ No

Visit summary

Include any records of conversation and/or suspected breaches of legislation, including breaches of the 2016 Code during entry/attendance

Two CFMMEU organisers attended the site for a s117 Right of Entry but refused to submit a specific 117 notification form for that site. The organisers were refused entry but entered the site anyway and refused to leave.

Acknowledgement	
Name:	Jonty Bekkers
Date:	05.08.2020
Signature:	[redacted]

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

JLB-07

Record of Right of Entry (RROE) form

CBGU D&C JV

Project and site details					
PCBU:	CBGU D&C JV	**Project:**	Cross River Rail TSD	**Site:**	Albert Street Tunnel (Lot 2)

Principal site representative/contact details					
Name:	Marty Harvey	**Position:**	Superintendent	**Contact #:**	[redacted]
Employer:	CBGU JV	**Email:**	[redacted]		

Entry details					
Entry date:	06.08.2020	**Entry time:**	9.20 am	**Union:**	CFMEU
Union attendees:	Beau Seiffert and Matthew Parfitt				
CBGU JV attendees:	Martin Harvey, Susan Sarlanis				
WHSQ attendees:					
Contractor attendees:	Nil				

Purpose of entry (select only one)		
Fair Work Act 2009 (*Cth*)	**s481** – Entry to investigate a suspected breach of the Fair Work Act 2009 (*Cth*) or industrial instrument (at least 24 hours' notice of entry must have been provided)	☐
	s484 – Entry to hold discussions with workers during a meal or other breaks (at least 24 hours' notice of entry must have been provided)	☐
Work Health and Safety Act 2011 (*Qld*)	**s117** – Entry to investigate into a suspected contravention(s) of the WHS Act (notice of entry must have been provided as soon as reasonably practicable)	☒
	s120 – Entry to inspect records related to a suspected contravention of the WHS Act (at least 24 hours' notice of entry must have been provided)	☐
	s121 – Entry to consult and advise workers on WHS matters (at least 24 hours' notice of entry must have been provided)	☐

Entry compliance – Notice of Entry form	
Entry notice contained the official's full name and signature	☒ Yes ☐ No
Entry notice contained the name of the represented union	☒ Yes ☐ No
Entry notice contained the correct address/project of the workplace being entered	☐ Yes ☒ No
The day specified on the entry notice is the same day entry is being sought	☒ Yes ☐ No
Entry notice contains a declaration that represented union can cover eligible employees	☒ Yes ☐ No
For WHS s117 entry only – Entry notice listed the suspected contravention(s) and the official provided sufficient detail as to what the contravention is specifically, where the contravention is occurring on-site, who the contravention effects, and if the contravention is still occurring.	☒ Yes ☐ No

Entry compliance – Fair Work (FW) and WHS Right of Entry permits		
Fair Work Act Right of Entry permit	Union official produced a FW Right of Entry permit when requested	☒ Yes ☐ No
	Union official produced photo identification (if using old A4 FW permit)	☒ Yes ☐ No
	FW Right of Entry permit has not expired – valid 3 years from issue date	☒ Yes ☐ No

Record of Right of Entry (RROE) form

CBGU D&C JV

	FW Right of Entry permit is still valid (ie, has not been revoked) – check online here	☒ Yes ☐ No
WHS Act Right of Entry permit (if applicable)	Union official produced a WHS Right of Entry permit when requested	☒ Yes ☐ No
	WHS permit has not expired – valid 3 years from issue date	☒ Yes ☐ No
	WHS Right of Entry permit is still valid – check online here	☒ Yes ☐ No
Entry compliance – Site attendance		
Union official entered during normal project hours		☒ Yes ☐ No
Union official signed-in/out of the visitor register		☐ Yes ☒ No
Union official completed a visitor site induction – *officials must undertake a visitor site induction on every entry to a CRR TSD site*		☐ Yes ☒ No
Union official completed a Covid-19 declaration, with no concerns noted		☒ Yes ☐ No
Union official wore correct PPE while on-site at all times		☒ Yes ☐ No
Union official was accompanied by an escort at all times		☒ Yes ☐ No
Entry compliance – Confirmation		
Was entry permitted? *If "No" was selected in any of the above boxes, the entry should not have been permitted*		☐ Yes ☒ No
Was unauthorised footage or photos taken? *If "Yes", management should be notified immediately*		☒ Yes ☐ No
Was there a direct stoppage of work caused by the union official? *If "Yes", management should be notified immediately*		☐ Yes ☒ No

Visit summary
Include any records of conversation and/or suspected breaches of legislation, including breaches of the 2016 Code during entry/attendance
Two CFMMEU organisers attended the for a s117 Right of Entry but refused to submit a specific 117 notification form for that site. The organisers were refused entry but entered the site anyway and refused to leave.

Acknowledgement	
Name:	Jonty Bekkers
Date:	06.08.2020
Signature:	[redacted]

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

Author ("I"):	Jonty Bekkers
Date:	11.08.2020
Duration:	Approx. 8.40 am to 1 pm
Project/Site ("Project"):	Albert Street Stations and Tunnels
CFMEU Officials ("Officials"):	Beau Seiffert, Luke Gibson, Andrew Blakeley and Shaun Desmond
WHSQ Inspectors ("WHSQ"):	Paul Kitchener (Senior Inspector); Matthew Schleehauf (Senior Asbestos Unit Inspector) and Stephen Dutka (Asbestos Unit Inspector)
CBGU JV attendees ("Site"):	Bekkers, Jonty (IR Advisor); Michael Small (Site Superintendent); David Fowler (HR Manager); Lyndon Hinrichsen (Site Supervisor); and Mark Taylor (Senior Safety Advisor)

Summary:

1. At approx. 8.40 am, I was notified of four CFMEU Officials that were standing outside the Albert Street Stations gantry gate.
2. As I approached the gantry gate, I observed four Officials waiting outside on Albert Street. Shortly thereafter, I observed a CBGU JV worker, who I did not know, open the gate using his DAMSTRA card. While the gate was open, the four Officials entered the site.
3. When I arrived, I asked the Officials what they were doing on-site and advised them they had entered unauthorised and unescorted, and directed the Officials the depart the site. The Officials responded that there was "a gust of wind that opened the door". The Officials remained at the top of the gantry stairs as they proceeded to write out their s117 Notice of Entry forms. Once complete, two of the four Officials provided me with their entry notices (**supplied**). All four Officials displayed a valid FWA and WHS entry permit upon request. At this point, I contacted the relevant site representatives to attend the site.
4. While we waited, I queried the Officials about their notice of entry forms and where they were looking to enter (ie, stations or tunnels). At the time, the Officials indicated they were looking to enter Albert Street Stations.
5. At approx. 8.50 am, two Officials (who had not provided an entry notice) departed the site unannounced and did not indicate where they were going. I remained atop the gantry with the other two Officials.
6. When the Site team arrived, the Officials departed the gantry area and indicated they were attending the Tunnels site. At this point, I also received a call from Lyndon Hinrichsen, a Site Supervisor, who advised me that the other two Officials were attempting to enter Stations Lot 3.
7. I attended Lot 3 and met with the two Officials, who provided me with their s117 Notice of Entry forms (**supplied**). I contacted Mark Taylor to attend the site.
8. At 9.30 am, Mark arrived. Mark and I commenced discussions with the Officials and sought specifics on their listed contraventions. Following this, Mark and I broke away to discuss the entry. Mark agreed that their entry notices were specific enough to warrant entry.
9. At 9.40 am, the Officials entered Lot 3, signed-in and completed a verbal Covid-19 declaration and Site Induction. Both Officials presented valid FWA and WHS when requested.
10. Mark engaged the Officials on the asbestos matter and departed to source additional documentation. Officials waited off-site for Mark to return.
11. Between 10 am and 11 am, Mark and the Officials discussed the asbestos matter. Mark made the call to lock the front gate as there was no work occurring on the site and there was no need for access into it. Officials advised Mark that Paul Kitchener's boss (Helen Burgess) had directed Paul to attend the site to discuss the matter and his recent prohibition notice. Mark requested Pensa to send a Hygienist to the site also.
12. At 11 am, I was advised that the two Officials that attended the Tunnels site had departed. These two Officials arrived at Lot 3 but did not enter, or attempt to enter, the site. Between 11 am to 12.00 pm, all parties remained off-site and did not engage with each other. At approx. 12 pm, the four Officials departed the area, indicating they would return once WHSQ arrives.

13. At 12.30 pm, I met with Paul Kitchener at the gantry entrance. I escorted Paul to the sign-in area and had him undertake the site induction etc. I asked Paul if he had been called to assist the Officials and if so, why there was only one of him. Paul responded that "(he) wasn't sure" and was just "directed to go down to Albert Street by (his) boss."
14. At 12.40 pm, Paul and I joined Mark and the Pensa Hygienist outside Lot 3. Mark and Paul commenced discussions regarding asbestos management on the site and were joined by two other WHSQ inspectors, Matthew Schleehauf and Stephen Dutka. I was told these inspectors worked in the Department's Asbestos Unit.
15. At 1 pm, I advised the party that I would be departing and to contact me if the Officials return.

Author ("I"):	Jonty Bekkers (Jonty)
Date:	13.08.2020
Duration:	Approx. 8 am to 10.10 am
Project/Site ("Project"):	Cross River Rail / Albert Street Stations
ETU Officials ("Officials"):	Chris Lynch (ETU Organiser) and Beau Malone (ETU Organiser)
WHSQ Inspectors ("WHSQ"):	Paul Kitchener (Senior Inspector) and Marc Ryder (Senior Inspector)
CBGU JV attendees ("Site"):	Bekkers, Jonty (IR Advisor); Small, Michael (Superintendent); Mark Taylor (Senior Safety Advisor); and David Fowler (HR Manager)

Summary:

1. At approx. 8.00 am Mark Taylor (Mark) alerted me to the presence of two Officials from the Electrical Trades Union (ETU) outside the Albert Street Stations entry. Mark and I departed the office together to attend the site upon receipt of this notification.
2. As we arrived, I observed an Official filming Michael Small (Michael). The conversation involved the Officials making assertions that Michael was obstructing their entry. The Officials continually stated how long they had been held up.
3. As I approached the Officials, one of them announced "this is Jonty from Industrial Relations" as he filmed me approaching him. I asked the Officials what they were here for. The Official filming had his recording device (which I recall being an iPhone) elevated above his face during our conversations. The Officials refused to discuss the purpose of their visit (beyond "s117") given we were along a pedestrian access way. I invited the Officials to step to the side, away from the walkway. The Officials declined this offer and continued to film the Site team, repeatably asking if we were obstructing their entry.
4. I observed that the Officials had in their possession Notice of Entry forms. I asked the Officials to provide their s117 notice's that the Site team could then discuss with them. The Officials refused to hand over their Notice of Entry forms or have a conversation with us until they were on-site. I then asked the Officials if Michael had sighted their permits. Both the Officials and Michael confirmed that this had been done. The Site team adjourned to discuss the situation.
5. The Site team decided to escort the Officials onto the gantry and into a crib room to hold discussions around their intended entry, as they had requested. It was also noted in the Site team's adjournment that the Officials were behaving in an intimidating/aggressive manner, and further agitation may escalate the situation. Before allowing the Officials on-site, it was confirmed that the Officials each had in their possession an s117 Notice of Entry form that they would provide us with once they were on-site.
6. At approx. 8.10 am, the Officials and Site team entered crib room 3 located along the gantry. Once there, the Officials provided their s117 Notice of Entry forms (**supplied**). Once seated, the Site team had the Officials complete a Covid-19 declaration, however, did not induct or sign the Officials in.
7. The Officials stated that they did not want to talk to me as this was a safety matter, not Industrial Relations. I advised the Officials that I had been appointed by the Project to facilitate all Union Right of Entry's and that I would engage safety as appropriate.
8. I again asked the Officials to confirm if they had each displayed both their permits to Michael. In my recollection, an Official responded words to the effect of, "yes, are you dumb or are your ears painted on". The Site team inspected the s117 Notice of Entry forms before adjourning to discuss the notices in private. The Site team noted that the entry notices listed the same suspected contraventions as what was provided in an attempted entry yesterday by three different ETU Officials, and the Site team all agreed that we would need to get further information on the particulars of the contraventions listed. The Site team returned to the Officials in the crib room.
9. Upon return, I inquired about the specifics on the Officials entry notices (ie, where on-site, what makes them contraventions, what electrical equipment, is it still happening etc). The Officials made the following comments throughout this exchange:
    a. "We don't need to provide you with that information…";
    b. "You sound so fucking stupid…";

c. “Let me film you so you can watch back how fucking stupid you look…”; and
d. I recall the terms “moron” and “moronic” being used towards the Site team.

10. One Official proceeded to get out his phone, stand up and begin filming us. I advised the Officials that we would not be engaging with them any further as we believed their behaviour is inappropriate and they have no interest in having a productive discourse with us on their intended entry. I instructed the Site team to depart the crib room and that we would return shortly to try engaging with the Officials again.
11. Once outside, the Officials remained in the crib room. Dave Fowler (Dave) arrived and joined the Site team at approx. 8.30 am.
12. At approx. 8.35 am, the Officials exited the crib room and approached me. One Official was filming me while the other Official was repeatably asking if I was obstructing them. The Official filming me had his phone approximately a metre from my face. I believe this was done in a manner to deliberately intimidate me. During this exchange, I felt tense and pressured. I recall the conversation as follows:
    a. **Jonty:** “I am politely asking that you do not film me… You are on a private site where filming is prohibited, and I am asking personally that you do not film me.”
    b. **Official:** “You are obstructing permit holders and we need to record it… We will continue filming… Are you obstructing us?”
    c. **Jonty:** “We attempted to have a conversation with you to discuss the specifics of the suspected contraventions listed on your entry notices... We adjourned that meeting as you were swearing at us and were behaving aggressively.”
    d. **Official:** “We weren’t swearing, we were having a robust conversation...”
    e. **Jonty:** “I believe that was more than a robust conversation… I am mindful of how you were behaving, and I will not be engaging with you any further while on camera.”
    f. Official proceeded to read the WHS Act regarding obstructing permit holders and the associated penalties.
13. Officials returned to the crib room following the above exchange.
14. At approx. 8.40 am, two WHSQ Inspectors arrived and entered the crib room to speak with the Officials
15. WHSQ exited the crib room and engaged with the Site team to discuss what had occurred. The Site team advised WHSQ that the Officials had been behaving in, what we believed to be, an aggressive and intimidating manner and that we would not subject our employees to that behaviour. The Site team further advised WHSQ that we had attempted to get more information from the Officials as we are not sure what their contraventions are or where to take them on-site. The Site advised WHSQ that the Project does not believe the intent of s117 to be a general site/safety walk.
16. WHSQ said the Officials do not need to provide this information as it may incriminate the worker who had tipped them off (I note that the ETU later claimed that the tip-off they received was anonymous and that all they see is a phone number). WHSQ further asserted that they believed the Officials entry was lawful as “they had provided an s117 Notice of Entry form and displayed their permits.”
17. The Site team asked if WHSQ know where to take them or if they had more information on the suspected contraventions listed. WHSQ stated that it was a small site and that it shouldn’t take too long to check out the access/egress. The Site team replied that, since it was a small site, it shouldn’t be too hard for the Officials to tell us where their suspected contraventions are, and once we know that we can escort them on-site to check it out.
18. During this exchange, the Site team also advised WHSQ that two different WHSQ Inspectors attended the site yesterday to inspect the same contraventions listed. WHSQ claimed that this doesn’t matter as the site is constantly changing. The Site team advised WHSQ that there had been no night shift and asked WHSQ if they felt there was value in contacting the inspectors from yesterday. WHSQ declined this. The Site team broke away to seek further advice from their respective managers.
19. Upon return, WHSQ asserted to the Site team that we may be hindering and obstructing the Officials and that at this point, they would be entering the site under s165. The Site team acknowledged this, and Mark advised WHSQ that he was ready to escort them on-site whenever they are. WHSQ asked if we should wait for the ETU. The Site asked WHSQ if that means they are escorting the Officials on-site with them, as the project was not permitting their entry at this stage. WHSQ denied this before exiting the area into a crib room to make a call.
20. At approx. 9.20 am, WHSQ returned and advised the Site team that they would now be entering the site to carry out an inspection. WHSQ were escorted on-site by Mark.

21. Between 9.20 am and 9.55 am, the Officials remained in the crib room atop the gantry and did not follow WHSQ on-site. There was minimum interaction with the Officials during this period; however, the Officials occasionally asked if they “could go on-site”.
22. At approx. 9.55 am, David entered the crib room and advised the Officials that the Project would not be permitting their entry and that they are to vacate the site.
23. At approx. 10 am, the Officials exited the crib room and approached the Site team. Officials asked David, Michael and I if we were obstructing their entry. All Site personnel responded that the Project would not be permitting their entry today for the reasons stated earlier. The Officials continued to ask the same question. I advised the Officials that, considering they have failed to provide particulars on their contraventions as per Section 28 (a) of the WHS Regulation, the Project’s management would not be permitting their entry.
24. The Officials departed the site at approx. 10.10 am. Upon departure, the Officials yelled out words to the following effect, “don’t go too far, Jonty, we are going next door”. I advised the Officials that it would be either myself or Dave that attends that Right of Entry.
25. The Officials did not return that day. I was later advised by Mark that WHSQ had found no concerns with the items listed by the ETU during their independent site inspection.

Site:	Albert Street Station (Lots 1 and 3)
Entry date:	4 March 2021
Arrival time:	6.55 am
Departure time:	12.50 pm
CBGU JV attendee(s):	Nick Forde (**Forde**), Jonty Bekkers (**Bekkers**), Brad Kinson (**Kinson**), Michael Swanson (**Swanson**), Mark Taylor (**Taylor**), Michael Small (**Small**), and Phil Robinson (**Robinson**)
Union attendee(s):	Andrew Blakeley (**Blakeley**) and Beau Seiffert (**Seiffert**)
WHSQ attendee(s):	John Azcune (**Azcune**), James Ross (**Ross**), Luke Matthews (**Matthews**), and Graeme Hogan (**Hogan**)
Subcontractor attendee(s):	QPS workforce, LCR workforce and Avopiling workforce

1. I arrived to work at 6.25 am. I did not attend the 6.30 am pre-start that morning. Forde was present upon my arrival. I signed in on the DAMSTRA kiosk and waited outside the Lot 1 turnstiles for Blakeley's arrival. **Image 1**, **Image 2** and **Image 3** show the area outside the turnstiles on Lot 1 as they were on 4 March 2021.
2. Blakeley had handed an s.121 right of entry notice to me in person on 1 March 2021. The notice listed 4 March 2021 as the date of entry. At the time of handing me the notice, Blakeley advised me that he would be attending the site at around 7 am. Blakeley arrived at the site at approx. 6.52 am. Blakeley was walking up the stairs when I saw him. I did not see how he entered the locked gate downstairs. Blakeley approached me and Forde. I asked Blakeley if he was here to do his s.121, to which he confirmed.
3. I asked Forde to check Blakeley's permits while I signed him into the visitor book (see **Image 4**). I witnessed Forde verify Blakeley permits as valid. I asked Forde to undertake a visitor induction for Blakeley and complete a COVID-19 Declaration. I was told Blakeley refused to sign either of these documents and that these documents were read out to him and an acknowledgment by Forde was noted on the paperwork. **Image 5** and **Image 6** show the visitor induction and COVID-19 Declaration undertaken.

4. At approx. 7 am, Swanson and Kinson – two CPB direct-hire workers (Forklift Driver and a Hoist Operator respectively) – presented themselves outside the turnstiles. Both workers had indicated to me earlier in the week that they would like to participate in the consultation with Blakeley.
5. I advised Blakeley that the temporary crib room was available and could be used to conduct his consultation with the CPB workers. Blakeley said he wanted to speak to the workers downstairs outside the gate to the gantry stairs. This request was permitted.
6. Blakeley asked where the crane and excavation crews were as he would also like to speak to them. I asked Blakeley if he had issued them with s.121 notice of entries as they are PCBU's. Blakeley said he didn't have to and that he had the same argument at Roma Street yesterday and that the inspectors there said he had a right to carry out the s.121 entry and meet with all the workers.
7. I advised Blakeley that s.122 (1) (a) and (b) of the WHS Act requires that he issue a Notice of Entry to the person with management or control of the workplace and the PCBU. I acknowledged that Blakeley had done so for CPB as a PCBU, however, the other PCBU's performing work on the site had not received an s.121 notice of entry from him, and were therefore not aware of his intent to speak to their workforce.
8. Blakeley disagreed with this interpretation and said that he had contacted the regulator earlier and that two of them were on their way.
9. Blakeley departed the site's sign-in area with Kinson and Swanson and spoke to the workers outside the site door along the Albert Street footpath (see **Image 7**).
10. The consultation was held from approx. 7.05 am to 7.22 am, after which time both workers returned to work.
11. Following the consultation, I approached Blakeley. Blakeley indicated he would now like to speak to the other workers. I advised Blakeley that his right of entry had been exhausted and that he would need to issue the other PCBU's with an entry notice and provide them with 24 hours' notice, should he wish to meet with their workers

under s.121. Blakeley told me that's not how the right of entry works and that WHSQ is coming to tell me we are wrong.

12. Blakeley said he doesn't do this on s.117 entries, which has the same wording, and that CPB was deciding what legislation is applicable and what isn't. I advised Blakeley that organised consultation with PCBU's and their workers is different from suspected safety contraventions and that we have management control of access/egress etc.
13. Forde offered Blakeley to have a coffee with him so he could explain where the Project's view is coming from. Blakeley refused and said he doesn't care what our view is and that we are hindering and obstructing him.
14. Forde advised Blakeley that we have facilitated his s.121 entry and we didn't obstruct him in doing that.
15. Blakeley advised me and Forde that he was recording. I asked Blakeley not to record me. This request was refused.
16. Blakeley said he wanted to speak to the piling workers and traffic controllers, which he believed he has the right to do so.
17. I again asked Blakeley if he had issued those PCBUs with notices of entry. Blakeley said we are the PCBU and that he issued it to us. I asked Blakeley if he thought subcontractors were PCBUs, to which he replied, "yes they are, in their own right." I told Blakeley that he needs to issue a notice of entry to them as PCBUs, in addition to us as the person with management or control of the workplace.
18. Blakeley asked if we were going to allow him to enter to carry out his s.121 entry. I advised Blakeley that he had already carried out his s.121 entry and that he no longer has a valid right to enter the site.
19. I told Blakeley we would not be debating it any further and that we had advised him of our management's position and that we would wait for the regulator.
20. At approx. 7.30 am, Azcune arrived at the site, followed shortly by Ross. Upon their arrival, Azcune checked Blakeley's permits. Forde advised Azcune that we had

checked his permits and that they were fine. Nevertheless, Azcune and Blakeley broke away for a private conversation.

21. Upon Blakeley and Azcune's return, Azcune advised me and Forde that their legal team believe Blakeley has a right to meet with all workers under s.121 to talk about safety in lunchrooms but not on the site. I told Azcune that we had facilitated Blakeley's right of entry earlier and without hindrance. I asked Azcune if he believed Blakeley could speak to other PCBUs under the right of entry notice issued to us, to which Azcune said he could because he gave us sufficient warning.
22. I told Azcune that management's position is that Blakeley needs to issue subcontractors, who are PCBUs, with entry notices. I advised Azcune that this position is taken from s.122 of the Act. Azcune said s.122 of the Act states "and/or". Forde and I told Azcune that we would like him to pull up that section of the Act and show us where it says "or".
23. Azcune pulled out and flicked through his Qld WHS Act handbook (see **Image 8**) and read out the "or" in "person conducting a business **or** undertaking". I directed Azcune's attention to the semi-colon (;) followed by an "and" that indicated the notice of entry had to be issued to the person with management or control of the workplace **and** the PCBU. I further explained that these were list items.
24. Azcune said their determination is that we had received ample time to prepare for the s.121 and that CPB doesn't request a new s.117 notice of entry when Officials are conducting an s.117. I told Azcune that we were discussing s.121, not s.117. Azcune said that we have set a precedent on how we facilitate s.117 entries.
25. At this point, Forde and I broke the meeting to make a phone call to management.
26. At approx. 7.50 am the group reconvened. When we returned, Azcune asked me if I had ever read Section 3 (Object) of the WHS Act. Azcune stated that the Object is like the blurb in a book and it explains what the book is about. Azcune proceeded to read Section 3 (c) "encouraging unions and PCBUs to take a constructive role in providing a healthy and safe workplace." Azcune stated that "we are looking at a

little grey area of the act that could go either way". Azcune asked if he thinks we are following the Object of the Act. I told Azcune I was just following s.122 of the Act.

27. I asked Blakeley if he carried out his s.121 this morning and if we hindered him. Blakeley said he only met with CPB workers and no one else and that we are hindering him from doing so.
28. Forde suggested to Blakeley that he issue an s.484 right of entry if he wanted to speak to workers. Blakeley said he didn't want to as that is a Fair Work entry and he wanted to do a safety right of entry. Blakeley further stated that, since this was a safety entry, both Forde and I being there was irrelevant.
29. Blakeley continued saying he disagreed with our position. I explained to the group that the word "and" was the operative word in section 122 (a) and (b) and that management had determined the wording, as it reads, requires Blakeley to issue a notice of entry to the other PCBUs working on-site, in addition to CBGU JV as the person with management or control of the workplace.
30. Blakeley asked Azcune if he believed his entry was lawful, to which Azcune replied "yes". Blakeley said, "thank you", and starting walking towards Lot 3. Forde asked Blakeley where he was going, to which he replied, "to exercise my lawful right".
31. Forde followed Blakeley while I remained at Lot 1 with the inspectors. I asked Azcune if he was issuing us with a direction to allow Blakeley access to the site, to which Azcune replied no. I asked Azcune if he was endorsing Blakeley's entry, to which Azcune replied no.
32. Azcune made a phone call to Helen Burgess (**Burgess**) and attempted to pass me the phone to speak to her. I asked Azcune if I had to speak to her, to which he said no. I told Azcune that I would like to speak to my management before speaking to Burgess.
33. I contacted Terry Prior (**Prior**), who instructed me not to speak to Burgess. I returned to the group and stopped Azcune attempting to pass the phone to Taylor. I told the inspectors that we would not be speaking to Burgess. Azcune told me Burgess had

been trying to contact Mick Nash to no success. I advised Azcune that I would pass that information on to Prior.

34. Azcune asked me who my manager was, to which I replied Terry Prior. Azcune asked for Prior's number, which I provided. Azcune told me he would text Prior's number to Burgess.
35. Blakeley returned to the Lot 1 area and began walking around the site's perimeter. I followed Blakeley while he did this. We returned to the site gate shortly thereafter.
36. At approx. 8.27 am, Azcune attempted to put me on speaker with another inspector to provide a statement to him. I told Azcune that I would not be participating in a voluntary interview.
37. Azcune advised the group that a "Luke Matthews" (**Matthews**) from WHSQ was attending the site at 10.30 am to conduct an investigation. Azcune said that Matthews was working from home today and hence would be awhile.
38. At approx. 8.50 am I witnessed Tommy Martin (**Martin**), the QPS Supervisor, exit the site and go talk to Blakeley, who at this point was standing on the vehicle access way located on Albert Street.
39. At approx. 8.55 am, I witnessed roughly 6-8 QPS workers exit the site and meet with Blakeley on Albert Street. I asked Martin if he had authorised his workers to leave the site, to which he said he did.
40. I contacted Shane Stewart (**Stewart**) and Mat Anforth (**Anforth**) and asked them if Martin notified him that the QPS workforce was exiting the site. Both CBGU JV supervisors told me that he did not.
41. At approx. 9.35 am Blakeley approached me and asked to use the toilet located on-site. Forde advised Blakeley that there was a public toilet a couple of metres up the road that he could use. Blakeley said this was inhumane and that he would use the toilet on Lot 3. Forde followed Blakeley as he walked off to Lot 3.
42. At approx. 10 am I observed Seiffert walking towards the group. I exchanged niceties with Seiffert, and we spoke no further. Blakeley and Seiffert spoke privately

amongst themselves. Seiffert was wearing a short sleeve high-vis shirt and departed the group shortly after arriving. Seiffert returned with a long sleeve high-vis shirt about 5 minutes later.

43. At approx. 10.28 am Blakeley departed the group towards Mary Street. I followed Blakeley and observed him speaking with an Altus Traffic Controller working along Mary Street. Blakeley returned to the group at approx. 10.33 am.
44. At approx. 10.34 am, two new WHSQ inspectors arrived. I did not know these inspectors. The inspectors spoke with Seiffert, Blakeley, Ross and Azcune in private.
45. At approx. 10.52 am, the two new WHSQ inspectors approached the CGBU JV group, consisting of Taylor, Forde and me. They identified their names as Luke Matthews and Graeme Hogan.
46. Matthews spoke to Forde about whether the Project's position had changed from yesterday. Forde said it hadn't. Matthews asked Forde if he could tell him who his manager is. Forde said he wasn't comfortable doing so.
47. Matthews asked where CPBs head office was located. I advised him that it would be Sydney. Matthews asked if there was a Brisbane HQ. Forde advised Matthews that there likely is and that he could Google the address for him. Matthews asked who the senior person at the CPB office is. Taylor advised that we weren't sure but Mick Nash was the Project's Safety Director. Matthews asked where the Project's head office was. I told Matthews it was in Milton at the John Oxley Centre.
48. Matthews told the group that he wouldn't hang around and that their position is the same as yesterday and that they are yet to make a determination.
49. The two inspectors departed the area at 10.55 am following a private conversation with Azcune, Ross, Blakeley and Seiffert.
50. At approx. 11 am I saw Martin exit the site for a cigarette. Martin approached me and told me Blakeley chatted to them about the new CFMEU EBA as theirs is about to expire. I asked Martin if Blakeley spoke to them about safety, to which Martin confirmed Blakeley offered the CFMEU safety hotline services if they had safety

concerns on site. I asked Martin if he felt like he could speak to someone here if he had a safety concern. Martin said, “yes, always”.

51. At approx. 11.04 am, Azcune and Ross departed the area. Seiffert and Blakeley remained in the vicinity. Blakeley was filming the general area with his camera. During this time, I observed Seiffert take out a notepad and begin writing on it. I believe this was a notice of entry to carry out an s.117 right of entry.
52. At approx. 11.30 am, Azcune and Ross returned. Azcune, Ross, Blakeley and Seiffert had a private conversation.
53. Azcune approached Taylor, Forde and me and told me that Seiffert was going to carry out an s.117 to look at access and egress and that they would hang around for it. Seiffert provided Taylor with his notice of entry. I asked Seiffert if he could identify the workplace he was seeking to enter as Stations, Lot 1, as every other union official does when attending the site. Azcune agreed with this and asked Seiffert to clarify which site he wanted to enter. Seiffert refused to amend his entry notice.
54. As this discussion was occurring, I witnessed Blakeley walk off under the gantry overpass towards Mary Street. This was at approx. 11.40 am. I followed Blakeley and left Forde with Taylor, Seiffert and the two WHSQ inspectors.
55. Blakeley walked to and remained standing on the corner of Mary Street and Albert Street at the vehicle access gate (Gate 1) located there (see **Image 9** and **Image 10**).
56. At approx. 11.50 am I witnessed Seiffert unlock the gate door and open it. Blakeley entered the site. Blakeley immediately started walking towards the Calbah stairs that provided access into the station box area. I advised Blakeley that his entry to the site had not been authorised.
57. As Blakeley began walking down the Calbah stairs, Anforth and I told him that he was not clean-shaven and that his entry into the station box area posed safety concerns (see **Image 11**). Blakeley ignored this request and proceeded down the stairs into the box.

58. While in the box, Blakeley walked up to an LCR Dogman, who was spotting a lift occurring at the time. The Dogman told Blakeley he would need to remain outside the exclusion zone while the lift was taking place. Blakeley obliged and remained in the area.
59. Following the lift, Blakeley spoke to the LCR Dogman briefly before returning up the stairs. At the time Blakeley told me the Dogman would be coming up shortly to speak with him. Robinson was in the area during this time as well.
60. When back on the protection slab area, Blakeley proceeded to speak to another LCR Crane's worker (see **Image 12**). While atop the station box, Azcune asked me if I saw Blakeley enter the site. I said I did and asked Azcune if he did as well. Azcune said he did and that he caught it on film. I asked Azcune what he thought of that behaviour. Azcune said he didn't think it was 'Kosher' and that he would show Burgess the footage.
61. Shortly thereafter, Seiffert began walking down into the station box area via the Calbah stairs with Robinson, Azcune and Ross. I followed the party and left Forde with Blakeley.
62. When back in the box (see **Image 13**), Seiffert went to the QPS' work area and spoke to some of the workers there. No safety issues were raised by any party present.
63. The party departed the station box area at approx. 12.13 am.
64. Once atop, Seiffert, Azcune, Ross, Taylor, Small and I followed Seiffert to the Mary Street end as he continued to carry out his s.117. Forde remained with Blakeley.
65. While there, several concerns regarding kickboards (fall from heights) and scaffolding wind load bearings due to the addition of Unimesh were raised to Taylor (see **Image 14** and **Image 15**). Taylor verbally agreed to prohibit the area from access while engineering documentation relating to the additional load bearing on the handrails was produced.

66. The party departed the area and Seiffert left the site at approx. 12.52 am. I witnessed Blakeley depart the site through the same door he entered through at approx. 12.38 pm while atop the gantry with Seiffert (see **Image 16**).
67. No notices were issued.



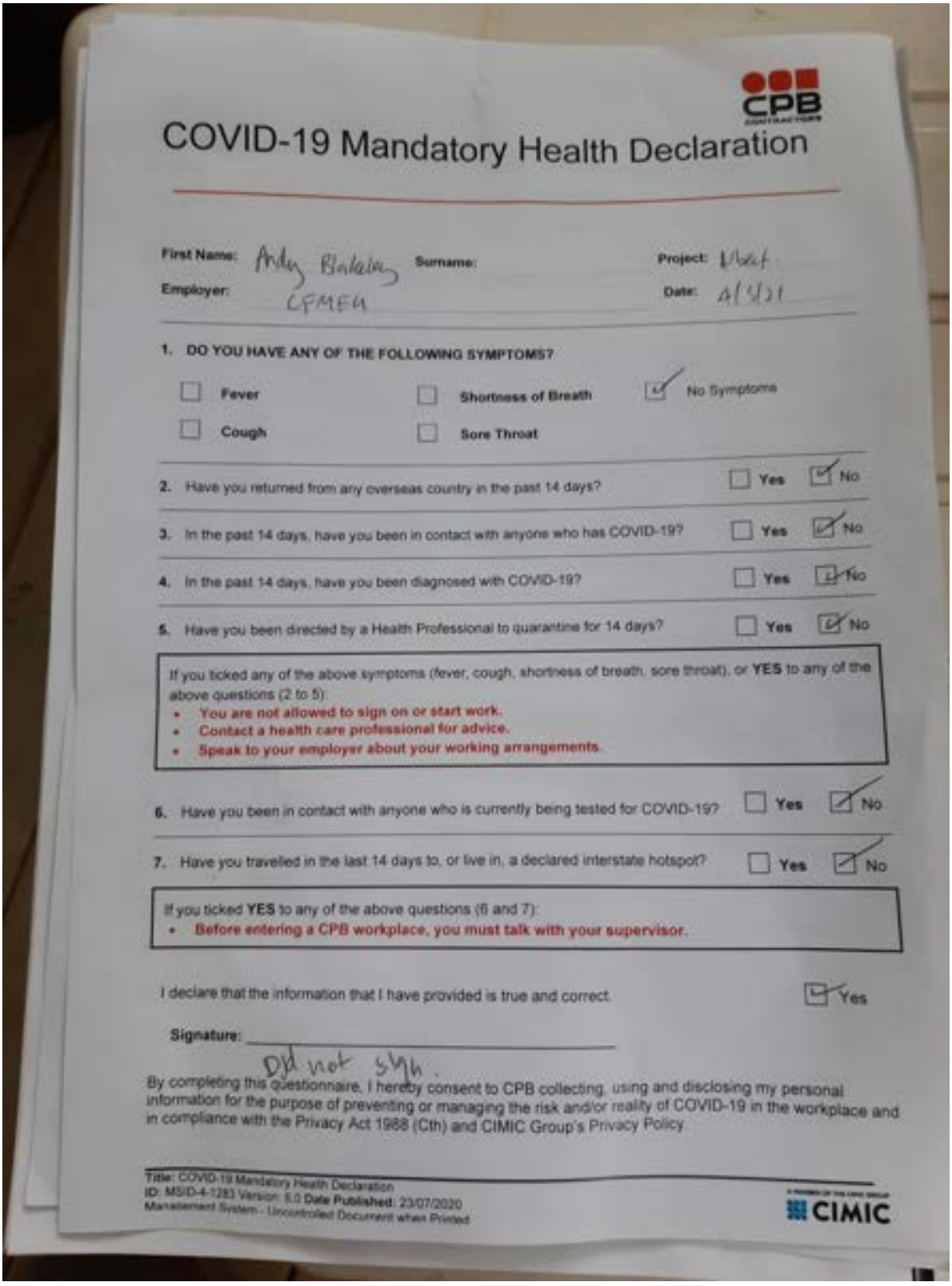
Image 1 - Lot 1 sign in area #1 (outside turnstiles)



Image 2 - Lot 1 sign in area #1 (outside turnstiles)



Image 3 - Lot 1 sign in area #1 (outside turnstiles)



CPB

COVID-19 Mandatory Health Declaration

First Name: Andy Blakeley Surname: Project: Albert
Employer: CFMEU Date: 4/3/21

1. DO YOU HAVE ANY OF THE FOLLOWING SYMPTOMS?

☐ Fever ☐ Shortness of Breath ☑ No Symptoms
☐ Cough ☐ Sore Throat

2. Have you returned from any overseas country in the past 14 days? ☐ Yes ☑ No
3. In the past 14 days, have you been in contact with anyone who has COVID-19? ☐ Yes ☑ No
4. In the past 14 days, have you been diagnosed with COVID-19? ☐ Yes ☑ No
5. Have you been directed by a Health Professional to quarantine for 14 days? ☐ Yes ☑ No

If you ticked any of the above symptoms (fever, cough, shortness of breath, sore throat), or **YES** to any of the above questions (2 to 5):
- **You are not allowed to sign on or start work.**
- **Contact a health care professional for advice.**
- **Speak to your employer about your working arrangements.**

6. Have you been in contact with anyone who is currently being tested for COVID-19? ☐ Yes ☑ No
7. Have you travelled in the last 14 days to, or live in, a declared interstate hotspot? ☐ Yes ☑ No

If you ticked **YES** to any of the above questions (6 and 7):
- **Before entering a CPB workplace, you must talk with your supervisor.**

I declare that the information that I have provided is true and correct. ☑ Yes

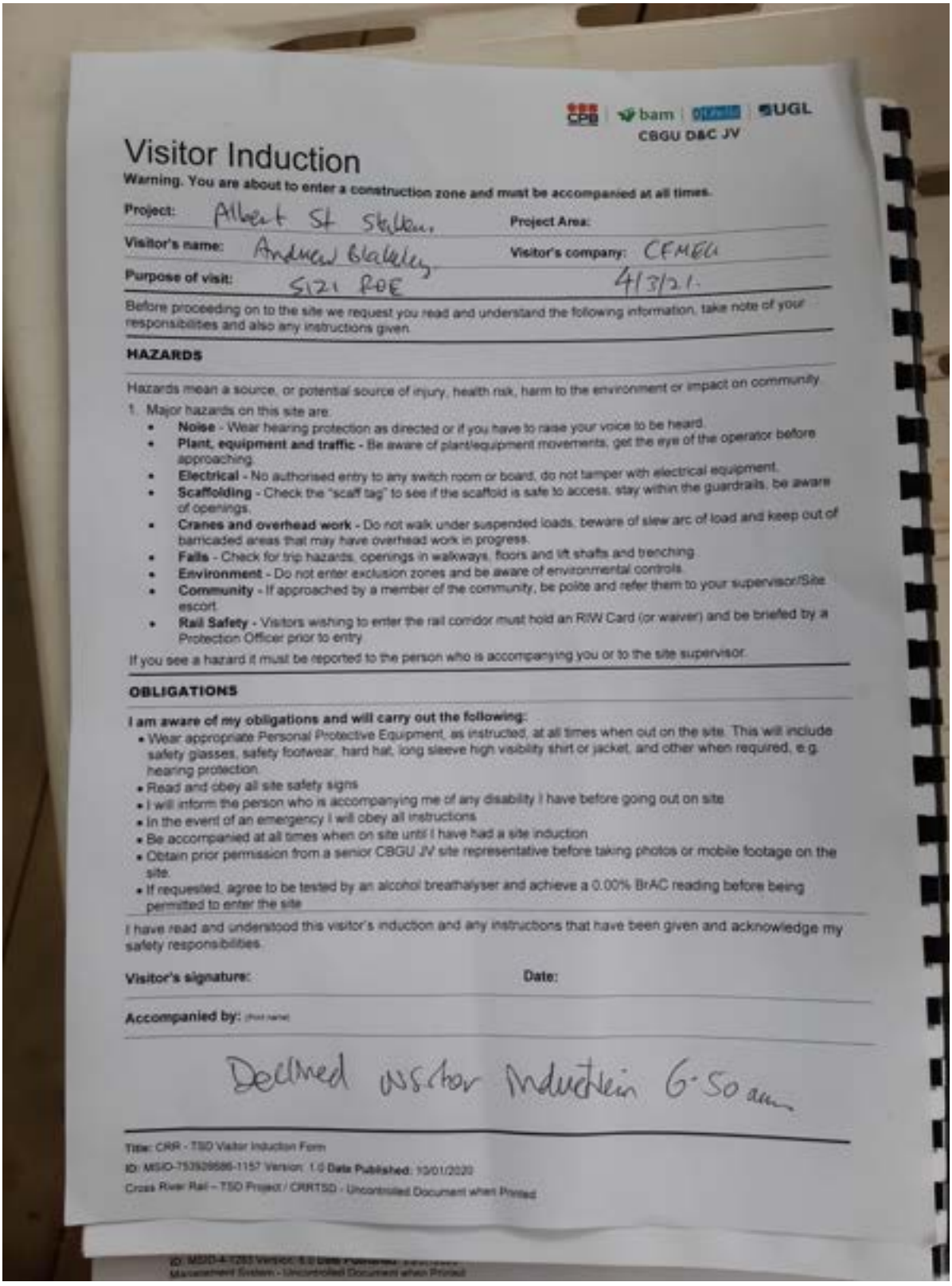
Signature: Did not sign.

By completing this questionnaire, I hereby consent to CPB collecting, using and disclosing my personal information for the purpose of preventing or managing the risk and/or reality of COVID-19 in the workplace and in compliance with the Privacy Act 1988 (Cth) and CIMIC Group's Privacy Policy

Title: COVID-19 Mandatory Health Declaration
ID: MSID-4-1283 Version: 6.0 **Date Published:** 23/07/2020
Management System - Uncontrolled Document when Printed

CIMIC

Image 4 - Blakeley COVID-19 Declaration (did not sign)



CBGU D&C JV

Visitor Induction

Warning. You are about to enter a construction zone and must be accompanied at all times.

Project: Albert St Station. **Project Area:**

Visitor's name: Andrew Blakeley **Visitor's company:** CFMEU

Purpose of visit: S121 ROE 4/3/21.

Before proceeding on to the site we request you read and understand the following information, take note of your responsibilities and also any instructions given.

HAZARDS

Hazards mean a source, or potential source of injury, health risk, harm to the environment or impact on community

1. Major hazards on this site are:
   - **Noise** - Wear hearing protection as directed or if you have to raise your voice to be heard.
   - **Plant, equipment and traffic** - Be aware of plant/equipment movements, get the eye of the operator before approaching.
   - **Electrical** - No authorised entry to any switch room or board, do not tamper with electrical equipment.
   - **Scaffolding** - Check the "scaff tag" to see if the scaffold is safe to access, stay within the guardrails, be aware of openings.
   - **Cranes and overhead work** - Do not walk under suspended loads, beware of slew arc of load and keep out of barricaded areas that may have overhead work in progress.
   - **Falls** - Check for trip hazards, openings in walkways, floors and lift shafts and trenching.
   - **Environment** - Do not enter exclusion zones and be aware of environmental controls.
   - **Community** - If approached by a member of the community, be polite and refer them to your supervisor/Site escort.
   - **Rail Safety** - Visitors wishing to enter the rail corridor must hold an RIW Card (or waiver) and be briefed by a Protection Officer prior to entry.

If you see a hazard it must be reported to the person who is accompanying you or to the site supervisor.

OBLIGATIONS

I am aware of my obligations and will carry out the following:

- Wear appropriate Personal Protective Equipment, as instructed, at all times when out on the site. This will include safety glasses, safety footwear, hard hat, long sleeve high visibility shirt or jacket, and other when required, e.g. hearing protection.
- Read and obey all site safety signs.
- I will inform the person who is accompanying me of any disability I have before going out on site.
- In the event of an emergency I will obey all instructions.
- Be accompanied at all times when on site until I have had a site induction.
- Obtain prior permission from a senior CBGU JV site representative before taking photos or mobile footage on the site.
- If requested, agree to be tested by an alcohol breathalyser and achieve a 0.00% BrAC reading before being permitted to enter the site.

I have read and understood this visitor's induction and any instructions that have been given and acknowledge my safety responsibilities.

Visitor's signature: **Date:**

Accompanied by: (Print name)

Declined visitor induction 6:50 am

Title: CRR - TSD Visitor Induction Form

ID: MSIO-753928686-1157 Version: 1.0 **Date Published:** 10/01/2020

Cross River Rail – TSD Project / CRRTSD - Uncontrolled Document when Printed

Image 5 - Blakeley Visitor Induction (did not sign)

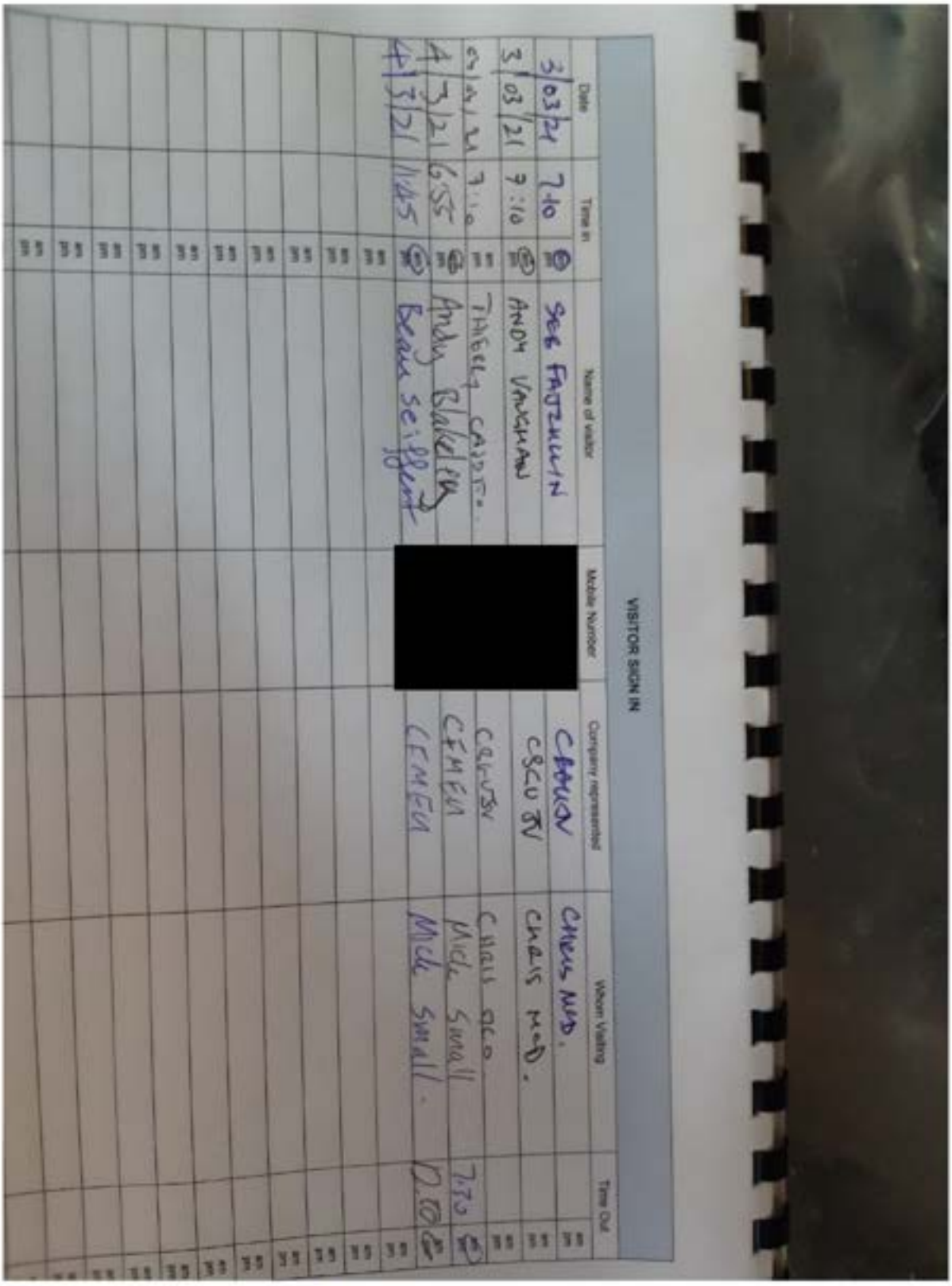


Image 6 - Visitor sign-in book 4.03.2021

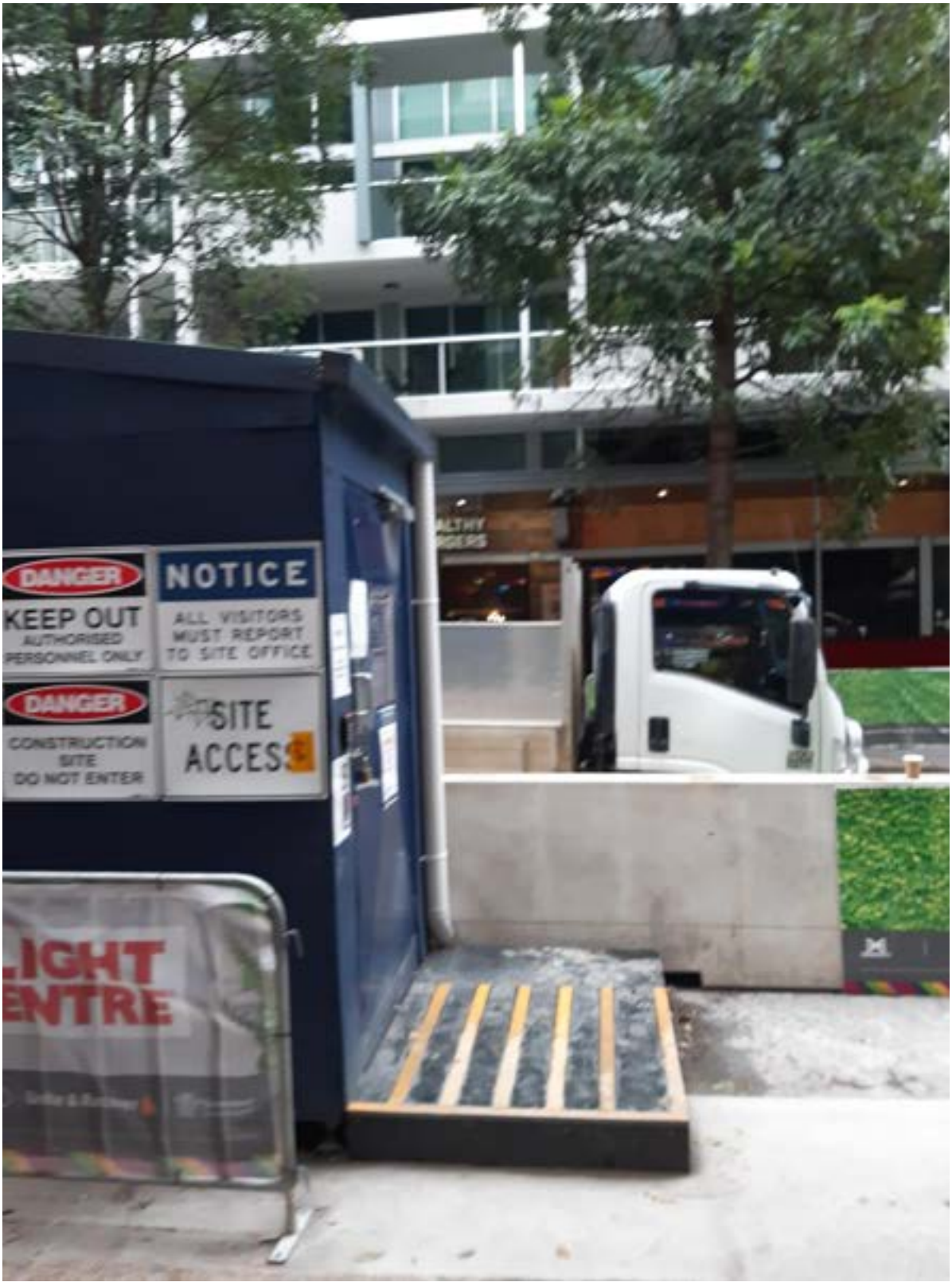


Image 7 - Site access door to Lot 1 sign in area (Albert Street)

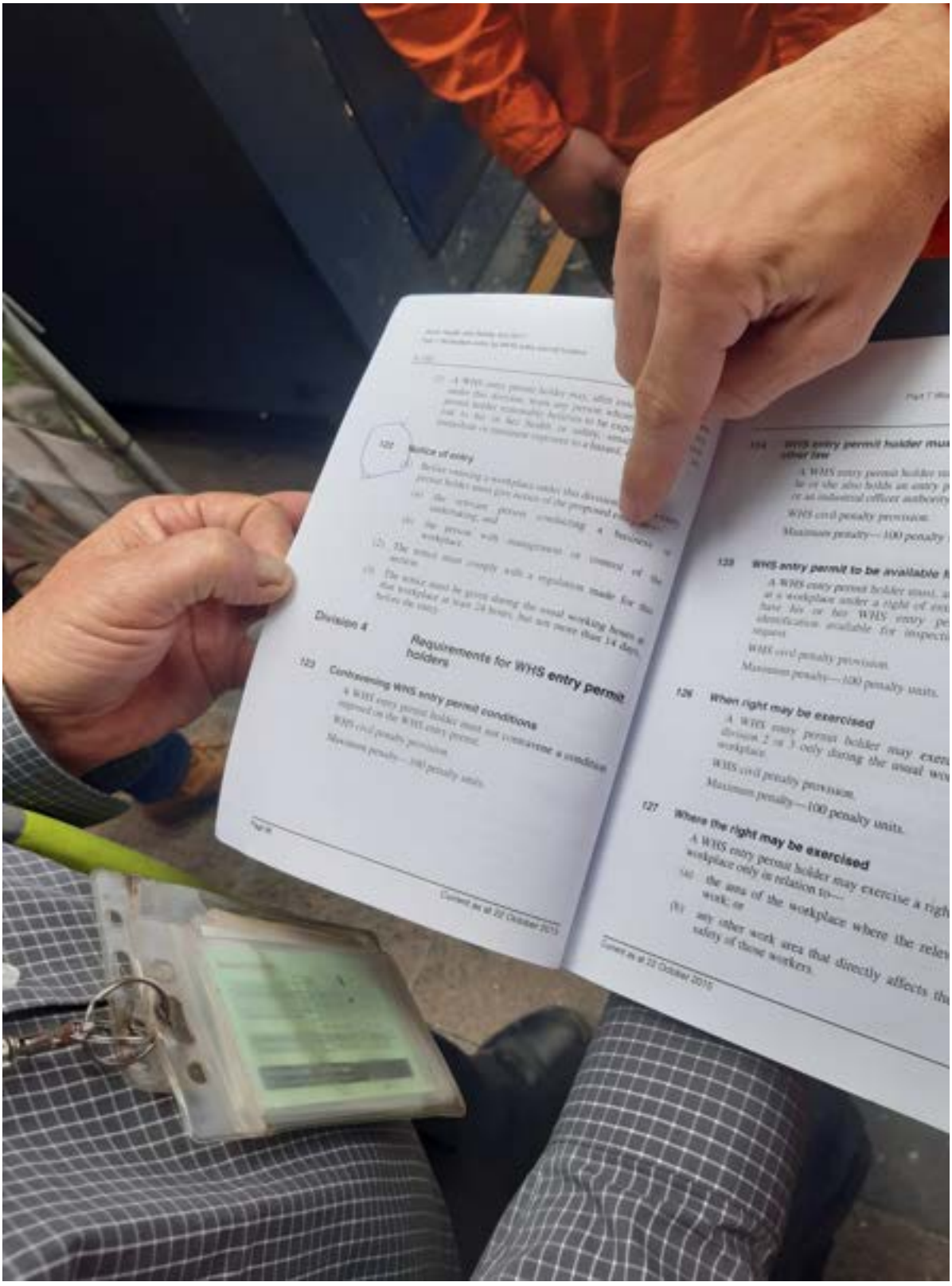


Image 8 - Azcune reading s.122 of WHS Act

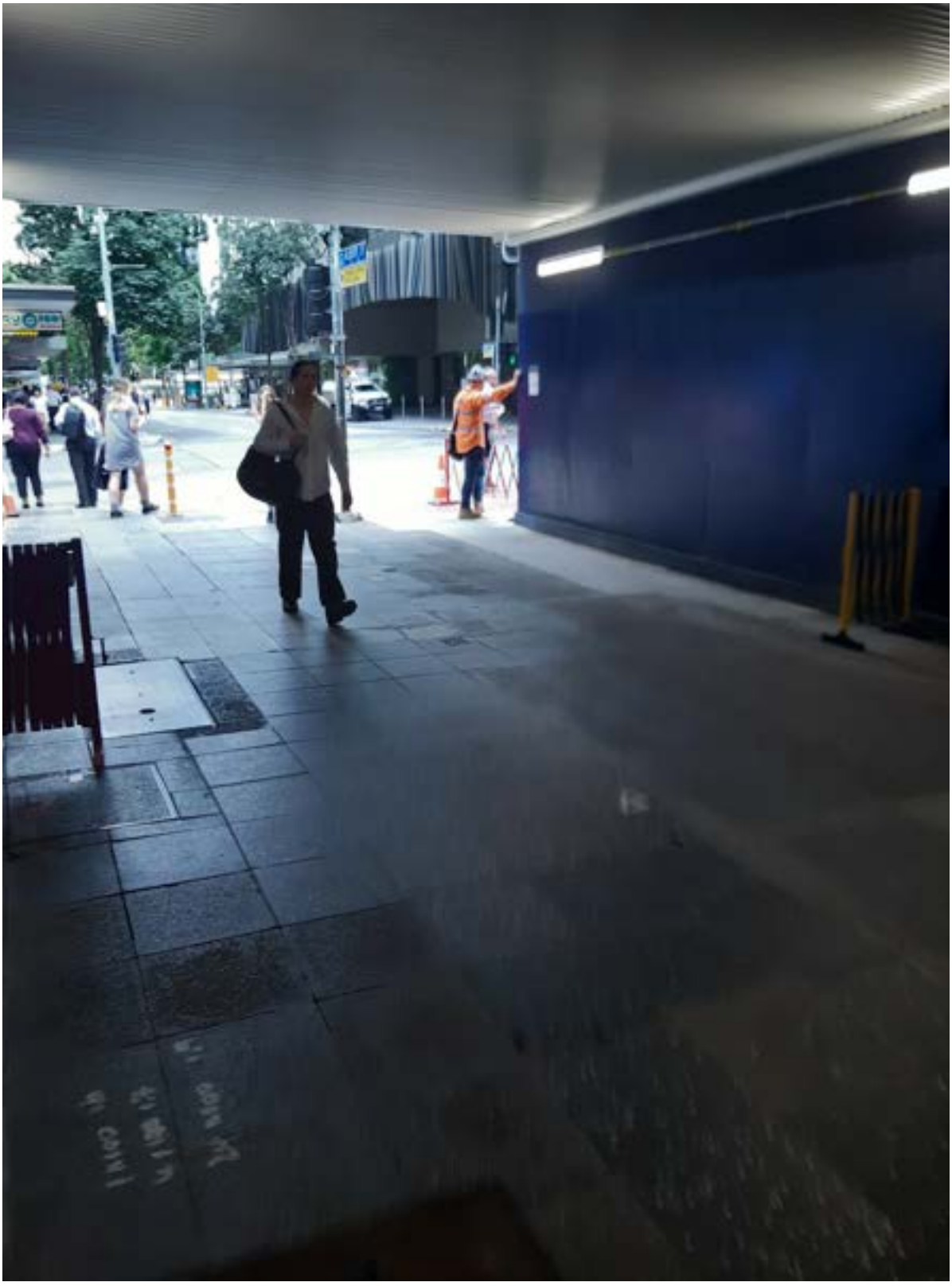


Image 9 - Blakeley standing on the corner of Albert Street and Mary Street - Gate 1



Image 10 - Gate 1 Lot 1

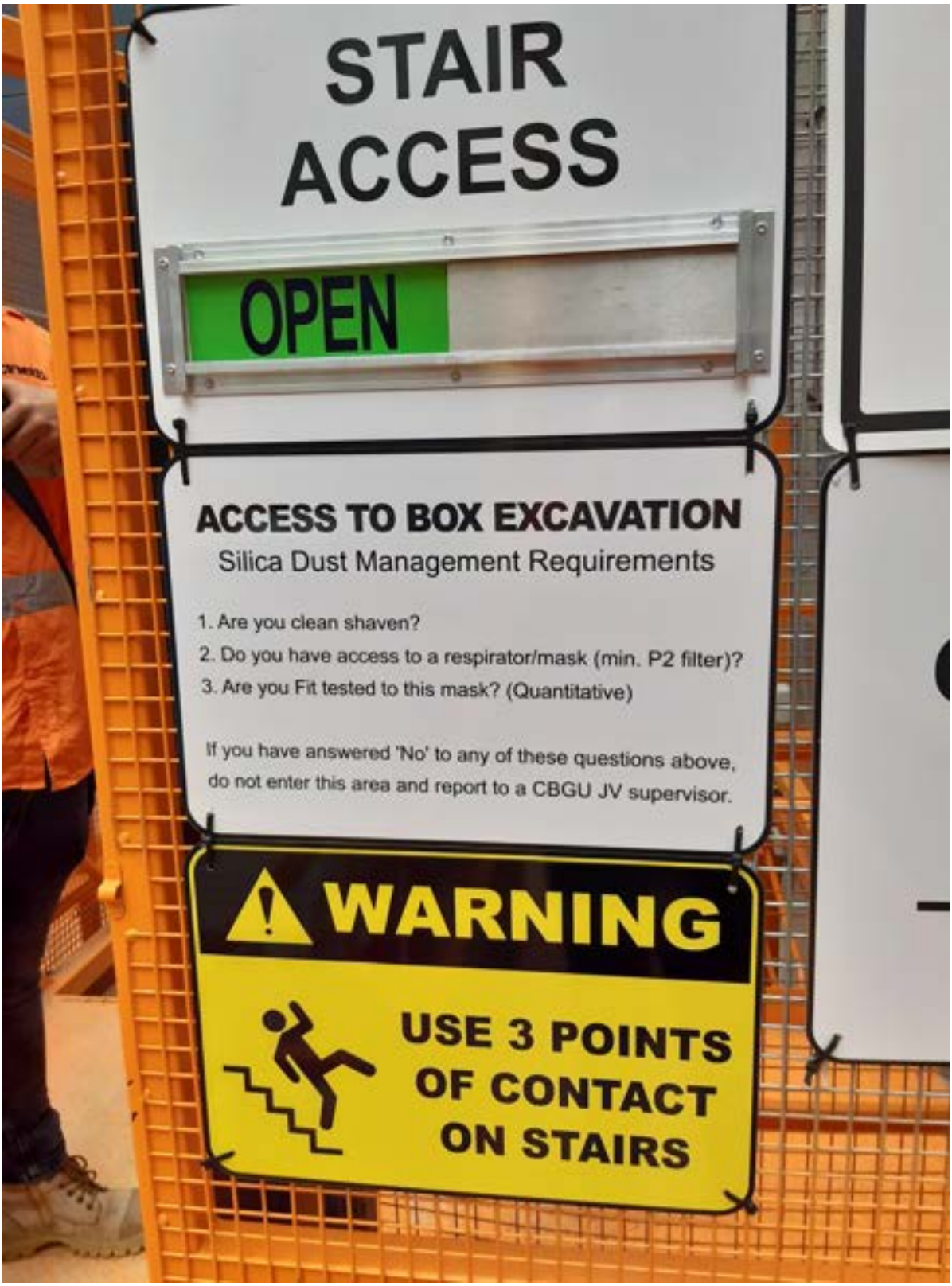


Image 11 - PPE requirements for access to box



Image 12 - Blakeley speaking with LCR Dogman



Image 13 - Seiffert and Robinson in the station box



Image 14 - Load bearing concern raised by Seiffert



Image 15 - Fall from heights concern raised by Seiffert



Image 16 - Blakeley exiting Lot 1 through Gate 1

JLB-11

Record of Right of Entry form

CBGU D&C JV

Project and site details					
PCBU:	CBGU D&C JV	**Project:**	Cross River Rail TSD	**Site:**	Albert Street Stations

Principal site representative/contact details					
Name:	Mick Small	**Position:**	Site Manager	**Contact #:**	
Employer:	CBGU JV	**Email:**	[redacted]		

Entry details					
Entry date:	04/03/2021	**Arrival time:**	11:45am	**Departure time:**	12:50pm
Union:	CFMEU				
Union attendees:	Beau Seiffert				
PCBU attendees:	Nick Forde, Jonty Bekker, Mark Taylor, Mick Small				
WHSQ attendees:	John Azcune, James Small				
Contractor attendees:					

Purpose of entry (select only one)		
***Fair Work Act 2009* (Cth)**	**s 481** – Entry to investigate a suspected breach of the Fair Work Act or industrial instrument (at least 24 hours' notice of entry must have been provided)	☐
	s 484 – Entry to hold discussions with workers during a meal or other breaks (at least 24 hours' notice of entry must have been provided)	☐
***Work Health and Safety Act 2011* (Qld)**	**s 117** – Entry to investigate into a suspected contravention(s) of the WHS Act (notice of entry must have been provided as soon as reasonably practicable)	☒
	s 120 – Entry to inspect records related to a suspected contravention of the WHS Act (at least 24 hours' notice of entry must have been provided)	☐
	s 121 – Entry to consult and advise workers on WHS matters (at least 24 hours' notice of entry must have been provided)	☐

Entry compliance – Notice of Entry form	
Entry notice contained the official's full name and signature	☒ Yes ☐ No
Entry notice contained the name of the represented union	☒ Yes ☐ No
Entry notice contained the correct address/project of the workplace being entered	☒ Yes ☐ No
The day specified on the entry notice is the same day entry is being sought	☒ Yes ☐ No
Entry notice contains a declaration that represented union can cover eligible employees	☒ Yes ☐ No
For WHS s 117 entry only – Entry notice listed the suspected contravention(s) and the official provided enough detail as to what the contravention is, where the contravention is occurring on-site, who the contravention effects, and if the contravention is still occurring.	☐ Yes ☒ No

Entry compliance – Fair Work (FW) and WHS Right of Entry permits		
Fair Work Act Right of Entry permit	Union official produced a FW Right of Entry permit when requested	☒ Yes ☐ No
	Union official produced photo identification (if using old A4 FW permit)	☒ Yes ☐ No

Record of Right of Entry form

CBGU D&C JV

	FW Right of Entry permit has not expired – valid 3 years from issue date	☒ Yes ☐ No
	FW Right of Entry permit is still valid (ie, has not been revoked) – check online here	☒ Yes ☐ No
WHS Act Right of Entry permit (if applicable)	Union official produced a WHS Right of Entry permit when requested	☒ Yes ☐ No
	WHS permit has not expired – valid 3 years from issue date	☒ Yes ☐ No
	WHS Right of Entry permit is still valid – check online here	☒ Yes ☐ No
Entry compliance – Site attendance		
Union official entered during normal project hours		☒ Yes ☐ No
Union official signed-in/out of the visitor register		☒ Yes ☐ No
Union official completed a visitor site induction		☐ Yes ☒ No
Union official completed a Covid-19 declaration, with no concerns noted		☒ Yes ☐ No
Union official wore correct PPE while on-site at all times		☒ Yes ☐ No
Union official was accompanied by an escort at all times		☒ Yes ☐ No
Entry compliance – Confirmation		
Was entry permitted? *If "No" was selected in any of the above boxes, the entry should not have been permitted*		☒ Yes ☐ No
Was unauthorised footage or photos taken? *If "Yes", management should be notified immediately*		☐ Yes ☒ No
Was there a direct stoppage of work caused by the union official? *If "Yes", management should be notified immediately*		☐ Yes ☒ No

Visit summary

Include any records of conversation and/or suspected breaches of legislation, including breaches of the 2016 Code during entry/attendance.

9.20am Beau Seiffert arrived and hung around downstairs at main access area with Andy Blakeley and WHS officials.

At 11.45am Beau issued a S117 to inspect access/egress. While on his S117, Beau opened the truck gate at Mary St to let Blakeley onsite at 11.50am. Blakeley walked around site unauthorised talking to employees. WHS Inspectors witnessed this.

Beau departed site 12.50pm. No improvement or infringement notices issued by WHS.

Acknowledgement	
Name:	Nick Forde
Date:	04/03/21
Signature:	[redacted]

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

Site:	Albert Street Tunnel
Entry date:	2 September 2021
Arrival time:	Approximately 9.28 am
Departure time:	Approximately 10.47 am
CBGU JV attendee(s):	Jonty Bekkers (IR Advisor), Melanie Ketchen (Senior Safety Advisor), Martin Harvey (Superintendent)
Union attendee(s):	Beau Seiffert (CFMEU Organiser) and Andrew Blakeley (CFMEU Organiser)
WHSQ attendee(s):	Youngmin Lee (Senior Inspector) and Lewis Cash (Senior Inspector)
Subcontractor attendee(s):	N/A

Recolection of events:

1. I received a call from Beau Seiffert at 9.25 am. I missed this call but immediately called Seiffert back at 9.25 am. Seiffert and I had a conversation to the following effect:

Beau:	*"Hey mate, are you around Albert Street?"*
Jonty:	*"Yeah mate, I was just in the box. Sorry I missed your call. Are you coming for a visit?"*
Beau:	*"Yeah, we are just downstairs."*
Jonty	*"Okay, I'll come down and meet you. What are you wanting to do? A s117?"*
Beau	*"Yep."*
Jonty	*"Okay, see you shortly."*

2. At the time I had just come up from the Lot 1 excavation box and so made my way to the turnstiles that provided access to the work front. I walked down the gantry stairs and onto Albert Street.
3. While walking off the site, I contacted James Maher at 9.26 am. I told Maher that Seiffert had just called me and that they were seeking to exercise a right of entry under s117 of the *Workplace Health and Safety Act*. Maher advised me that he was off-site in a training course all day but would organise Shane Stewart (Supervisor) to attend.
4. Following my phone call with Maher, I called Mark Taylor at 9.28 am and told him the same. Taylor said he would make his way down to the site.
5. I walked off the site and couldn't see Seiffert. I called Seiffert at 9.28 am. We had another conversation to the following effect:

Jonty:	*"Where are you mate?"*
Beau:	*"We are up on the gantry. One of the workers let us through the door."*
Jonty:	*"Righto… I must have missed you when I walked past. I'll come up now."*

6. I walked back upstairs. As I got back to the gantry I observed Andrew Blakeley and Seiffert. I immediately noticed that both Blakeley and Seiffert were clean-shaven. I considered this unusual as they were often sporting a beard in our previous interactions. I had also seen earlier a notification come through on the Project's WhatsApp group that two CFMEU Officials were seeking to enter the Roma Street Cavern under s117. I was able to discern from this that the Officials might be looking to enter the tunnel/cavern side of the Albert Street site, not the Stations.
7. Upon my arrival, Seiffert, Blakeley and I exchanged pleasantries. Both the Officials handed me their notice of entry paperwork that listed the following suspected contraventions:
    a. Unsafe access and egress (plant and pedestrian separation);
    b. Insufficient access to amenities;
    c. Plant maintenance/servicing; and
    d. Silica management,
8. The officials then presented me with their entry permits. Seiffert showed me an entry permit issued to him under the *Qld Industrial Relations Act 2016*. I asked Seiffert to show me his federal IR permit. Seiffert said it's the same thing but reluctantly showed me the permit issued to him by the Fair Work Commission, in addition to his Workplace Health and Safety permit.
9. Blakeley showed me the permits issued to him under the *Fair Work Act* and the *Workplace Health and Safety Act*.
10. Following this interaction, Blakeley, Seiffert and I had a conversation to the following effect:

Jonty:	*"So what site are you looking to go to today?"*
Beau:	*"The tunnel."*
Jonty:	*"Okay. I'll advise you now that the Project's position is that you can't enter the cavern area as you aren't inducted and we won't be doing an induction as the Project believes you do not have relevant workers working in there for the purpose of the Workplace Health and Safety Act."*

Blakeley:	*"Yes, we do. You can take us through an induction just like you do when Workplace Health and Safety Inspectors attend and Annastacia* (Palaszczuk) *comes for her photoshoots."*
Jonty:	*"We will not be taking you through a visitor induction as the Project does not believe the suspected contraventions you have listed on your notices are related to relevant workers in the cavern."*

Note: The reason I provided this response was because of the multiple conversations I have previously had with Terry Prior (IR Manager) and Nick Forde (Senior IR Advisor) about the CFMEU's ability to enter a tunnel construction area before this event. I had also received multiple emails from Prior and Forde on the Project's position and response to the CFMEU/Workplace Health and Safety if the CFMEU attempt to enter the tunnel construction area. Specifically, the emails I had received are dated: 2 September 2021, 2 August 2021 and 15 April 2021.

11. The conversation continued back and forth along the same vein for another 2-3 minutes. Seiffert told me that they had called the inspectors and that they would be here shortly to arbitrate the dispute. I do not recall either official making a phone call during our exchange so assumed this was done before they arrived at the site. I responded with *"that's fine, we will wait for the inspectors."* Blakeley continued to push me for the reason that their entry was being declined. I told Blakeley that this was the Project's position and advice on the matter, and I was simply relaying that onto him. Blakeley said that I was *"just a puppet"* and that I *"would be held responsible for hindering and obstructing permit holders, even if you are just relaying on the message."* Seiffert and Blakeley also told me that they are recording.
12. As we waited for the inspector's arrival, I contacted Mark Taylor at 9.32 am and told him not to come down as the Officials were seeking to enter the tunnel side, not the station side.
13. Following this phone call, I contacted Martin Harvey at 9.33 am and asked that he attend the site with Mel Ketchen to assist me with an attempted right of entry to the tunnel's site.
14. Blakeley, Seiffert and I remained on the gantry. We had little interaction during this period, however, the officials continued to ask me why they weren't being permitted entry. I maintained the position that *"the project doesn't believe the alleged contraventions you've raised relate to or affect relevant workers for the purposes of the WHS Act."* The Officials both stated that we had let *"other officials down there."* I asked what officials they were referring to and responded that different unions have different rules and industrial coverage.

15. While waiting atop the gantry, the Officials were taking photos of the award and recognition wall located in the vicinity. The Officials were mocking the people on the wall and were pointing out who had left the project. The Officials asked me where I was and that I should get an award for enforcing PPE. I believe this was an attempt to mock me as I had previously asked them to correctly don/wear PPE during other site entries.
16. At 9.52 am, Ketchen called me and asked if the entry was safety-related as Harvey wasn't sure. I told her that it was. Ketchen asked what contraventions they suspected, and I read them out to her.
17. About four minutes later, Ketchen and Harvey arrived at the gantry together and walked to where Seiffert, Blakeley and I were standing. Ketchen and Harvey exchanged pleasantries with the Officials. I do not believe Ketchen and Harvey had met Blakeley before, so they introduced themselves.
18. After this, I asked Ketchen and Harvey to come into the training room with me so we could have a conversation in private. When in the room, I informed Ketchen and Harvey of the Project's position on the CFMEU's entry to the cavern area. I further advised them that Workplace Health and Safety would be here shortly.
19. We left the meeting room. I told Mel that I was going to shave so I could access the cavern if need be.
20. As I was walking off-site, I observed Lewis Cash and Youngmin Lee completing their Covid-19 sign-in at the door that provided entry to the gantry area. Cash told me that they were here in response to a right of entry dispute. I responded with *"that's probably regarding the officials standing around the corner."* I then told the inspectors that I would re-join them in 2-3 minutes and that I was just popping next door.
21. At 9.52 am I entered the EzyMart and purchased some razors. I left the EzyMart and headed into the toilet located atop the gantry. I shaved off my stubble and re-joined the group approximately 2 minutes later.
22. Ketchen, Harvey, Seiffert, Blakeley, Lee and Cash were all standing on the gantry outside the turnstiles. Cash asked if there was a room they could use for the discussion. I said we could use the training room located two metres from where we were standing, however, we may need to leave if others had booked it.
23. The group headed into the training room. As we were entering the training room, I asked Cash if he could instruct the Officials to complete a covid sign-in given we were going into an enclosed space. Cash said that he wouldn't enforce our policies. I told Cash that their inspectorate had previously advised us that this was required when going into meeting and crib rooms where social distancing couldn't be maintained. Cash said this was a different inspector and that he wouldn't be instructing the Officials.

24. While in the room, the inspectors asked to see the entry notices provided by the Officials. I provided these to the inspectors and we proceeded to have a protracted conversation about the right of entry dispute. During our time in the meeting room, all parties bar the Officials wore a face mask.
25. Throughout the discussion, I maintained the Project's position in that the Officials entry has been declined because they have not completed the induction and the site would not take them through one as the Project does not believe their suspected contraventions relate to or affect relevant workers in the cavern area.
26. Cash was the one doing all the talking and Lee was taking notes throughout the exchange.
27. Blakeley asked who was giving these directions and why they weren't down here. I told him that I was their delegation and that their being here would serve no purpose as they would tell them the same thing.
28. I continued relaying the project's position on the matter when queried. Seiffert said they believe they have coverage. I responded that I acknowledge their opinion, however, the Project's opinion is contrary to theirs.
29. Cash warned us that we may receive a notice for hindering and obstructing permit holders and that the dispute may be referred to the *Queensland Office of Industrial Relations*. Cash further stated he was not saying we would, or that he believed this was the case, just that we may be if that is found to be the case.
30. At approximately 10.23 am, Cash decided to adjourn the meeting so he could make a phone call and receive further advice. Harvey, Ketchen, the Officials and I left the room to give the inspectors privacy.
31. At approximately 10.27 am, the inspectors called the group back into the meeting room. While in the room, Cash asked the Officials, "do you have any members in the cavern?". Blakeley responded with "Yes, we do." Cash then asked the Officials if they believed they had coverage in the cavern area. Blakeley again responded, "yes, we do".
32. Cash then asked the Officials, "what trades do you think you have in there?". Blakeley responded that he didn't want to get into a discussion about what trades etc are in the cavern.
33. Cash turned to me and asked, "has your position changed?". I responded that "no, it hasn't".
34. Cash said that he doesn't have an opinion on whether the entry is lawful, however, from what he has seen he believes it to be a valid right of entry. Cash further reiterated that he is not allowed to make a formal judgement on the matter and that they (Lee and Cash) would be entering the cavern to inspect the items listed on the Officials entry notices.

35. I asked Cash if he would be “authorising, endorsing and/or escorting the officials on-site?” Cash emphatically replied that “no they would not.”
36. At approximately 10.36 am, the discussions concluded and the officials stepped out of the room to “make a call” to someone.
37. I followed the officials out and remained in the vicinity. The inspectors remained in the training room with Ketchen and Harvey.
38. Ketchen, Harvey and the Inspectors left shortly afterwards to attend their inspection. I did not join them and remained at the gantry area with the Officials.
39. The Officials loitered around the gantry area for 5-10 minutes. During this time I asked the Officials on two separate occasions to depart the area as their right of entry had been declined. The Officials declined and Blakeley walked into the training room while Seiffert remained outside.
40. I followed Blakeley into the training room and again asked him to remove himself from the area. Blakeley refused.
41. Shortly afterwards, Seiffert came up to me and asked if he and Blakeley could have the room for a private chat. I obliged but again told him that they both need to remove themselves from the area immediately afterwards.
42. While in the training room, I observed the officials from the window. I saw Seiffert taking photos of the site’s 3-week lookahead program that was written on the whiteboard. Upon seeing this, I immediately entered the room and told Seiffert that he couldn’t take photos and that they now needed to leave the area.
43. I told Seiffert that this was disrespectful and that, while they may not like the Project’s position, I had shown respect to them. Seiffert said he wouldn’t do it again but asked if he could have the room. I said no and that they needed to leave the area.
44. Seiffert told Blakeley, “let’s go”, and both the Officials departed the training room.
45. The Officials shook my hand as they were leaving and said, “see you soon”.
46. The Officials departed the area at approximately 10.47 am.

Record of Right of Entry form

CBGU D&C JV

CBGU JV representative details					
Name:	Gary Lappin	Position:	General Superintendent	Contact #:	
Employer:	CPB Contractors	Email:	[redacted]		

Entry details					
Entry date:	28 September 2021	Arrival time:	8.45 am	Departure time:	9.45 am
CRR TSD site:	Roma Street STATION				
Union:	Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU)				
Union attendees:	Andrew Blakeley				
CBGU JV attendees:	Jonty Bekkers, Paul Head, Gary Lappin and Tony Moore				
Contractor attendees:	N/A				
WHSQ attendees:	N/A				

Purpose of entry (select one only)		
Fair Work Act 2009 (**FWA**)	**s.481** – Entry to investigate a suspected breach of the FWA or other industrial instruments (entry notice must be provided at least 24 hours before entering the workplace).	☐
	s.484 – Entry to hold discussions with workers during a meal or other break (entry notice must be provided at least 24 hours before entering the workplace).	☐
Qld Work Health and Safety Act 2011 (**WHSA**)	**s.117** – Entry to investigate suspected contraventions of the WHSA (entry notice must be provided as soon as practicable).	☒
	s.120 – Entry to inspect employee records related to suspected contraventions of the WHSA (entry notice must be provided at least 24 hours before entering the workplace).	☐
	s.121 – Entry to consult and advise workers on health and safety matters (entry notice must be provided at least 24 hours before entering the workplace).	☐

Entry compliance – entry notice	
The entry notice contained the official's full name and signature.	☒ Yes ☐ No
The entry notice contained the name of the represented union and a declaration.	☒ Yes ☐ No
The entry notice contained the correct address/project of the workplace being entered.	☒ Yes ☐ No
The day specified on the entry notice is the same day entry is being sought.	☒ Yes ☐ No
The entry notice contains a declaration that the represented union can cover eligible employees.	☒ Yes ☐ No
For WHSA s.117 entries only: entry notice lists the suspected contravention(s) and the officials provided enough detail as to what the contravention is, where the contravention is occurring on-site, who the contravention effects, and if the contravention is still occurring.	☒ Yes ☐ No
Entry compliance – entry permits	

FWA entry permit	Union officials produced an FWA entry permit when requested.	☒ Yes ☐ No
	Union officials produced photo identification (if using the old A4 FWA entry permit).	☒ Yes ☐ No
	FWA entry permit has not expired – valid 3 years from issue date.	☒ Yes ☐ No
	FWA entry permit is still valid (ie, has not been revoked) – check online here.	☒ Yes ☐ No
WHSA entry permit	Union officials produced a WHSA entry permit when requested.	☒ Yes ☐ No
	WHSA entry permit has not expired – valid 3 years from issue date.	☒ Yes ☐ No
	WHSA entry permit is still valid – check online here.	☒ Yes ☐ No
Entry compliance – site attendance		
Union officials entered during normal project hours.		☒ Yes ☐ No
Union officials signed in/out of the visitor register.		☐ Yes ☒ No
Union officials completed a visitor site induction.		☐ Yes ☒ No
Union officials completed a Covid-19 declaration, with no concerns noted.		☐ Yes ☒ No
Union officials always wore correct PPE while on-site.		☐ Yes ☒ No
Union officials were always accompanied by an escort.		☒ Yes ☐ No
Entry compliance – confirmation		
Were the union officials denied entry?		☐ Yes ☒ No
Was unauthorised footage or photos taken?		☐ Yes ☒ No
Was there a direct stoppage of work caused by the union officials?		☐ Yes ☒ No
Were there any suspected breaches of the Building Code?		☐ Yes ☒ No

Visit summary
Blakeley met with Tony Moore outside Gate 5 at 8.45 am. Tony inspected permits and received Blakeley's s117 entry notice form. Paul Head and I arrived at the site at 9.10 am. Upon our arrival, Tony Moore and Gary Lappin were discussing safety matters with Blakeley. Blakeley proceeded to inspect the work area behind the station box excavation (under the busway). Several suggestions were made to Gary and some items were addressed. No stoppage of work. Blakeley departed the area and walked towards the M&E shaft excavation work area. While walking to this area, I questioned Blakeley as to whether he had signed in to DAMSTRA and done the QR scan, as they are site safety requirements. Blakeley responded that he "doesn't care" and "that isn't my problem". The group proceeded to the M&E shaft. Blakeley, Head, Lappin and I stood at the top of the scaffold stairs that provided access into the box. Some comments were made, in addition to Blakeley asking if workers would be observing next week's RDOs. No stoppage of work. The group departed the area and walked back to Gate 5. Blakeley left the site at 9.45 am.

Acknowledgement

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

Name:	Jonty Bekkers
Date:	28 September 2021
Signature:	[redacted]

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

JLB-14

Record of Right of Entry form

CBGU D&C JV

CBGU JV representative details					
Name:	James Maher	Position:	Superintendent	Contact #:	[redacted]
Employer:	BAM International	Email:	[redacted]		

Entry details					
Entry date:	2 July 2021	Arrival time:	2.35 pm	Departure time:	3.10 pm
Union:	Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU)				
Union attendees:	Dean Rielly				
CBGU JV attendees:	James Maher (Superintendent), Mark Taylor (Safety Manager), Lyndon Hinrichsen (Senior Site Supervisor) and Jonty Bekkers (IR Advisor)				
Contractor attendees:	N/A				
WHSQ attendees:	N/A				

Purpose of entry (select one only)		
Fair Work Act 2009 (**FWA**)	**s.481** – Entry to investigate a suspected breach of the FWA or other industrial instruments (entry notice must be provided at least 24 hours before entering the workplace).	☐
	s.484 – Entry to hold discussions with workers during a meal or other break (entry notice must be provided at least 24 hours before entering the workplace).	☐
Qld Work Health and Safety Act 2011 (**WHSA**)	**s.117** – Entry to investigate suspected contraventions of the WHSA (entry notice must be provided as soon as practicable).	☒
	s.120 – Entry to inspect employee records related to suspected contraventions of the WHSA (entry notice must be provided at least 24 hours before entering the workplace).	☐
	s.121 – Entry to consult and advise workers on health and safety matters (entry notice must be provided at least 24 hours before entering the workplace).	☐

Entry compliance – entry notice	
The entry notice contained the official's full name and signature.	☒ Yes ☐ No
The entry notice contained the name of the represented union and a declaration.	☒ Yes ☐ No
The entry notice contained the correct address/project of the workplace being entered.	☒ Yes ☐ No
The day specified on the entry notice is the same day entry is being sought.	☒ Yes ☐ No
The entry notice contains a declaration that the represented union can cover eligible employees.	☒ Yes ☐ No
For WHSA s.117 entries only: entry notice lists the suspected contravention(s) and the officials provided enough detail as to what the contravention is, where the contravention is occurring on-site, who the contravention effects, and if the contravention is still occurring.	☐ Yes ☒ No
Entry compliance – entry permits	
Union officials produced an FWA entry permit when requested.	☒ Yes ☐ No

FWA entry permit	Union officials produced photo identification (if using the old A4 FWA entry permit).	☒ Yes ☐ No
	FWA entry permit has not expired – valid 3 years from issue date.	☒ Yes ☐ No
	FWA entry permit is still valid (ie, has not been revoked) – check online here.	☒ Yes ☐ No
WHSA entry permit	Union officials produced a WHSA entry permit when requested.	☒ Yes ☐ No
	WHSA entry permit has not expired – valid 3 years from issue date.	☒ Yes ☐ No
	WHSA entry permit is still valid – check online here.	☒ Yes ☐ No
Entry compliance – site attendance		
Union officials entered during normal project hours.		☒ Yes ☐ No
Union officials signed in/out of the visitor register.		☐ Yes ☒ No
Union officials completed a visitor site induction.		☐ Yes ☒ No
Union officials completed a Covid-19 declaration, with no concerns noted.		☐ Yes ☒ No
Union officials always wore correct PPE while on-site.		☐ Yes ☒ No
Union officials were always accompanied by an escort.		☐ Yes ☒ No
Entry compliance – confirmation		
Were the union officials denied entry?		☐ Yes ☐ No
Was unauthorised footage or photos taken?		☐ Yes ☒ No
Was there a direct stoppage of work caused by the union officials?		☐ Yes ☒ No
Were there any suspected breaches of the Building Code?		☒ Yes ☐ No

Visit summary
Official entered the worksite after being told to wait for the safety representative to attend the area and go through a COVID-19 declaration and other site WHS requirements. When on-site, official began walking to the work front unescorted and was directed back to the pre-start area. Official shortly thereafter entered a restricted vehicle access zone and was instructed to leave the area. Did not comply and remained in the area until approached by the CBGU JV safety representative and asked to move onto the pedestrian walkways adjacent to the vehicle access way. Discussions ensued between the Official and CBGU JV safety representative with no further issues noted.

Acknowledgement	
Name:	Jonty Bekkers
Date:	1 July 2021
Signature:	[redacted]

A completed copy of this form must be provided to the IR Manager within 24 hours of union ROE.

NOTICE OF FILING

This document was lodged electronically in the FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (FCFCOA) on 12/08/2022 12:57:32 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Affidavit
File Number:	BRG81/2022
File Title:	AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER v CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION & ANOR
Registry:	BRISBANE REGISTRY- FEDERAL CIRCUIT AND FAMILY COURT - FEDERAL LAW

FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

AUSTRALIA

[redacted]

Dated: 12/08/2022 1:08:17 PM AEST Registrar

Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

Affidavit

Name of deponent: Jonathan Lawrence Bekkers

Date affirmed: 22 July 2022

Contents

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3	Annexure "**JLB2**", being a copy of the Albert Street lot one map as it was on 1 July 2021	15(a)	27 - 28
4	Annexure "**JLB3**", being a copy of the Albert Street lot 3 map as it was on 1 July 2021, with an evacuation diagram that marks the exits and emergency muster points	16	29 - 30
5	Annexure "**JLB4**", being a copy of photographs taken of lot 3 on or around 1 July 2021	18	31 - 33
6	Annexure "**JLB5**", being a copy of photographs taken of lot 3 on or around 1 July 2021	18	34 - 36

Filed on behalf of **Australian Building and Construction Commissioner, Applicant**
Prepared by **Paul Hardman and Alanna Fitzpatrick**
Law firm **K&L Gates**
Tel [redacted] Fax and [redacted]
Email
DX 144 Brisbane Ref 7501374.00020
Address for service Level 16, Central Plaza Two, 66 Eagle Street, Brisbane QLD 4000

Signed: [redacted]

Taken by: [redacted] Tasman Sheiba, Solicitor

[Version 3 form approved 02/05/2019]

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7	Annexure "**JLB6**", being a copy of a photograph of the signage on steel fencing as it was visible to the public from Albert Street	22	37 - 38
8	Annexure "**JLB7**", being a copy of the visitor induction questionnaire for the Albert Street station site	25	39 - 40
9	Annexure "**JLB8**", being a copy of the COVID-19 check-in declaration questionnaire	28	41 - 43
10	Annexure "**JLB9**", being a copy of a diagram of lot 3 with my handwritten markings	31	44 - 45
11	Annexure "**JLB10**", being a copy of a photograph of the signage in the Restricted Area	33	46 - 47
12	Annexure "**JLB11**", being a copy of a photograph of the signage in the Restricted Area	33	48 - 49
13	Annexure "**JLB12**", being a copy of the Notice of Entry produced by Dean Rielly on 1 July 2021	52	50 - 51
14	Annexure "**JLB13**", being a copy of a photograph of the lectern which was standing in lot three inside the entry gate	58	52 - 53
15	Annexure "**JLB14**", being a copy of my notes recollecting the events of 1 July 2021 that I prepared on 2 July 2021	74	54 - 58

I, Jonathan Lawrence Bekkers, of [redacted] affirm and say:

1. I am currently employed by Ghella Pty Ltd (**Ghella**) as a Senior IR (Industrial Relations) Advisor.

2. As a Senior IR Advisor, I attend to any and all industrial relations work that arises, including interpreting enterprise agreements, ensuring compliance with the applicable building code, investigating complaints by workers, and providing training to workers.

3. I have been employed by Ghella on the Tunnels, Stations and Development package of the Cross River Rail Project (**CRR TSD Project**) since 18 May 2020.

4. I have worked in human resources and industrial relations roles for about six years in the following roles:

   (a) a Human Resources Advisor for HR Partners from 2016;

   (b) a Recruitment and Human Resources Advisor for Ventia Services Group from 2017; and

   (c) a Human Resources Advisor for HopgoodGanim Lawyers from 2018.

5. I obtained a Bachelor of Business, majoring in Human Resource Management and Finance, from the Queensland University of Technology in 2016.

6. I report to Terry Prior, IR Manager. In July 2021, I more regularly liaised with Nicholas Forde (**Mr Forde**), then-Senior IR Advisor.

Signed: [redacted] Taken by: [redacted]

7. I make this affidavit from my own information, knowledge, and belief, save where otherwise stated. Where I refer to conversations with direct speech it is my recollection that words to that effect were said. Where I have annexed photographs I either took these photographs or was present when they were taken.

Joint Venture

8. I perform work for the joint venture between CPB Contractors Pty Ltd, BAM International Australia Pty Ltd, Ghella Pty Ltd, and UGL Engineering Pty Ltd (**CBGU JV**).

9. The CBGU JV was formed to undertake the CRR TSD Project. Annexed and marked **"JLB1"** are true and correct copies of relevant extracts of clauses 14.1(b) and 17 of the D&C Subcontract Agreement for the CRR TSD Project between CBGU and Pulse Partnerships Pty Ltd, which outline that CBGU JV has a non-exclusive sublicence to use the land and is responsible for work, health and safety obligations on the CRR TSD Project.

10. CBGU JV does not directly employ any persons to work on the Project. The companies that form part of the CBGU JV engage workers to perform work for the benefit of the CBGU JV.

Construction project

11. The CRR TSD Project involves the construction of an underground railway line from Roma Street to Dutton Park with four new underground stations being constructed at:

    (a) Roma Street;

    (b) Woolloongabba;

    (c) Boggo Road; and

    (d) Albert Street.

12. The CRR TSD Project commenced on 30 September 2019. The total cost of the CRR TSD Project is approximately $4 billion, with the new Albert Street Station costing approximately $650 million.

13. I am currently allocated to the Albert Street site of the CRR TSD Project, where I am the only industrial relations advisor who is working at that site.

14. The Albert Street component of the CRR TSD Project involves the construction of a new underground railway station on Albert Street in the Brisbane CBD. This station will have two entrances located at 96 Albert Street and 142 Albert Street with capacity to build residential and retail facilities above the station entrances.

15. The Albert Street compound comprises three lots:

    (a) Lot one is located at 96 Albert Street. Lot one houses a site office and is the main mustering point for all workers on site. It is a site requirement that all visitors to the Albert Street Station attend lot one to complete the visitor induction. Annexed and marked **"JLB2"** is a true and correct copy of the Albert Street lot one map as it was on 1 July 2021.

Signed: [redacted] Taken by: [redacted]

(b) Lot two is located at 98 Albert Street, Brisbane City and is adjacent to lot one. Lot two is the primary lot for the tunnelling arm of the project.

(c) Lot three is located at 142 Albert Street, Brisbane City, and has been set up for demolition and excavation activities in order to clear the lot and construct the northern entrance to the future Albert Street Station.

Lot Three

16. Lot three is surrounded by buildings on three sides. The front of the block faces Albert Street. Annexed and marked **"JLB3"** is a true and correct copy of the Albert Street lot 3 map as it was on 1 July 2021, with an evacuation diagram that marks the exits and emergency muster points.

17. Lot three had the following physical features as of 1 July 2021:

(a) two separate access gates for authorised persons and authorised vehicles to enter;

(b) steel fencing at the front of the block;

(c) a blue gazebo over a communal area for workers, which contained a water cooler, bins, permits, and spare personal protective equipment;

(d) scaffold stairs to the right of the communal area led to a platform that was a tower crane erection pad, which overlooked an excavation area; and

(e) an excavation area where excavation works were taking place, part of which was marked and fenced as a restricted area (**Restricted Area**).

18. Annexed and marked **"JLB4"** - **"JLB5"** are true copies of photographs of the above taken on or around 1 July 2021.

19. Lot three also had three major pieces of plant located there on 1 July 2021, being:

(a) a five-tonne excavator, which was parked at the George Street end of an Exclusion Zone, outside of the Restricted Area;

(b) a drill rig, which was behind the excavator; and

(c) another five-tonne excavator, which was operating in the north-western corner of the site.

Site Safety Measures

20. There are a number of requirements that persons on site must comply with to ensure CBGU JV meets its obligations and responsibilities under work health and safety legislation.

21. These site safety requirements include:

(a) access to the site is restricted to persons authorised by the CBGU JV and persons with a statutory right of entry; and

(b) a requirement that any person on the site must not enter a restricted area unless they are authorised to do so or receive clearance from a supervisor and

establish communication with any machinery operators in the area to inform them that they are entering the restricted area (referred to as positive communications or Plant Operating Zone Communications (**POZ comms**)).

22. Signs, which are placed on the outside of the fencing, are visible to any persons outside of the site, including a sign that states: "DANGER - CONSTRUCTION SITE DO NOT ENTER".

23. Annexed and marked **"JLB6"** is a true and correct copy of a photograph of the signage on steel fencing as it was visible to the public from Albert Street.

24. There are also specific site safety requirements for persons who are visiting the site.

25. All visitors to the site must complete a site induction before entering a work area (such as lot 3). The site induction sets out the major hazards on the site, the PPE required to be worn, and the safety rules applicable to visitors. Annexed and marked **"JLB7"** is a true and correct copy of the visitor induction questionnaire for the Albert Street station site.

26. Visitors are also required to sign in and sign out when entering and leaving the site. This ensures that CBGU JV has a record of who is onsite in the event of an emergency.

27. In addition to the visitor site induction, site visitors were also required to check into the site via the CBGU JV COVID-19 check-in declaration. This check-in required visitors to make a declaration regarding a number of matters, including whether they were experiencing symptoms of COVID-19. This questionnaire was a requirement under CBGU JV's COVID-19 Project Management Plan and must be completed by all persons on-site daily.

28. Annexed and marked **"JLB8"** is a true and correct copy of the COVID-19 check-in declaration questionnaire.

Restricted Area

29. A Restricted Area for excavation works was in place at the Albert Street Station site on lot three on 1 July 2021. The Restricted Area had been established in accordance with CBGU JV's standard practice.

30. The Restricted Area was a corridor of approximately 10 metres x 4 metres to the left of the communal area at the southern end of the site. The Restricted Area did not change day-to-day because it also had moving plant and vehicles regularly using it to move between the excavation area and the nearby gate.

31. The Restricted Area had been established to ensure that persons on site do not walk within the operating zones of the mobile plant and vehicles, where there is a risk of collision, which may cause a fatality or serious injury. Annexed and marked **"JLB9"** is a true and correct copy of a diagram of lot 3 with my handwritten markings indicating the dimensions of the exclusion zone. The initials "GE" show the location of the gates and "PS" indicates the location of the communal area.

32. The Restricted Area was surrounded by steel barriers that were approximately one metre high. The Restricted Area was marked with four signs that were posted on the steel barriers, which stated:

(a) *"KEEP CLEAR OF MOVING MACHINERY"*;

(b) *"NO PEDESTRIAN ACCESS"*;

(c) *"RESTRICTED ACCESS AUTHORISED PERSONNEL ONLY"*; and

(d) *"POSITION OF SAFETY*
STAND BEHIND BARRIER
KEEP CLEAR OF PLANT SWING RANGE
KEEP CLEAR OF PLANT TRAVEL PATH".

33. Annexed and marked **"JLB10"** - **"JLB11"** are true copies of photographs of the signs referred to above.

Union entry

34. I manage the engagements with union officials for the Albert Street compound on the CRR TSD Project. My day-to-day duties involve liaising with union officials in relation to industrial relations matters and facilitating their lawful rights of entry.

35. I provide support and assistance to the safety and site management team, who are responsible for ensuring union officials comply with the CBGU JV's site safety requirements and are safe on the site. I have authority to give directions and instructions to union officials on behalf of the CBGU JV.

36. If a union official wishes to enter the site, my role is to confirm that they hold a right of entry to do so and are exercising it lawfully. This generally involves me:

(a) verifying their right of entry documentation and entry permits;

(b) ensuring that union officials have completed the sign-in procedures to safely enter the site;

(c) escorting union officials while they are on site to ensure their safety; and

(d) giving directions to union officials, where necessary, to ensure both their safety and the safety of workers around them.

37. I have facilitated numerous union officials to enter the Albert Street work sites, including union officials from the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**).

First CFMMEU visit - morning of 1 July 2021

38. On 1 July 2021 at approximately 6:25am, I arrived at the lot one site office and attended the lot two pre-start at 6:30am, which went for 10-15 minutes. I did not attend the lot one or lot three pre-starts that morning.

39. At approximately 9:20am, I was walking towards lot one when I saw that Beau Sieffert (**Mr Sieffert**) and Andrew Blakeley (**Mr Blakeley**) from the CFMMEU were there. I recognised them both from my previous dealings with them at the CRR TSD Project sites. These officials produced their entry permits and a notice of entry under section 119 of the *Work Health and Safety Act 2011* (Qld) (**WHS Act**). To the best of my recollection, Mark Taylor provided them with a verbal vistor induction and they were taken through the questions in the COVID-19 declaration but refused to sign either

document. After this discussion , they inspected two staircases and the access and egress to the excavation works on lot one until 9:55am.

40. Mark Taylor (Senior Safety Advisor) (**Mr Taylor**), James Maher (Site Manager) (**Mr Maher**), and I escorted Mr Sieffert and Mr Blakeley while they were on lot three. They left lot three at about 10:28am.

41. After Mr Sieffert and Mr Blakeley left, I did not see them for the remainder of the day.

Second CFMMEU visit - afternoon of 1 July 2021

42. At approximately 2:30pm, I was sitting at my desk in the lot one site office when Lyndon Hinrichsen, a Supervisor working for the CBGU JV (**Mr Hinrichsen**), advised me that there was *"another black hat standing out front lot three ... a Dean".*

43. I understood that Mr Hinrichsen was referring to Dean Rielly (**Mr Rielly**) of the CFMMEU as he has often visited the CRR TSD Project and is the only official named Dean that I have dealt with on this site. I said to Mr Hinrichsen: *"it's probably Dean Rielly."*

44. I immediately left lot one and walked to lot three. While walking to lot three, I contacted Mr Maher to alert him to Mr Rielly's presence. Mr Maher responded: *"No worries, I'll be there soon."* I said to Mr Maher: *"Also, give Mark* (Mr Taylor) *the heads up because we might need him down here."*

Wet weather work

45. I recognised Mr Rielly outside of the lot three site gate under the awning of "JD Sports", a shop adjacent to lot three. I approached Mr Rielly and had the following conversation with him:

Me:	*"Hi mate, how are you going?"*
Mr Rielly:	*"Who is in charge here?"*
	(pointing to a labourer from Austructure Pty Ltd) *"Is that person in charge?"*
Me:	*"No, James Maher is the site's superintendent and Lyndon* (Mr Hinrichsen) *is the site's supervisor. They're both on their way now."*

46. Around this time, I saw Mr Hinrichsen walking towards us and said to Mr Rielly *"Here's the supervisor coming over now."*

47. When Mr Hinrichsen arrived, Mr Rielly enquired about the traffic controllers working outside the site (who were engaged by a subcontractor on the CRR TSD Project, called Altus Pty Ltd (**Altus**)):

Mr Rielly:	*"Why are those traffic workers standing out in the rain?"*
Mr Hinrichsen:	*"They've been told to get undercover but they have chosen not to."*

48. That discussion continued for approximately two minutes until Mr Maher arrived. Mr Rielly continued the conversation about the traffic controllers with Mr Maher:

Mr Rielly:	*"Are you the man in charge of everything here? They tell me you're the man in charge."*
Mr Maher:	*"Who said that? I am the site's superintendent."*
Mr Rielly:	*"Why do you have traffic controllers working in the rain? I've been standing here for 45 minutes ... I haven't seen anyone tell them to head off."*
Mr Maher:	*"We use radios to communicate with our TCs* (traffic controllers)*, and I was walking around just 30 minutes ago speaking to them."*
Mr Rielly:	*"Why are there no undercover areas for them to stand under, other than the buildings' awnings you are luckily enough to have around you."*
Mr Hinrichsen:	*"We've told them they don't have to work in the rain and directed them to go undercover, but they want to remain at their posts."*

49. While it was raining, the weather was not severe. I did not consider it unsafe for the traffic controllers to continue to work if they wished to. I also informed Mr Rielly that wet weather work may be regulated by an industry award for those workers and they may be entitled to additional pay or benefits for performing that work, such as a wet weather allowance.

Notice of Entry

50. The conversation with Mr Rielly about the traffic controllers continued, back and forth, for another minute or two. I said to Mr Hinrichsen and Mr Maher: *"We don't need to stand here and keep debating this with him ... unless Dean reasonably suspects a safety contravention and wants to issue us with an s117 notice of entry, then let's let him be."*

51. Mr Maher, Mr Hinrichsen and I began to walk away from Mr Rielly. I then heard Mr Rielly call out: *"hold up, here's my notice."* I turned around and saw him reach into his satchel and pull out a Notice of Entry.

52. Annexed and marked **"JLB12"** is a true and correct copy of the Notice of Entry that Mr Rielly provided on 1 July 2021.

53. I sighted Mr Rielly's State and Federal right of entry permits. These were valid and in date.

54. The discussions under the awning of JD Sports went on for approximately five to eight minutes. During this time, Mr Maher and I had the following discussion with Mr Rielly:

Me:	*"As this is a safety entry, I will organise for our Senior Safety Advisor to come down to discuss these suspected contraventions with you."*
Mr Rielly:	*"Who's that?"*

Signed: [redacted] Taken by: [redacted]

Me:	*'His name is Mark Taylor."*
Mr Rielly:	*'Mark Taylor? He used to be a great cricketer back in the day."*
Me:	*'Can you quickly talk me through the suspected contraventions you've listed here? What do you mean by risk assessments?"*
Mr Rielly:	*'It's pretty self-explanatory mate, you mustn't speak English very well."*
Me:	*'Perhaps not, maybe you could assist me then so we can better understand what you are after?"*
Mr Rielly:	*'Alrighty ... I want to see all your documents and procedures relating to wet weather and I want to make copies of them."*
Me:	*'We will not be handing over documents until our Senior Safety Advisor has discussed your concerns and ascertained if and what documents are relevant to your suspected safety concerns."*
Mr Rielly:	*'Well, when is he getting here?"*
Me:	*'He is on his way and will be here shortly."*
Mr Maher:	*'Could we please head over to the lot one compound so we can sign you in, complete a COVID-19 declaration and undertake a visitor induction?"*
Mr Rielly:	*'I won't be doing any of that as I am not required to."*

55. Both Mr Maher and I asked Mr Rielly two to three times to come with us to the lot one compound so we could carry out the sign in, COVID-19 declaration and induction for his entry to the site in accordance with the site safety requirements.

Unauthorised entry to Lot Three

56. Mr Rielly then proceeded to walk around the front of the site to the gate entrance. The traffic controller at the site entrance pointed to a sign on the fence which stated: "*ALL VISITORS MUST REPORT TO SITE OFFICE*". The traffic controller said to Mr Rielly: "*Read the sign, mate.*" I said to the traffic controller: "*Don't get involved.*"

57. I said to Mr Rielly: "*Don't go in there, we need to wait for Mark* (Taylor)." Mr Rielly did not respond to my direction and opened the front pedestrian gate and walked into lot three.

58. Once Mr Rielly entered the gate, he walked to a yellow lectern which was being used as a stand for the gate sign-in, hand sanitiser, and sunscreen. Mr Rielly then began looking through the sign-in sheet and started rummaging through the lectern. Mr Rielly did not say why he was doing this. Annexed and marked **"JLB13"** is a true and correct copy of a photograph of the lectern which was standing in lot three inside the entry gate.

59. As this was occurring, I had the following conversation with Mr Rielly:

Me:	*"What are you looking for?"*
Mr Rielly:	*"Where are the SWMS kept for this area?"*
Me:	*"You'll have to talk to Mark about that, I think they're kept in the main office on lot one."*

60. Our discussion continued as Mr Taylor arrived at lot three.

Me:	*"This is Mark Taylor. He is the site safety manager."*
Mr Rielly:	*"Are you a good cricketer?"*

61. After about two minutes, Mr Rielly stopped looking through the lectern and walked through the communal area up the scaffold stairs and onto the tower crane pad. I witnessed Mr Rielly walk up the stairs and said: *"Don't go up there, come back down, you're not authorised to go up there."*

62. Mr Rielly did not respond to this and continued to look around the tower crane pad and into the excavation box. I repeated my direction for Mr Rielly to come down another one or two times. Mr Rielly did not respond to either request. While Mr Rielly was on the tower crane pad, Mr Taylor, Mr Maher, Mr Hinrichsen and I remained at the communal area, however, we ensured that Mr Rielly was always within our line of sight. After approximately two minutes, Mr Rielly walked back down the scaffold stairs and into the communal area.

63. While Mr Rielly was on the scaffold stairs, Mr Maher said: "*Please come down from there, we need to discuss your 117 notice.*" Mr Maher repeated this direction again at least two times during the time Mr Rielly was on the tower crane pad.

Unauthorised entry into Restricted Area

64. Mr Rielly walked down off the scaffold stairs and through the communal area towards the Restricted Area. I said to Mr Rielly: *"Where are you going? How is this relevant to your 117 notice?"* Mr Rielly did not respond to me and proceeded to walk to the other side of lot three towards the Restricted Area.

65. Mr Rielly walked up to the Restricted Area and walked in between the fencing that had been placed around the area. I am unable to recall whether Mr Rielly physically shifted the fencing or simply touched the fencing as he walked into the Restricted Area.

66. I said to Mr Rielly: "*You are in a restricted area; you need to leave for your own safety.*" Mr Rielly did not respond to this. Mr Maher also said to Mr Rielly: "*You can't go in there. It's a restricted area.*" Mr Maher repeated this direction approximately two times.

67. Once Mr Rielly was in the Restricted Area, he walked down towards the excavator parked at the western boundary of the Restricted Area.

68. I walked towards Mr Rielly, keeping abreast with him, using the designated walkway adjacent to the Restricted Area. I said to Mr Rielly: *"For your own safety we need you out of here, it's a restricted area."*

69. Mr Rielly did not respond to this and continued to walk around in the Restricted Area. He walked into the swing radius of the excavator, which was stationary at the time and not in use. Mr Rielly also walked around the excavator, which was also not in use at the time. I said to Mr Rielly: *"You need to get out of there, you're in a poz comms zone. This is outside your 117 notice."*

70. It was around this time that I walked out of the walkway and towards the Albert Street end of the site. I stood near the vehicle entrance and spoke with Mr Hinrichsen, Mr Taylor and Mr Maher. Mr Taylor said: *"I'll go down there and try to get him out."* Mr Taylor walked down towards the excavator in the Restricted Area and spoke to Mr Rielly. I was unable to hear the conversation between Mr Taylor and Mr Rielly, but it continued for two to three minutes.

Departure

71. Mr Taylor and Mr Rielly left the Restricted Area and moved onto the walkway that runs along the Charlotte Street side of lot three. After Mr Rielly and Mr Taylor finished their conversation, Mr Rielly began walking towards the site exit. As Mr Rielly was leaving, I heard Mr Taylor say to Mr Rielly: *"If you ever have any concerns about people's safety on this site, give me a call"* and *"my number is on the sign there."* I do not recall if Mr Rielly took down Mr Taylor's number.

72. Mr Rielly left the site at approximately 3:10pm and began walking towards Charlotte Street. I did not hear from Mr Rielly for the remainder of the day or anytime afterwards.

73. At 3:14pm I reported Mr Rielly's entry to Mr Forde.

74. On the following day, I prepared a note of my recollections of what had occurred with Mr Rielly. The purpose of these notes was to maintain a record of the entry for internal reporting purposes. Annexed and marked **"JLB14"** is a true and correct copy of those notes. The notes remain true and correct to the extent of my knowledge and belief, except where I have corrected or added to them in this affidavit.

75. All facts and circumstances herein deposed to are within my knowledge save such as are deposed to from information only and my means of knowledge and sources of information on the face of this my affidavit.

[redacted]

Affirmed by the deponent)
at Brisbane)
in Queensland)
on 22 July 2022)
Before me:)

[redacted]

Signature of witness

~~Jonathan Lawrence Bekkers~~ Tasman John Shiba

Signed [redacted] Taken by: .....

Certificate identifying Annexure JLB1

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB1"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

EXECUTION

Cross River Rail - Tunnel, Stations and Development

D&C Subcontract

Pulse Partnerships Pty Ltd in its personal capacity and as trustee for the Pulse Partners Trust (**Project Co**)

CPB Contractors Pty Ltd, BAM International Australia Pty Ltd, Ghella Pty Ltd and UGL Engineering Pty Ltd (**D&C Subcontractor**)

Item	Subject	Particulars
16	**NOPs**	CPB Contractors Pty Ltd ACN 000 893 667 UGL Engineering Pty Ltd ACN 096 365 972 AECOM Australia Pty Ltd ACN 093 846 925 Jacobs Group (Australia) Pty Ltd ACN 001 024 095
17	**Parent Guarantors**	Name: CIMIC Group Limited (ACN 004 482 982) Attention: Louise Griffiths (Company Secretary) Address: Level 25, 177 Pacific Highway, North Sydney, NSW 2060 Phone: [redacted] Email: [redacted] Name: Koninklijke BAM Groep NV Attention: CFO, Frans Den Houter Address: Runneburg 9, 3981 AZ Bunnick, PO Box 20, 3980 CA Bunnik, The Netherlands Phone: [redacted] Email: [redacted] Name: Ghella S.p.A Part IVA 0089891107 Attention: Mr Luca Puletti and Mr Marco Tummarello Address: Via Pietro Borsieri, 2a, 00195 Roma, Italy Phone: [redacted] Email: [redacted]
18	**PC D&C Subcontractor Entity** **PC NOP**	CPB Contractors Pty Ltd (ABN 98 000 893 667) Address: Level 18, 177 Pacific Highway, North Sydney, New South Wales 2060, Australia Phone: [redacted] Attention: Andrew Large, Project Director Email: [redacted] CPB Contractors Pty Ltd ACN 000 893 667

(b) a fraudulent, reckless, unlawful or malicious act or omission of the State;

(c) a breach of any D&C Project Document (Project Co) by Project Co; or

(d) a fraudulent, reckless, unlawful or malicious act or omission of Project Co.

13.4 Acknowledgement of State obligations

Project Co will procure that, subject to clause 44.7(b) of the Project Agreement, during the FAS Phase, the State or a State Associate will procure and pay for all:

(a) potable water, electricity, gas, sewerage and stormwater utility services; and

(b) communications and data services, other than communications and data services used by Project Co and Project Co Associates (as defined in the Project Agreement),

required for the performance of the Services on the Licensed Maintenance Area, including paying any amounts payable by Project Co under clauses 9 or 10 of the QR Cooperation Agreement for potable water, electricity, gas, sewerage and stormwater utility services and communications and data services, other than communications and data services used by Project Co and Project Co Associates (as that term is defined in the Project Agreement).

14. Access

14.1 Construction Licences

(a) (**Acknowledgement of Construction Licence (QR Land)**):

(i) The parties acknowledge that the QR Licensed Land (D&C) forms part of the Licensed Construction Area.

(ii) The D&C Subcontractor acknowledges that pursuant to clause 14.1(a)(ii) of the Project Agreement the State will procure that Queensland Rail Limited grants to Project Co and its relevant Project Co Associates a licence to access the QR Licensed Land (D&C) during the D&C Phase on the terms and for the period of time set out in the QR Cooperation Agreement.

(iii) The D&C Subcontractor acknowledges that pursuant to clause 14.1(a)(iii) of the Project Agreement, the parties to the Project Agreement acknowledge and agree that QR's Site Work Conditions will not apply to any D&C Activities carried out on:

A. the QR Land which is stated in the Site Access Schedule as being "QR Licensed Land (D&C - P Co RIM)"; or

B. the Licensed Construction Area (Non QR Land).

(b) (**Grant of Construction Sub-Licence (Non QR Land)**): Subject to the other provisions of this Agreement affecting access or granting rights in relation to land, Project Co grants to the D&C Subcontractor a non-exclusive sublicence on terms corresponding to the licence granted by the State to Project Co under clause 14.1(b) of the Project Agreement:

(i) to use the Licensed Construction Area (Non QR Land) for the Permitted Use;

(ii) on the terms specified in this clause 14.1 and the conditions of the Site Access Schedule; and

(iii) otherwise on such other terms imposed by Project Co (acting consistently with the State under the Project Agreement) having regard to the nature, location, hours and mode of construction of the T&S Works for which the Construction Sub-Licence (Non QR Land) is granted.

(c) (**Contractual Construction Sub-Licence (Non QR Land)**): The rights conferred on the D&C Subcontractor by the Construction Sub-Licence (Non QR Land) rest in contract only and do not confer a proprietary interest on the D&C Subcontractor.

(d) (**Restrictions on Construction Sub-Licence (Non QR Land)**): Without limiting the generality of clause 14.1(c):

(i) ownership and control of the Licensed Construction Area (Non QR Land) remains vested in the relevant owner of the land at all times;

(ii) the Construction Sub-Licence (Non QR Land) does not grant the D&C Subcontractor ownership, control or legal entitlement to exclusive possession of the Licensed Construction Area (Non QR Land) nor does it extend to the D&C Subcontractor an entitlement to rents or profits in respect of the Licensed Construction Area (Non QR Land);

(iii) the D&C Subcontractor and its relevant D&C Subcontractor Associates can only access the Licensed Construction Area (Non QR Land) and must only use the Licensed Construction Area (Non QR Land) for the Permitted Use;

(iv) the D&C Subcontractor bears the risk of co-ordinating its access to the Licensed Construction Area (Non QR Land) with any other person that uses the access ways to the Licensed Construction Area (Non QR Land); and

(v) the D&C Subcontractor must comply with the conditions (if any) specified for each property that forms part of the Licensed Construction Area (Non QR Land) in the Site Access Schedule.

(e) (**Payments**):

(i) The D&C Subcontractor must pay the Licence Fee (Non QR Land, Construction) to Project Co, if the State demands that Project Co pay the equivalent licence fee to the State pursuant to the Project Agreement.

(ii) In addition to the Licence Fee (Non QR Land, Construction), on and from Financial Close, the D&C Subcontractor must pay all costs and charges in relation to any Utility Services provided to or from the Licensed Construction Area (Non QR Land), for the Permitted Use including the costs and charges associated with metering those Utility Services.

(iii) If the D&C Subcontractor defaults in the payment of any of the costs or charges referred to in clause 14.1(e)(ii), Project Co may (without limiting any other rights and remedies of Project Co) pay the costs or charges, and any amount paid by Project Co will be a debt due and payable from the D&C Subcontractor to Project Co.

(f) (**Licence Term (Non QR Land)**):

(i) The Construction Sub-Licence (Non QR Land) for each property takes effect from the relevant "Available Date" in the Site Access Schedule and continues until the earlier of:

A. other than in respect of the Maintained Works, the relevant "Return Date" in the Site Access Schedule;

(i) an Abatement is not correct or that the Payment Schedule has not been correctly applied, Project Co may adjust subsequent FAS Payment (D&C) to accurately reflect any Abatement or payment that should or should not have been made but for the inaccuracy; or

(ii) an Abatement is not correct or that the Payment Schedule has not been correctly applied or the Performance Data or a FAS Phase Report is not accurate, if the inaccuracy is material, the D&C Subcontractor must pay Project Co for any costs of the Performance Auditor paid by the State in connection with:

A. the relevant audit; and

B. the next audit to be undertaken as a consequence of the Performance Audit Notice,

and such amounts will be a debt due and payable by the D&C Subcontractor to Project Co.

17. Work health and safety and Quality Management System

17.1 Interpretation

In this clause 17, references to a "worker", "construction work", "construction project", "health and safety duty", "health and safety representative", "notifiable incident" and "workplace" are references to those terms as they are defined in the WHS Legislation.

17.2 Project Co objectives and overarching requirements

(a) (**Project Co requirements**): Project Co requires:

(i) the Delivery Activities to be completed with health and safety as the paramount consideration;

(ii) the management of health and safety during the planning and carrying out of the Delivery Activities to be of the highest priority; and

(iii) all health and safety risks to be either eliminated or minimised, so far as is reasonably practicable.

(b) (**D&C Subcontractor acknowledgement**): The D&C Subcontractor acknowledges and agrees that:

(i) health and safety is a core value for the Project and the carrying out of the Delivery Activities;

(ii) it must aspire to achieve that all workers and any other persons will have the highest level of protection during the carrying out of the Delivery Activities in order to ensure, so far as is reasonably practicable, that no risks to the health and safety of workers or other persons arise;

(iii) effective engagement and consultation, co-operation and co-ordination with relevant stakeholders regarding health and safety matters is necessary at all times in the carrying out of the Delivery Activities; and

(iv) in carrying out the Delivery Activities, it must promote a culture where all workers are encouraged to identify, address and prevent risks and unsafe behaviour.

17.3 Work health and safety obligations

(a) (**General health and safety**): The D&C Subcontractor accepts that it is responsible for all aspects of health and safety relating to the Project Assets, the Site and the Delivery Activities from Financial Close until the Date of Final Acceptance, notwithstanding:

(i) the obligations of any Principal Contractor under the WHS Legislation engaged in accordance with this clause 17;

(ii) that it is subject to the Queensland Rail Limited's requirements in respect of any Project Activities (QR Land) and the QR Works; and

(iii) the engagement of any Subcontractor.

(b) (**Works**): The D&C Subcontractor must carry out and must procure that the Delivery Activities are carried out:

(i) to ensure, so far as is reasonably practicable, the health and safety of workers and other persons; and

(ii) in a manner that protects property.

(c) (**Project Co direction**): If there is a risk to the health and safety of workers or other persons or of damage to property arising from the Delivery Activities, then:

(i) the Project Co Representative may direct the D&C Subcontractor to change its manner of working or to cease working to minimise that risk; and

(ii) the D&C Subcontractor must, at its cost, comply with any direction given by the Project Co Representative in accordance with clause 17.3(c)(i).

(d) (**D&C Subcontractor obligations**): The D&C Subcontractor must, and must ensure that all Subcontractors:

(i) comply with all applicable Laws and other requirements of this Agreement in respect of health and safety including all WHS Laws;

(ii) commit to continuous improvement in health and safety;

(iii) ensure that all Subcontractors and their respective workers comply with their respective obligations under the WHS Laws;

(iv) ensure that any Subcontracts that they enter into contain the same or substantially the same terms as clause 7 and this clause 17, where applicable;

(v) consult, co-operate and co-ordinate activities with all other persons who have a health and safety duty in relation to the same matter;

(vi) notify the Project Co Representative immediately (and in any event, within 10 hours after such matter arising) of any notifiable incident in connection with, the Project Assets or the Delivery Activities;

(vii) in respect of any notifiable incident referred to in clause 17.3(d)(vi):

A. immediately provide the State Representative and the Project Co Representative with a copy of the notice required to be provided to the relevant Commonwealth, State or Territory Regulator;

B. promptly provide the State Representative and the Project Co Representative with a copy of all witness statements and the investigation report relating to the notifiable incident;

C. promptly provide the State Representative and the Project Co Representative with copies of any notice(s) or other documentation issued by the relevant Commonwealth, State or Territory Regulator;

D. within 8 days of the date of notification to the relevant Regulator, provide the Project Co Representative with a summary of the related investigations, actions to be taken and any impact on the Project that may result from the notifiable incident; and

E. provide the Project Co Representative with any further information related to the notifiable incident as reasonably requested by Project Co;

(viii) as soon as practicable and, in any event, within 8 days of receipt, provide to the Project Co Representative copies of:

A. all formal notices and written communications issued by a Regulator or agent of the Regulator under or in compliance with the applicable WHS Laws to the D&C Subcontractor or a Subcontractor relating to health and safety matters;

B. all formal notices issued by a health and safety representative of the D&C Subcontractor or a Subcontractor under or in compliance with the applicable WHS Laws; and

C. all formal notices, written communications and written undertakings given by the D&C Subcontractor or a Subcontractor to a Regulator or agent of the Regulator under or in compliance with the applicable WHS Laws;

(ix) institute systems to:

A. obtain regular written audit results from the D&C Subcontractor and all Subcontractors about their ongoing compliance with WHS Laws; and

B. ensure that the D&C Subcontractor and all Subcontractors comply with any such audit findings;

(x) provide the Project Co Representative with a written report of all health and safety matters (including matters in connection with this clause 17.3 and clause 17.4) or any other relevant matters as the Project Co Representative may reasonably require from time to time, including a summary of the D&C Subcontractor's (and any Subcontractors') compliance with the WHS Laws and responses to any formal notices and written communications issued by a Regulator or agent of the Regulator under or in compliance with the applicable WHS Laws to D&C Subcontractor or a Subcontractor relating to health and safety matters;

(xi) ensure that they do not do anything or fail to do anything that would cause Project Co or any Project Co Associate, the State or any State Associate to be in breach of WHS Laws;

(xii) ensure that if any applicable Law requires:

A. a person:

1) to be authorised or licensed (including in accordance with the WHS Laws) to carry out any work at that workplace, that person is so authorised or licensed and complies with any conditions of such authorisation or licence; or

2) to have prescribed qualifications or experience or, if not, is to be supervised by a person who has prescribed qualifications or experience (including as defined in the WHS Laws), that person has the required qualifications or experience or is so supervised; or

B. a workplace, plant or substance (or design) or work (or class of work) to be authorised or licensed, that workplace, plant or substance (or design) or work (or class of work) is so authorised or licensed;

(xiii) not direct or allow a person to carry out work or use plant or a substance at a workplace unless the requirements of clause 17.3(d)(xii) are met (including any requirement to be authorised, licensed, qualified or supervised); and

(xiv) if requested by Project Co or required by the WHS Laws:

A. in respect of any work, produce evidence of any approvals, certificates, authorisations, licenses, prescribed qualifications or experience or any other information relevant to health and safety (as the case may be) to the satisfaction of Project Co (acting reasonably) before the D&C Subcontractor or a Subcontractor (as the case may be) commences such work; and

B. demonstrate compliance with the WHS Laws, including providing evidence of any approvals, certificates, authorisations, licences, prescribed qualifications or experience, or any other information relevant to health and safety matters.

(e) (**Co-operation**): The D&C Subcontractor must, and must ensure its Associates:

(i) cooperate with the State, any State Associate, Project Co and any Project Co Associate in respect of the discharge of any work health and safety obligations of the State or any State Associate, Project Co or any Project Co Associate, in connection with the CRR Project under the WHS Laws;

(ii) comply with all reasonable requests of the State, any State Associate, Project Co and any Project Co Associate to assist it to discharge its obligations in connection with the CRR Project under the WHS Laws; and

(iii) not do anything that may impede the State, any State Associate Project Co and any Project Co Associate in discharging its work, health and safety obligations under the WHS Laws in connection with the CRR Project.

(f) (**Notification**): The D&C Subcontractor must notify the State, Queensland Rail, Queensland Rail Limited (other than as a RIS Alliance Participant) and any other relevant State Associate or any Project Co or Project Co Associate immediately on becoming aware, of any non-compliance or potential non-compliance in connection with the WHS Laws, any "notifiable incidents" (as defined in the WHS Laws) or any

other significant work health and safety incident that occurs in connection with the Project.

(g) (**Safety culture**): The D&C Subcontractor must demonstrate the implementation of a positive safety culture through the Management Plans and by implementing programs to support a positive safety culture for all Delivery Activities.

(h) (**Subcontractors**): The D&C Subcontractor must, and must ensure that all Subcontractors carry out the Delivery Activities in accordance with:

(i) a safety management system independently certified by an accredited certification body in accordance with relevant standards maintained for the duration of the Delivery Activities; and

(ii) the Management Plans prepared by the D&C Subcontractor in accordance with clause 18.1(a).

(i) (**WHS Management Plan**): The D&C Subcontractor must ensure that:

(i) during the Delivery Phase, a copy of the current WHS Management Plan is retained at each workplace comprising the Project Area and is available for inspection by the State and Project Co at all times; and

(ii) after the Date of Final Acceptance, a copy of the current WHS Management Plan is retained at any workplace at which the D&C Subcontractor is carrying out the Delivery Activities, and is available for inspection by the State and Project Co at all times during the performance of the Delivery Activities.

(j) (**Health and safety professionals**): The D&C Subcontractor must ensure that an adequate number of health and safety professionals are appointed to ensure that the Delivery Activities are carried out safely and without risk to health. For the purpose of this clause 17.3(j), a health and safety professional must:

(i) be employed in a full time capacity as a safety professional;

(ii) as a minimum, have had suitable experience as a safety professional in construction safety on a full time basis for at least 3 years and possess the required technical skills and knowledge to perform the role, which may include the attainment of a recognised certificate, degree or post graduate qualification in a safety or health and safety risk management discipline; and

(iii) be able to demonstrate competence, experience and training in safety in road, civil or rail construction environments.

(k) (**WHS Manager**): The D&C Subcontractor must ensure that a suitably experienced and qualified person be appointed as 'WHS Manager' for the Project to, without limiting any obligation of the D&C Subcontractor, be responsible for:

(i) compliance with this clause 17; and

(ii) the implementation of the WHS Management Plan.

(l) (**Independent WHS Auditor**): The D&C Subcontractor must:

(i) engage an Independent WHS Auditor (at the D&C Subcontractor's cost) to undertake audits of the Delivery Activities to verify; and

(ii) provide to Project Co, within 30 Business Days of and 1 July each year during the Delivery Phase, an audit report, prepared by the Independent WHS Auditor in respect of,

the D&C Subcontractor's compliance with its obligations in respect of health and safety including in respect of the WHS Management Plan.

(m) (**WHS Management Plan audit**): The D&C Subcontractor must, prior to submitting the WHS Management Plan for review in accordance with clause 18.1(a):

(i) engage an Independent WHS Auditor to undertake an audit of the WHS Management Plan; and

(ii) provide to Project Co an audit report, prepared by the Independent WHS Safety Auditor, in respect of the WHS Management Plan.

(n) (**Implement audit findings**): The D&C Subcontractor must, if an audit report prepared by the Independent WHS Auditor in accordance with clause 17.3(l)(ii) or 17.3(m) reveals any non-conformances or areas for safety improvement, promptly (and in any event, in the timeframes specified in the audit report) take such steps as are necessary to resolve those non-conformances and provide evidence of those steps to Project Co.

(o) (**Approval**): The D&C Subcontractor acknowledges that any Independent WHS Auditor appointed by the D&C Subcontractor in accordance with clause 17.3(l) or 17.3(m) must:

(i) be reasonably acceptable to Project Co;

(ii) have appropriate qualifications and experience; and

(iii) be engaged on terms reasonably acceptable to Project Co.

17.4 Principal Contractor

(a) (**Same construction project**): For the purposes of the WHS Legislation and this Agreement:

(i) any Delivery Activity, including work under any Subcontract; and

(ii) any construction work carried out on the Project Area by Project Co or any Project Co Associate or an Other Works Contractor:

A. during any period in which the PC D&C Subcontractor Entity or the FM Subcontractor has been engaged as Principal Contractor in respect of the Project Area; and

B. which interfaces with the Project Activities,

is taken to be part of the same construction project, unless otherwise agreed.

(b) (**Engagement of Principal Contractors - D&C Activities**): Without limiting the D&C Subcontractor's obligations under any other provision of this Agreement, the D&C Subcontractor and Project Co acknowledge that:

(i) the State has, in accordance with the D&C Direct Deed, during the D&C Phase and during the rectification of any Defects in the QR Works, the Lot 2 Works and the Returned Works during the Relevant DLP (but not to the extent that such periods occur during the FAS Phase):

A. engaged the PC D&C Subcontractor Entity to be the Principal Contractor for the construction project forming part of the D&C Activities; and

B. authorised the PC D&C Subcontractor Entity to:

1) have management and control of the relevant workplaces at the Construction Area at which the D&C Activities are carried out, for the purposes of the WHS Legislation, subject to:

a) its obligations to consult, co-operate and co-ordinate with any Rail Infrastructure Manager at a workplace; and

b) the Rail Infrastructure Manager's effective control and management of Rail Infrastructure at the workplace; and

2) discharge the duties of a Principal Contractor under the WHS Legislation; and

(ii) not used.

(c) (**D&C Subcontractor to ensure compliance**): The D&C Subcontractor must procure that the PC D&C Subcontractor Entity:

(i) accepts the engagement as Principal Contractor under the D&C Direct Deed; and

(ii) discharges and performs its responsibilities and functions as Principal Contractor in respect of the carrying out of the D&C Activities under the WHS Legislation.

(d) (**Functions and obligations of Principal Contractor**): If the engagement or authorisation of the PC D&C Subcontractor Entity as Principal Contractor under the D&C Direct Deed is not effective for any reason, the D&C Subcontractor will be engaged and authorised as the Principal Contractor and must procure that the PC D&C Subcontractor Entity discharges and performs its responsibilities and functions as the Principal Contractor in respect of the carrying out of the D&C Activities under the WHS Legislation as if it had been validly engaged and authorised as Principal Contractor under the D&C Direct Deed.

(e) (**Principal Contractor - RIS Alliance Activities**): Without limiting the D&C Subcontractor's obligations under any other provision of this Agreement, the D&C Subcontractor acknowledges that the State will, in accordance with the RIS Project Alliance Agreement, during the FAS Phase:

(i) engage the PC NOP as Principal Contractor for the construction project forming part of:

A. the RIS Alliance Activities;

B. any D&C Activities; and

C. any Final Acceptance Services; and

(ii) authorise the PC NOP to:

A. have management and control of the relevant workplaces at the Project Area at which:

1) the RIS Alliance Activities;

2) any D&C Activities; and

3) any Final Acceptance Services,

are carried out, for the purposes of the WHS Legislation; and

B. discharge the duties of a Principal Contractor under the WHS Legislation.

(f) (**D&C Activities and Final Acceptance Services during FAS Phase**): To the extent that the D&C Subcontractor is required to carry out the D&C Activities or the Final Acceptance Services during the FAS Phase at the workplaces at the Project Area, D&C Subcontractor must, and must ensure that the PC D&C Subcontractor Entity:

(i) works under the management and control of the PC NOP at the relevant workplace; and

(ii) for the purposes of those workplaces, is not a Principal Contractor for the purposes of the WHS Legislation,

unless otherwise agreed.

(g) (**RIS Alliance Activities during D&C Phase**): The D&C Subcontractor acknowledges that pursuant to clause 17.4(g) of the Project Agreement, to the extent that the RIS Alliance Participants are required to carry out any RIS Alliance Activities, including the RIS Pre-PA Tunnel Activities, during the D&C Phase at the workplaces at the Project Area, Project Co:

(i) must ensure that the PC D&C Subcontractor Entity is the Principal Contractor at those workplaces for the purpose of the WHS Legislation; and

(ii) acknowledges and agrees that, and will ensure that the PC D&C Subcontractor Entity acknowledges and agrees that, the PC NOP will not be the Principal Contractor at those workplaces for the purposes of the WHS Legislation,

unless otherwise agreed.

(h) (**Operation of Rail Safety National Law**): The D&C Subcontractor acknowledges that:

(i) subject to clause 17.4(h)(ii)A.1):

A. CPB Contractors will have obligations as a Rail Transport Operator under the Rail Safety National Law during the engagement of the PC D&C Subcontractor Entity as Principal Contractor during the D&C Phase; and

B. without limiting clauses 17.4(b)(i), D&C Subcontractor or the relevant D&C Subcontractor entity will have effective control and management of any Rail Infrastructure at the relevant workplaces at the Project Area during the D&C Phase for the purposes of the Rail Safety National Law, including in respect of the RIS Pre-PA Tunnel Activities; and

(ii) Queensland Rail Limited:

A. will have obligations as a Rail Transport Operator under the Rail Safety National Law during the engagement of the:

1) PC D&C Subcontractor Entity as Principal Contractor during the D&C Phase and during the rectification of any Defects in the QR Works, the Lot 2 Works and the Returned Works during the

Relevant DLP (but not to the extent that such periods occur during the FAS Phase) at that part of the Construction Area comprising the QR Licensed Land (D&C), excluding the QR Land which is stated in the Site Access Schedule as being "QR Licensed Land (D&C - P Co RIM)";

2) PC NOP as Principal Contractor during the FAS Phase at the Project Area; and

3) not used; and

B. without limiting clauses 17.4(b)(i), acknowledges that Queensland Rail Limited will have effective control and management of any Rail Infrastructure at the relevant workplaces for the purposes of the Rail Safety National Law.

17.5 Master Safety Co-ordination Deed - D&C Phase

(a) (**Acknowledgement**): The parties acknowledge that the PC NOP will accede to the Master Safety Co-ordination Deed - D&C Phase in respect of their statutory obligations under the WHS Legislation and Rail Safety National Law.

(b) (**Compliance**): The D&C Subcontractor must comply, and must ensure that its Subcontractors comply with the Master Safety Co-ordination Deed - D&C Phase until the Date of Final Acceptance.

17.6 Heavy Vehicle National Laws

(a) (**Capability and resources**): Without limiting the D&C Subcontractor's obligations under this Agreement, the D&C Subcontractor warrants that it is familiar with and has the capability and resources to comply with the Heavy Vehicle National Laws.

(b) (**D&C Subcontractor to ensure compliance**): The D&C Subcontractor will, and will ensure that all Subcontractors will, for the duration of the Delivery Activities, comply with their obligations under the Heavy Vehicle National Laws and upon request, provide Project Co with evidence of compliance with their obligations, including:

(i) fatigue and speed management requirements;

(ii) proper maintenance of heavy vehicles requirements; and

(iii) mass, dimension and loading requirements relating to heavy vehicles.

(c) (**D&C Subcontractor to assist**): The D&C Subcontractor agrees to co-operate with and do all things necessary to assist the State or its Associates or Project Co, Project Co's Associates in discharging their obligations under the Heavy Vehicle National Laws, including:

(i) co-operating fully with any monitoring activities undertaken by the State or Project Co to satisfy itself that the Heavy Vehicle National Laws have been complied with and will continue to be complied with; and

(ii) ensuring the State and Project Co are provided with any information or assistance the State or Project Co may reasonably require to comply with any duties, obligations or requirements it may have under the Heavy Vehicle National Laws.

(d) (**D&C Subcontractor to inform Project Co of non-conformances**): The D&C Subcontractor must immediately inform Project Co upon becoming aware of any

non-conformance by it or any Subcontractor of the Heavy Vehicle National Laws, whether the subject of regulatory investigation or not.

(e) (**D&C Subcontractor to investigate non-conformances**): The D&C Subcontractor must ensure the non-conformance is investigated and must cooperate with Project Co in relation to the investigation of the non-conformance, and where appropriate, will take steps to ensure the immediate rectification of the non-conformance.

17.7 Quality Management System

The D&C Subcontractor must develop, implement and maintain a quality management system that covers:

(a) (**D&C Activities**): the carrying out of the D&C Activities;

(b) (**Final Acceptance Services**): the performance of the Final Acceptance Services;

(c) (**personnel**): personnel and human resources, including recruitment, training, and occupational health and safety management of the D&C Subcontractor and any D&C Subcontractor Associate; and

(d) (**Quality Management System**): until the Date of Final Acceptance in accordance with the PSTR.

18. Management Plans, reports and certificates

18.1 Preparation of Management Plans

(a) (**Preparation and submission**): Subject to clause 18.1(aa), the D&C Subcontractor must:

(i) prepare, finalise, implement and update the Management Plans in accordance with the Project Management Requirements so that compliance with the Management Plans will enable the D&C Subcontractor to carry out the Delivery Activities in accordance with this Agreement; and

(ii) submit the Management Plans to Project Co and the Sub-Independent Certifier for review in accordance with the Review Procedures.

(aa) (**Time for submission**): The D&C Subcontractor must submit all Management Plans that it is required to draft, revise, finalise and update in accordance with this Agreement to Project Co no later than 2 Business Days before the date that Project Co is required to submit the relevant draft, revised, final or updated Management Plan to the State in accordance with the Project Agreement.

(b) (**Staged submission**): If a Management Plan is submitted later than as required by the PSTR, the D&C Subcontractor must:

(i) have regard to the resources of the State, Project Co, the Project Independent Certifier and the Sub-Independent Certifier; and

(ii) stage the submission of the Management Plans,

so as not to impede the ability of the State and Project Co and the Project Independent Certifier and the Sub-Independent Certifier to carry out a review in accordance with the Review Procedures.

(c) (**Additional information**): The D&C Subcontractor must provide to the Project Co Representative and, where applicable, the Sub-Independent Certifier, any

Certificate identifying Annexure JLB2

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

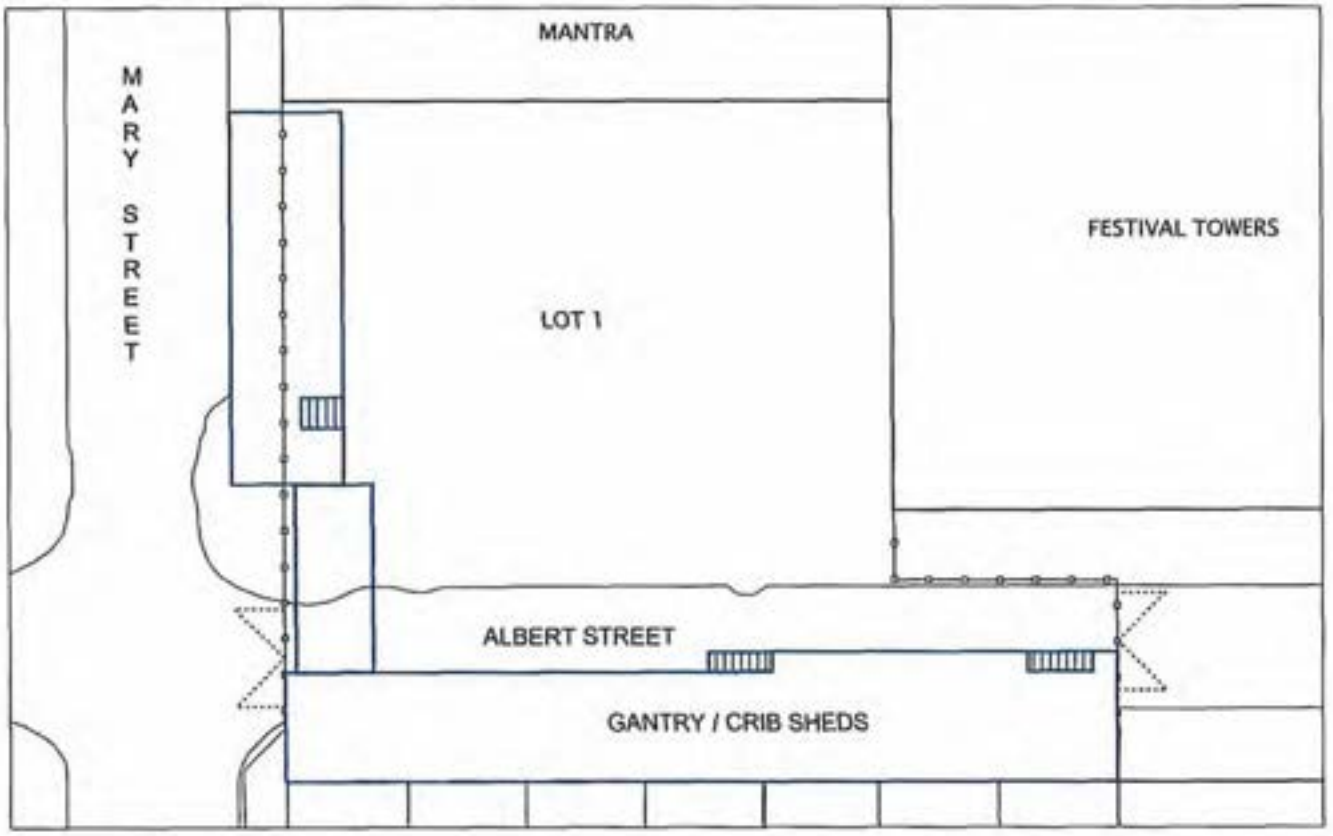
This is the Annexure marked **"JLB2"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

ALBERT ST - LOT 1 MAP

CBGU D&C JV



Certificate identifying Annexure JLB3

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB3"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

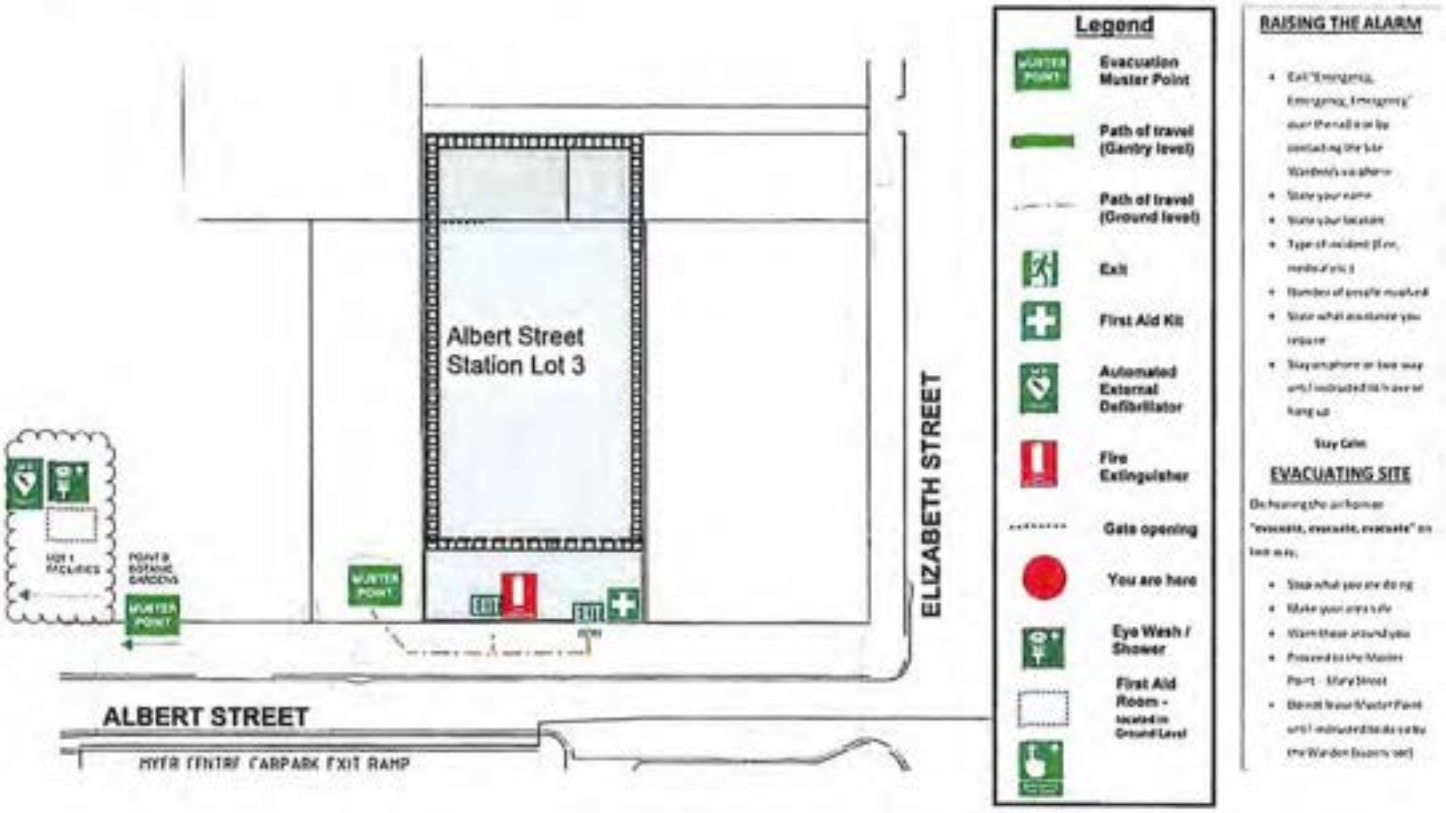
[redacted]

Signature of person before whom the affidavit is affirmed

CPB bam Ghella UGL
CBGU D&C JV

ALBERT STREET STATION EVACUATION DIAGRAM

142 Albert Street, Brisbane QLD 4000



RAISING THE ALARM

- Call "Emergency, Emergency, Emergency" over the radio or by contacting the Site Warden's via phone
- State your name
- State your location
- Type of incident (fire, medical etc.)
- Number of people involved
- State what assistance you require
- Stay on phone or two way until instructed to hang up

Stay Calm

EVACUATING SITE

On hearing the alarm or "evacuate, evacuate, evacuate" on two way,

- Stop what you are doing
- Make your area safe
- Warn those around you
- Proceed to the Muster Point - Mary Street
- Do not leave Muster Point until instructed to do so by the Warden (supervisor)

Certificate identifying Annexure JLB4

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB4"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed





Certificate identifying Annexure JLB5

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB5"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed





Certificate identifying Annexure JLB6

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB6"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:



Signature of person before whom the affidavit is affirmed


advanced
TEMPORARY FENCING
1300 66 2345
SITE ACCESS
DANGER
CONSTRUCTION SITE DO NOT ENTER
CPB CONTRACTORS PTY LTD
QBCC Act Licence No: 128
ALBERT STREET STATION
GATE NO:
UHF CHANNEL:
THIS PERSONAL PROTECTIVE EQUIPMENT MUST BE WORN ON THIS SITE
ALL VISITORS MUST REPORT TO THE SITE OFFICE
SITE CONTACT:
AFTER HOURS CONTACT:
DANGER
DEEP EXCAVATION
For Utility Authority
hours access ple
contact our Comm
Hotline Numbe
1800 010 87
ew train st
ght here
cross river rail

Certificate identifying Annexure JLB7

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB7"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

CBGU D&C JV

Visitor Induction

Warning. You are about to enter a construction zone and must be accompanied at all times.

Project: **Project Area:**

Visitor's name: **Visitor's company:**

Purpose of visit:

Before proceeding on to the site we request you read and understand the following information, take note of your responsibilities and also any instructions given.

HAZARDS

Hazards mean a source, or potential source of injury, health risk, harm to the environment or impact on community.

1. Major hazards on this site are:
   - **Noise** - Wear hearing protection as directed or if you have to raise your voice to be heard.
   - **Plant, equipment and traffic** - Be aware of plant/equipment movements; get the eye of the operator before approaching.
   - **Electrical** - No authorised entry to any switch room or board, do not tamper with electrical equipment.
   - **Scaffolding** - Check the "scaff tag" to see if the scaffold is safe to access, stay within the guardrails, be aware of openings.
   - **Cranes and overhead work** - Do not walk under suspended loads, beware of slew arc of load and keep out of barricaded areas that may have overhead work in progress.
   - **Falls** - Check for trip hazards, openings in walkways, floors and lift shafts and trenching.
   - **Environment** - Do not enter exclusion zones and be aware of environmental controls.
   - **Community** - If approached by a member of the community, be polite and refer them to your supervisor/Site escort.
   - **Rail Safety** - Visitors wishing to enter the rail corridor must hold an RIW Card (or waiver) and be briefed by a Protection Officer prior to entry.

If you see a hazard it must be reported to the person who is accompanying you or to the site supervisor.

OBLIGATIONS

I am aware of my obligations and will carry out the following:

- Wear appropriate Personal Protective Equipment, as instructed, at all times when out on the site. This will include safety glasses, safety footwear, hard hat, long sleeve high visibility shirt or jacket, and other when required, e.g. hearing protection.
- Read and obey all site safety signs
- I will inform the person who is accompanying me of any disability I have before going out on site
- In the event of an emergency I will obey all instructions
- Be accompanied at all times when on site until I have had a site induction
- Obtain prior permission from a senior CBGU JV site representative before taking photos or mobile footage on the site.
- If requested, agree to be tested by an alcohol breathalyser and achieve a 0.00% BrAC reading before being permitted to enter the site

I have read and understood this visitor's induction and any instructions that have been given and acknowledge my safety responsibilities.

Visitor's signature: **Date:**

Accompanied by: (Print name)

Certificate identifying Annexure JLB8

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB8"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

CBGU D&C JV

COVID-19 Mandatory Health Declaration

First Name: **Surname:** **Project:**

Employer: **Date:**

1. **DO YOU HAVE ANY OF THE FOLLOWING SYMPTOMS?**

☐ **Fever** ☐ **Shortness of Breath** ☐ No Symptoms

☐ **Cough** ☐ **Sore Throat**

2. Have you returned from any overseas country in the past 14 days? ☐ **Yes** ☐ No

3. In the past 14 days, have you been in contact with anyone who has COVID-19? ☐ **Yes** ☐ No

4. In the past 14 days, have you been diagnosed with COVID-19? ☐ **Yes** ☐ No

5. Have you been directed by a Health Professional to quarantine for 14 days? ☐ **Yes** ☐ No

If you ticked any of the above symptoms (fever, cough, shortness of breath, sore throat), or **YES** to any of the above questions (2 to 5):

- **You are not allowed to sign on or start work.**
- **Contact a health care professional for advice.**
- **Speak to your employer about your working arrangements.**

6. Have you been in contact with anyone who is currently being tested for COVID-19? ☐ **Yes** ☐ No

7. Have you travelled in the last 14 days to, or live in, a declared interstate hotspot? ☐ **Yes** ☐ No

If you ticked **YES** to any of the above questions (6 and 7):

- **Before entering a CPB workplace, you must talk with your supervisor.**

I declare that the information that I have provided is true and correct. ☐ Yes

Signature: _____

By completing this questionnaire, I hereby consent to CPB collecting, using and disclosing my personal information for the purpose of preventing or managing the risk and/or reality of COVID-19 in the workplace and in compliance with the Privacy Act 1988 (Cth) and CIMIC Group's Privacy Policy.

Certificate identifying Annexure JLB9

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB9"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

Hotel
Charlotte St
Elizabeth Arcade
Link Cycleway
RESTRICTED AREA
PS

Certificate identifying Annexure JLB10

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB10"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed


NO
EDESTRIAN
ACCESS
KEEP CLEAR
OF MOVING
MACHINERY
RESTRICTED
ACCESS
AUTHORISED
PERSONNEL ONLY

Certificate identifying Annexure JLB11

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB11"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me.

[redacted]

Signature of person before whom the affidavit is affirmed

JLB11


KEEP CLEAR OF MOVING MACHINERY
RESTRICTED ACCESS
AUTHORISED PERSONNEL ONLY
POSITION OF SAFETY
STAND BEHIND BARRIER
KEEP CLEAR OF PLANT SWING RADIUS
KEEP CLEAR OF PLANT TRAVEL PATH

Certificate identifying Annexure JLB12

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB12"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

CFMEU

JLB12

REGIONAL OFFICES
Darwin – Ph (08) 8981 5280
Townsville – Ph (07) 4766 8715

HEAD OFFICE
16 Campbell Street
Bowen Hills QLD 4006
Ph (07) 3231 4690
Fax (07) 3231 4699
qnlqueries@cfmeu.org

WHS Entry Permit Holder

NOTICE OF ENTRY

Section 119 *Work Health and Safety Act 2011* ("WHS ACT")

Full Name of Entry Permit Holder: Dean Kelly

Name of Union Represented: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Construction, Forestry, Maritime, Mining and Energy Union

Name and Address of Workplace being entered: [illegible]

Date of Entry or Proposed Entry: 17/2

PURPOSE OF ENTRY:

- ☐ **Section 117 WHS Act** - Entry to inquire into a suspected contravention of the WHS Act.
- ☐ **Section 120 WHS Act** - Entry to inspect records or information held by another person.
- ☐ **Section 121 WHS Act** - to consult and advise relevant workers on health and safety matters.

Additional – for entry under section 117
Details of the suspected contravention to which this notice relates:

I reasonably suspect that the PCBU
has not complied with s19(3)(a),(c),(d)
- Primary duty of care
- risk assessments : Regards to
working in inclement weather.
-

Additional – for entry under section 120
Description of the employee records and other documents, or of the classes of records and documents, directly relevant to the suspected contravention, that are proposed to be inspected.

Declaration:

- ☑ The above Union is entitled to represent the industrial interests of workers at this workplace.
- ☑ [redacted]n the Union's rules that entitles the Union to represent the industrial interests of these workers is Rule 2.
- ☑ contravention/s relate to or affects workers the union is entitled to represent.

[redacted]

WHS Entry Permit Holder's Signature

Penalties
- s.118 Person who fails to comply with s.118 (1) (d) that is to inspect, make copies of, any document directly relevant to the suspected contravention. (100 penalty units)
- s.144 Person must not refuse or delay entry of WHS entry permit holder. (100 penalty units)
- s.145 Person must not hinder or obstruct WHS entry permit holder. (100 penalty units)

114

No. H 084431

Certificate identifying Annexure JLB13

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB13"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed


EMERGENCY
EYE WASH
FIRST AID
UNDER
LECTERN
SUN
SCREEN
HAND
SANITISER

Certificate identifying Annexure JLB14

IN THE FEDERAL CIRCUIT AND
FAMILY COURT OF AUSTRALIA (DIVISION 2)
AT BRISBANE

File No: BRG81/2022

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER
Applicant

CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION
First Respondent

DEAN LESLEY RIELLY
Second Respondent

This is the Annexure marked **"JLB14"** referred to in the affidavit of Jonathan Lawrence Bekkers affirmed at Brisbane on 22 July 2022 before me:

[redacted]

Signature of person before whom the affidavit is affirmed

Site:	Albert Street Station (Lot 3)
Entry date:	1 July 2021
Arrival time:	2.35 pm
Departure time:	3.10 pm
CBGU JV attendee(s):	James Maher (Superintendent), Lyndon Hinrichsen (Senior Site Supervisor), Jonty Bekkers (IR Advisor), and Mark Taylor (Senior Safety Advisor)
Union attendee(s):	Dean Rielly (CFMEU Organiser)

MY INVOLVEMENT IN THE 1 JULY 2021 RIGHT OF ENTRY IS AS FOLLOWS:

1. I was sitting at my desk in the Lot 1 site office when Lyndon Hinrichsen advised me that there was *"another black hat standing out front Lot 3… a Dean"*.
2. I responded, *"it's probably Dean Rielly"* and that I knew Dean as he had been at the Albert Street Station site previously. I told Lyndon I would go up and see if he was looking to exercise a right of entry.
3. I walked up to Lot 3 and observed Dean standing under the JD awning near the Lot 3 pedestrian access gate. As I was walking up, I contacted James Maher to alert him of Dean's presence.
4. When I approached Dean, I said hi and asked him how he's going. Dean responded with words to the effect of, *"who's in charge here?"* and asked, *"is that person in charge?"* *pointing towards an Austructure labourer*.
5. I responded, *"no, James Maher is the site's superintendent and Lyndon is the site's supervisor"*. Dean asked where they were, and I responded that I had contacted them both and they were on their way down. As I said this, I observed Lyndon walking towards Dean and myself and I pointed to Lyndon saying, *"here's the supervisor coming over now"*.
6. When Lyndon arrived, a conversation to the following effect occurred:

   Dean: *"Why are these Altus Traffic workers standing out in the rain?"*

   Lyndon: *"They've been told to get undercover but they have chosen not to."*

7. This conversation continued and after approximately two minutes until James Maher arrived and joined the group. The conversation continued to the following effect:

   Dean: *"Are you the man in charge of everything here? They tell me you're the man in charge."*

   James: *"Who said that? I am the site's superintendent"*

   Dean: *"Why do you have people working in the rain, I've been standing here for 45 minutes… I haven't seen anyone tell them to head off"*

James:	*"We use radios to communicate with our TCs, and I was walking around just 30 minutes ago speaking to them"*
Dean:	*"Why are there no undercover areas for them to stand under, other than the buildings' awnings you are luckily enough to have around you."*
Lyndon:	*"We've told them they don't have to work in the rain and directed them to go undercover, but they want to remain at their posts."*

8. This conversation continued back and forth for another minute or two before I said words to the effect of, *"we don't need to stand here and keep debating this with him… unless Dean reasonably suspects a safety contravention and wants to issue us with an s117 notice of entry, then let's let him be."*
9. As the group began to walk away, Dean said, *"hold up, here's my notice"* and produced a completed CFMEU s117 entry notice pro forma from his satchel.
10. The group returned to Dean and I requested to see Dean's entry permits. Dean displayed his Fair Work Act and Workplace Health and Safety entry permits to me. I confirmed these as valid and in-date. Following this, a conversation to the following effect occurred:

Jonty:	*"As this is a safety entry, I will organise for our Senior Safety Advisor to come down to discuss these suspected contraventions with you."*
Dean:	*"Who's that?"*
Jonty:	*"His name is Mark Taylor."*
James:	*"Mark Taylor? He used to be a great cricketer back in the day…"*
Jonty:	*"Can you quickly talk me through the suspected contraventions you've listed here–what do you mean by risk assessments?"*
Dean:	*"It's pretty self-explanatory mate, you mustn't speak English very well."*
Jonty:	*"Perhaps not, maybe you could assist me then so we can better understand what you are after?"*
Dean:	*"Alrighty… I want to see all your documents and procedures relating to wet weather and I want to make copies of them."*
Jonty:	*"We will not be handing over documents until our Senior Safety Advisor has discussed your concerns and ascertained if and what documents are relevant to your suspected safety concerns."*
Dean:	*"Well, when is he getting here?"*
Jonty:	*"He is on his way and will be here shortly"*
James:	*"Could we please head over to the Lot 1 compound so we can sign you in, complete a Covid-19 declaration and undertake a visitor induction?"*
Dean	*"I won't be doing any of that as I am not required to."*

11. The conversation continued in this manner for another two to three minutes until Dean said he was going to go on site. James and I requested that Dean remain outside for the Senior Safety Advisor to attend and discuss his s117 with him.
12. Dean proceeded to open the pedestrian access gate and was once again asked by James and myself not to enter the construction area. We told Dean that Mark (Taylor) was best placed to discuss his safety concerns and that we needed him to complete a Covid-19 declaration and site induction before going on site. Dean did not enter the site at this point.
13. As Dean was walking towards the site door, I recall observing an Altus traffic controller walk up to the site access gate and tap on a sign that said "All visitors must be escorted past this point". The traffic controller said to Dean words to the effect of, "*read the sign mate*". I asked the traffic controller not to involve himself and to return to his post, which he complied with.
14. Shortly afterwards, a QPS worker arrived at the site. The worker asked if he could get in to which Lyndon said, *"yeah mate, go through"*.
15. As the worker went through the gate, Dean followed him through and onto the site.
16. Once on-site, Dean proceeded to rummage through the pre-start lectern. I asked Dean what he was looking for, to which he responded words to the effect of, "*your SWMS*". James told Dean that we don't keep our SWMS there and that if he waits for Mark he will be able to assist you with what you're after. Dean continued to rummage through and read documents kept in the pre-start lectern.
17. It was around this time that Mark arrived and joined the CBGU JV group (consisting of Lyndon, James and myself). Mark introduced himself to Dean and Dean asked Mark if he was a good cricketer. I do not recall whether Dean engaged any further with Mark at that time.
18. Shortly thereafter, Dean began walking to the tower crane pad unescorted. Dean stood at the top of the scaffold stairs looking over the excavation box.
19. Dean was asked by James and myself to return to the pre-start area so we could discuss his s117 and take him through the site's WHS induction requirements.
20. After standing on the pad for another 1 to 2 minutes, Dean returned to the pre-start area. Following this, Dean said he said he was going into the excavation box. I asked Dean how that was relevant to the suspected contraventions he had listed on his s117 entry notice. Dean was again asked to remain at the pre-start area by James and myself so we could discuss his s117.
21. Dean ignored this request and began walking to the vehicle access ramp. Once there, Dean moved a crowd control barrier that displayed several signs identifying it as a restricted zone/no pedestrian access.
22. Dean was asked by James and myself to remove himself from the restricted zone and move onto the pedestrian access way.
23. Dean did not comply and continued walking down the vehicle access ramp and into the excavation area. Dean approached a blue 5t excavator that was being dry-hired from EA Hire. The excavator was not being operated at the time and limited works were occurring in the excavation area due to the earlier rain event.
24. I again asked Dean to leave the area for his own safety and return to the pre-start area.

25. After approximately two minutes, Mark Taylor asked me if he should go and speak with Dean about his safety concerns. I agreed that this was a good idea and so Mark entered the restricted zone and walked over to Dean.
26. I was not present for Mark's conversation with Dean and observed them from outside the restriction zone. After approximately 1 minute, Mark and Dean exited the vehicle access ramp area and moved to the adjacent pedestrian walkway.
27. Once on the pedestrian accessway, Mark and Dean continued their conversation. I was again not privy to this discussion.
28. After about 2 -3 minutes, Mark and Dean began walking back up to where James, Lyndon and myself were standing.
29. Once there, Dean and Mark walked over to the QPS Supervisor, who was standing with another QPS worker. Dean, Mark, Tom and Whitey had a discussion which I was not privy to.
30. Shortly after this conversation, Dean began walking towards the site access door. As he was leaving the site, Mark told Dean to take his phone number off the sign on display and that if he *"ever has any concerns about people's safety on this site"* to *"give him a call"*.
31. Dean left the Lot 3 area at approximately 3.10 pm in the direction of Charlotte Street.

NOTICE OF FILING

This document was lodged electronically in the FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA (FCFCOA) on 3/08/2022 2:17:38 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Affidavit
File Number:	BRG167/2022
File Title:	AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSIONER v CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION & ORS
Registry:	BRISBANE REGISTRY- FEDERAL CIRCUIT AND FAMILY COURT - FEDERAL LAW





Dated: 3/08/2022 2:28:05 PM AEST Registrar

Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Affidavit

Family Law Rules 2021 – RULE **8.15**
General Federal Law Rules 2021 – RULE **4.04**

Filed in:

- [x] Federal Circuit and Family Court of Australia
- [ ] Family Court of Western Australia
- [ ] Other (specify) _____

Type of proceedings:

- [ ] Family law proceedings
- [ ] Migration proceedings
- [x] General federal law proceedings
- [ ] Other (specify) _____

Filed on behalf of:

Full name: Australian Building and Construction Commissioner

COURT USE ONLY

Client ID _____

File number BRG167/2022

Filed at

Filed on

Court location _____

Court date _____

Name of person swearing/affirming this affidavit (SEE PART C)
Jonathan Bekkers

Date of swearing/affirming 14/07/2022

Part A About the parties

APPLICANT 1

Family name as used now

Australian Building and Construction Commissioner

Given names

RESPONDENT 1

Family name as used now

Construction, Forestry, Maritime, Mining and Energy Union and others

Given names

APPLICANT 2

Family name as used now

Given names

RESPONDENT 2

Family name as used now

Given names

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm. You **must** also give an email address.

Australian Building and Construction Commissioner

C/- Ashurst, Level 38, 123 Eagle Street, Brisbane State QLD Postcode 4000

Phone [redacted]

Lawyer's code JAHL

Email [redacted]

Part B About the independent children's lawyer (if appointed)

~~Independent children's lawyer family name~~ | Given names

~~Firm name~~

Part C About you (the deponent)

What is your family name used now? | Your given names?

Bekkers | Jonathan

Gender

☒ Male ☐ Female ☐ X

Usual occupation

Senior Industrial Relations Advisor

What is your address?

You do not have to give your residential address if you are concerned about your safety. You may give another address at which you are satisfied that you will receive documents.

[redacted]

State QLD Postcode [redacted]

Part D Evidence

- Set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- Attach extra page(s) if you need more space. Make sure that the page containing Part E is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

1. See **attached**

Part E Signature

I [redacted] his affidavit are true

Place: BRISBANE Date 14/07/2022

[redacted]
Before me (signature of witness)

Wyatt Robert Cook-Revell
Full name of witness (please print)

☐ Justice of the Peace
☐ Notary public
☒ Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by ☐ deponent/s ☒ lawyer

James Hall, Ashurst Australia
PRINT NAME AND LAWYER'S CODE

Part F Alternative jurat for non-English speaking affidavit

Use this alternative jurat for the swearing/affirming of the affidavit and the translator's certificate. See Rule 8.17 of the Family Law Rules or Rule 15.14 of the General Federal Law Rules.

Interpreter/translator's certification

I _____ certify that I understand the English language and the _____ language, and that I have truly interpreted to the deponent (named in Part C) the contents of this affidavit and the oath or affirmation which was administered.

Signature of interpreter	Date ___ / ___ / ___

Sworn*/affirmed* by the deponent through the interpretation of:

Interpreter's full name

_____

Address

_____

Language

_____

Signature of Deponent	
Place _____	Date ___ / ___ / ___
Before me (signature of witness)	Full name of witness (please print)

☐ Justice of the Peace
☐ Notary public
☐ Lawyer

* delete whichever is inapplicable

This affidavit was prepared / settled by ☐ deponent/s _____ ☐ lawyer

_____
_____

FEDERAL CIRCUIT AND FAMILY COURT

OF AUSTRALIA

REGISTRY: Brisbane

File number: BRG167/2022

COURT USE ONLY

Court

Location

Court date

Court time

Australian Building and Construction Commissioner
Applicant

Construction, Forestry, Maritime, Mining and Energy Union
First Respondent

Michael Ravbar
Second Respondent

Andrew Robert Blakeley
Third Respondent

AFFIDAVIT

Name of deponent: Jonathan Bekkers

Date affirmed: 14 July 2022

I, Jonathan Bekkers of c/- 110 Mary Street, Brisbane City, in the State of Queensland, affirm and say as follows:

1. I make this affidavit from my own knowledge save where otherwise stated or where the context indicates to the contrary.

2. Where I make statements based on information provided to me, I believe such information to be true and correct in every particular.



DE



WITNESS

BACKGROUND

3. I am employed by Ghella Pty Ltd (**Ghella**) as a Senior Industrial Relations (**IR**) Advisor.

4. I am currently working as a Senior IR Advisor at the Albert Street site of the Cross River Rail Project. The Cross River Rail Project involves the construction of an underground railway line from Roma Street to Dutton Park. There are four underground stations being constructed at Woolloongabba, Roma Street, Boggo Road and Albert Street.

5. As an IR Advisor, my role entails liaising with unions, including by being the union interface on site. I am also required to conduct audits, manage internal disputes, ensure there is compliance with the Commonwealth Building Code and provide training on matters such as right of entry. As a part of my role, I am occasionally required to attend the other Cross River Rail sites to support the other IR Advisors. I report to Terry Prior, IR Manager (**Prior**).

6. Before commencing employment with Ghella I worked for approximately one and a half years in the construction industry in human resources roles. I hold a Bachelor of Business majoring in Human Resource Management and Finance from the Queensland University of Technology.

19 AUGUST 2021

7. At about 6.40am on 19 August 2021 I received a telephone call from Prior. In that phone call, Prior asked me to go to the Woolloongabba site (**Gabba Site**) because Andrew Blakeley (**Blakeley**) and Michael Ravbar (**Ravbar**) were hosting a BBQ there with BUSSQ. I knew that Blakeley and Ravbar were CFMMEU officials as I had met them before during their previous visits to Cross River Rail project sites.

8. At approximately 6.47am, I arrived at the Gabba Site and entered via the Vulture Street pedestrian gate and walked up to the site office. Upon my arrival, I did not immediately see any gathering or BBQ. After I walked through the site's prestart area and into the site offices, I made my way through the office and onto the site office deck.

9. Once on the site office deck, I observed about 40 to 50 workers gathered on the vehicle accessway below. From that location, I could also see four persons wearing black hard hats. I recognised two of them as Ravbar and Blakeley.

10. I proceeded to walk down to the vehicle accessway. There, I observed a blue and white car with a "BUSSQ Super" decal on it. The car had a trailer attached to it which housed a gas BBQ and BBQ supplies. The BBQ was being cooked by about two or three men wearing blue hard hats and BUSSQ Super branded high visibility vests. BUSSQ is a superannuation fund for the construction industry.

[redacted]

D

[redacted]

WITNESS

11. Next to where the trailer was set up, there were approximately 40 to 50 workers gathered around Ravbar as he addressed them. I was able to identify some of the workers as Heinrich employees from their pink shirts with "Heinrich" on them. Heinrich is a major subcontractor at the Cross River Rail Woolloongabba Station site. The Heinrich workers are performing form work for the underground station structure. Heinrich have engaged secondary subcontractors for the associated scaffolding, steel fixing and concrete works. I do not know the name of these companies.

12. I could not hear everything that Ravbar was saying clearly, but I did hear him say that the union pressured CIMIC to back pay JobKeeper money and that people were uncertain and don't have enough sick leave to quarantine due to COVID. I was standing approximately 15 to 20 metres from Ravbar as he was speaking.

13. After Ravbar finished speaking, Blakeley addressed the workers. Blakeley said words to the effect of *"Thanks, Nick Forde for allowing us to come on today...Thankfully Nick Forde has seen the light."*

14. Blakeley and Ravbar each spoke for about 7-12 minutes. Once Blakeley and Ravbar had finished addressing the workers, the group got together and posed for a photo holding Eureka and CFMMEU/BLF flags.

15. The group then lined up to get a sausage from the BUSSQ trailer. This continued for another 10 to 15 minutes as all the workers got a sausage and stood around having a chat with Blakeley and Ravbar while they ate. I observed Ravbar also serving sausages to the workers. Attached to my affidavit and marked **JB-1** is a true and correct copy of a Gabba Site map as at August 2021. I have marked on the map with an 'X', the location where the workers gathered around the BBQ.

16. Approximately 10 to 15 minutes later, Ravbar and Blakeley approached Forde and me, who were standing together off to the side, approximately 10 to 15 metres from where the workers had gathered.

17. A conversation to the following effect occurred:

Ravbar:	*"Thanks for having us and the fund out today".*
Blakeley:	*"Yeah, thanks for authorising this mate".*
Forde:	*"Just so we are clear, I did not authorise this and you have entered the site unlawfully."*
Blakeley:	*"Maybe you don't remember but you said we could a few weeks ago".*
Forde:	*"No I didn't. What are your plans now?"*
Ravbar:	*"We are leaving. Thanks again for having us."*

[redacted]

D [redacted]

[redacted]

WITNESS

18. After this conversation, Blakeley and Ravbar began walking towards Gate L1 located on Leopard Street. Forde and I followed them towards the gate until we could no longer see them on the vehicle accessway.

19. Ravbar and Blakeley left the site at around 7.30am through Gate L1.

20. Sometime after Ravbar, Blakeley and the BUSSQ representatives had left the Project I went to the site office and sat next to Forde's desk to type up notes in relation to the incident. During the course of the morning, I took a number of photographs using my mobile phone, which I attached to my notes. Attached to my affidavit and marked **JB-2** is a true and correct copy of the notes I made.

21. I confirm that the contents of my affidavit and true and correct to the best of my knowledge and belief.

[redacted]

Affirmed by the deponent

At Brisbane in Australia

on 14 July 2022

Before me:

[redacted]

Signature of witness

Full name of witness: Wyatt Robert Cook-Revell

Qualification of witness: Solicitor

FEDERAL CIRCUIT AND FAMILY COURT

OF AUSTRALIA

REGISTRY: Brisbane

File number: BRG167/2022

COURT USE ONLY

Court

Location

Court date

Court time

Australian Building and Construction Commissioner
Applicant

Construction, Forestry, Maritime, Mining and Energy Union
First Respondent

Michael Ravbar
Second Respondent

Andrew Robert Blakeley
Third Respondent

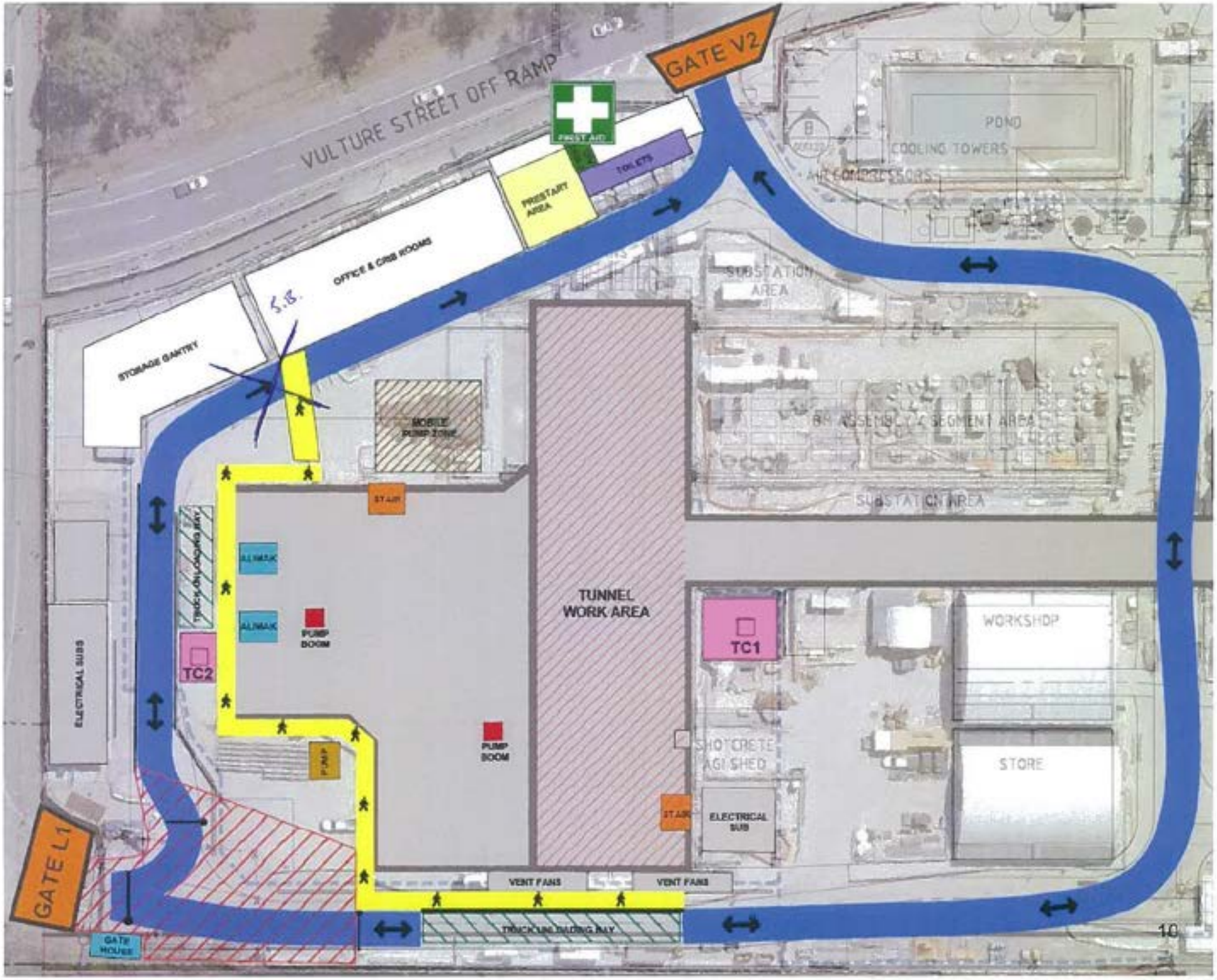
ANNEXURE CERTIFICATE

This is the document referred to as **"JB-1"** in the affidavit of Jonathan Bekkers affirmed at Brisbane on 14 July 2022

[redacted]

[redacted]

Witness


VULTURE STREET OFF RAMP
GATE V2
FIRST AID
TOILETS
PRESTART AREA
OFFICE & CRIB ROOMS
STORAGE GANTRY
POND
COOLING TOWERS
AIR COMPRESSORS
SUBSTATION AREA
SUBSTATION AREA
MOBILE PUMP ZONE
STAIR
TUNNEL WORK AREA
TC1
TC2
PUMP BOOM
PUMP BOOM
PUMP
WORKSHOP
STORE
SHOTCRETE AGI SHED
ELECTRICAL SUB
ELECTRICAL SUBS
VENT FANS
VENT FANS
GATE L1
GATE HOUSE

FEDERAL CIRCUIT AND FAMILY COURT

OF AUSTRALIA

REGISTRY: Brisbane

File number: BRG167/2022

COURT USE ONLY

Court

Location

Court date

Court time

Australian Building and Construction Commissioner
Applicant

Construction, Forestry, Maritime, Mining and Energy Union
First Respondent

Michael Ravbar
Second Respondent

Andrew Robert Blakeley
Third Respondent

ANNEXURE CERTIFICATE

This is the document referred to as **"JB-2"** in the affidavit of Jonathan Bekkers affirmed at Brisbane on 14 July 2022

[redacted]

[redacted]

Witness

Jonty Bekkers - Statement - CFMMEU unauthorised site entry

Statement details:

Author: Jonathan (Jonty) Lawrence Bekkers

Occupation: Industrial Relations Advisor

Employer: Ghella (a joint venture partner of CPB Contractors, BAM, Ghella, UGL (**CBGU JV**), which is delivering the Tunnels, Stations and Development package of the Cross River Rail Project (**CRR TSD Project**))

Date authored: Thursday, 19 August 2021

Incident details:

Site: CRR TSD Project Woolloongabba Station

Date of incident: Thursday, 19 August 2021

Statement:

1. I received a call from Phill Robertson (CBGU JV General Superintendent) at 6.35 am. I missed his call but called Robertson back at 6.38 am. We had a conversation for approximately 2 minutes to the following effect:

Robertson:	*"Are you at the Gabba?"*
Bekkers:	*"Nah, at Albert Street"*
Robertson:	*"What's the go with this BBQ at the Gabba? Apparently, the unions have put on a BBQ for Heinrich..."*
Bekkers:	*"First I've heard of that… who's there?"*
Robertson:	*"Not sure"*
Bekkers:	*"Interesting. Is Nick* [Forde] *there?"*
Robertson:	*"Not sure. I am on a train heading to Boggo Road"*
Bekkers:	*"I'll give Nick a call and see if he's aware of it."*

2. Immediately following this conversation, I received a call from Terry Prior (CBGU JV Industrial Relations Manager) at 6.40 am. We had a conversation for 1-2 minutes to the following effect:

Prior:	*"Have you heard what's happening at the Gabba?"*
Bekkers:	*"Briefly just now… Sounds strange."*

Prior:	*"Very strange… Blakeley and Ravbar are on the site and are hosting a BBQ with BUSSQ Super… Can you please head over with Nick?"*
Bekkers:	*"No worries. I'll head there now."*

3. At 6.43 am I ordered an Uber to the CRR TSD Project Woolloongabba Station site. The Uber driver was immediately available near where I was standing on Albert Street at the time (outside Capri by Fraser).
4. I arrived at the CRR TSD Project Woolloongabba Station site at approximately 6.47 am and walked up to the site offices. Upon my arrival, I did not immediately see any gathering or BBQ. I walked through the site's pre-start area and into the site offices. Once there, I made my way through the office and onto the site office deck. **Image 1** and **Image 2** show the site office deck on 19/08/2021.
5. Once on the site office deck, I was able to observe 40-50 workers gathered on the vehicle accessway below. I was able to take a photo of part of the group from the overpass that provided entry to the work front (see **Image 3**). I took this photo at 6.53 am.
6. From this location, I was also able to observe four (4) persons wearing black hard hats, which is synonymous with union officials. At the time, I was able to identify two of the persons wearing a black hat as Andrew Blakeley and Michael Ravbar of the CFMEU. I knew both of these men from previous dealings and interactions.
7. I proceeded to walk across the overpass, down the stairs and onto the vehicle accessway where everyone was standing. Upon arrival, I observed Nick Forde (CBGU JV Senior Industrial Relations Advisor), Warren Tresider (CBGU JV Site Manager), Justin O'Neill (CBGU JV Senior Safety Advisor) and Matt Russell (CBGU JV Logistics Supervisor) standing near the group of workers. I was also joined by Mark Wiese (CBGU JV Supervisor) as I walked down the stairs. Dwaine Sneath (CBGU JV Lifting Coordinator) arrived shortly thereafter and joined the CBGU JV group, who were standing off to the side.
8. Upon my arrival, I observed a blue and white car with a "BUSSQ Super" decal on it. The car had a trailer attached to it which housed a gas BBQ and BBQ supplies. The BBQ was being cooked by 2-3 men wearing blue hard hats and BUSSQ Super vests.
9. Next to the trailer, there were approximately 40-50 workers gathered around listening to Ravbar giving a speech. I was able to identify some of the workers as Heinrich employees from their pink shirts with "Heinrich" on them. Heinrich is a major

subcontractor at the CRR TSD Project Woolloongabba Station site. I do not know any of the workers by name.

10. The workers were standing close to one another and were not socially distancing. Most of the workers were either not wearing or incorrectly wearing their face masks.
11. I could not hear Ravbar's speech clearly but do recall the following from the speech:
    - *"The union pressured CIMIC to back pay JobKeeper money."*
    - *"People are uncertain and don't have enough sick leave to quarantine"*
12. Ravbar continued speaking for another 5 minutes or so, however, I was not privy to the content of his speech.
13. After Ravbar finished speaking, Blakeley addressed the crowd. I recall the following from Blakeley's speech:
    - *"Thanks, Nick Forde for allowing us to come on today… Thankfully Nick Forde has seen the light."* [I am not sure what this was in reference to].
14. Once Blakeley and Ravbar had finished addressing the crowd, the group got together and took a photo with a Eureka and CFMEU/BLF flag (see **Image 4**). I took a photo of this at 7.08 am.
15. Once this had concluded, the group lined up to get a sausage from the BUSSQ trailer. This continued for another 10-15 minutes as all the workers got a sausage and stood around having a chat with Blakeley and Ravbar. Ravbar was also serving sausages to the workers.
16. During this period, I remained off to the side with the CBGU JV group. I did not interact with the CFMEU or workers in attendance during this period.
17. While the sausages were being served, a representative from BUSSQ approach Forde and me. I knew he was a BUSSQ representative as he had on a vest that said "BUSSQ". The representative introduced himself as Dallas. I now know this man to be Dallas Ezzy, a Member Service's Manager from BUSSQ. Forde, Dallas and I had a conversation to the following effect. O'Neill was also in proximity during this discussion.

Ezzy:	*"Do you guys want a sausage?"*
Forde:	*"No thanks, mate. Do you know that your entry to the site isn't authorised? You are also wearing the incorrect PPE – you aren't wearing steel-capped boots* [Dallas had a pair of RM Williams on] *and don't have any safety glasses on. Your car also doesn't have a flashing light on it… Have you ever been on a construction site before?"*
Ezzy:	*"Oh, I didn't realise. My site is up the road."*

Forde:	*"Could you please leave the site?"* [Dallas ignored this request and turned to me]
Ezzy:	*"Do you want a sausage?"*
Bekkers:	*"I appreciate the offer but as Nick said your access to this site is unauthorised. I don't want a sausage as you shouldn't be here anyway."*
Ezzy:	*"Okay then."*

18. Ezzy walked away from where Forde, O'Neill and I were standing.
19. After approximately another 10 minutes, Ravbar and Blakeley approached Forde and me, who were standing together off to the side. O'Neill had since walked away from Forde and me.
20. Ravbar said to Forde, *"thanks for having us and the fund out today"*. Blakeley repeated this comment, *"yeah thanks for authorising this mate"*. Forde replied, *"just so we are clear, I did not authorise this and you have entered the site unlawfully."* Blakeley responded, *"maybe you don't remember but you said we could a few weeks ago"*.
21. Forde then asked Ravbar and Blakeley, *"what are your plans now"*. Ravbar said, *"we are leaving. Thanks again for having us."*
22. After this conversation, Blakeley and Ravbar began walking towards Gate L1 located on Leopard Street (see **Image 5**). Forde told me that this was the same gate that they entered the site through earlier in the morning.
23. I observed Blakeley and Ravbar depart the site at approximately 7.30 am, which was around the time I made a call to Prior to update him.
24. After the officials left, BUSSQ remained to pack away and clean up the BBQ. The workers had mostly dispersed at this point with approximately 15-20 workers still standing around. The BUSSQ car left the site at approx. 7.35 am through Gate V2.
25. By 8 am, all workers had returned to work.
26. I left the site and returned to CRR TSD Project Albert Street site at 8.58 am.



Image 1 – site office deck overlooking the vehicle road (overpass pictured).



Image 2 – site office deck overlooking the vehicle road where the BBQ was held, and workers had gathered.



Image 3 – the group of workers gathered around (taken from the overpass).



Image 4 – Ravbar taking a photo of workers holding a CFMEU/BLF and Eureka flag.

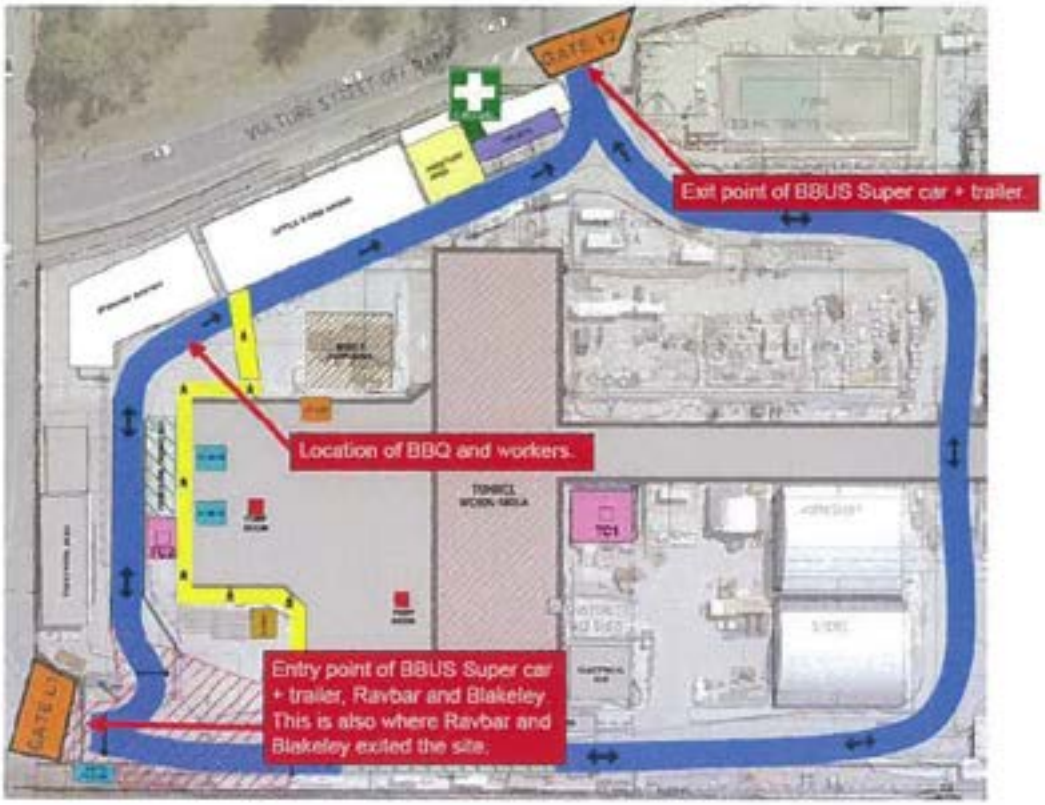


Image 5 – 19/08/2021 site layout and event markings.

CBGU D&C JV

Witness Statement

Date:	18/10/2021
Witness name:	Chris Nimwegen
Witnesses occupation:	CW3 – Mobile Plant Operator
Witnesses employer:	CPB Contractors (CBGU JV)

States:

1. On 14/10/2021, as I was entering the Lot 3 site via the main pedestrian gate, a person with a black hard hat with CFMEU stickers on it followed me in. I tried to shut the gate as he was walking in, but he quickly slid past and entered the site.
2. I knew the person that entered was a CFMEU worker by his black hard hat and stickers. I did not know the person's name, but I had seen him on the site before. I now know this person's name to be Andrew Blakeley.
3. I said to Blakeley, "*you can't be here*". I knew he couldn't be on-site as I know he isn't a worker on the site, nor was he being escorted by anyone from CBGU JV.
4. He didn't respond when I told him he couldn't be here but asked if "*Lyndon* (Hinrichsen) *is here*".
5. I yelled out to Hinrichsen to get his attention. Hinrichsen was around the corner near the first aid room. When he heard me yell out he turned around and walked over to us. I left them alone and walked over to where Padraig Dineen and Mick Duggan were sitting.
6. I observed Hinrichsen speak to Blakeley briefly and they walked around the protection slab. I did not overhear the conversation between Hinrichsen and Blakeley.
7. As they were walking around, I saw Blakeley look over the edge into the excavation area.
8. I did not see Blakeley go to the toilet during his visit.
9. Blakeley was on-site for about 5 minutes. He did not speak to me, except for when he was leaving he said, "*have a good day.*"
10. Blakeley left the site the same way he came in.

Acknowledgement

I acknowledge that this statement is true to the best of my recollection.

Witness name:	Chris Nimwegen	**Date:**	18/10/2021
Signature:	[redacted]		

CBGU D&C JV

Witness Statement

Date:	11/11/2021
Witness name:	Padraig Dineen
Witnesses occupation:	CW3 – Heavy Mobile Plant Operator
Witnesses employer:	CPB Contractors (CBGU JV)

States:

1. On 14/10/2021 at around 7.40 am I was sitting inside the Albert Street Station Lot 3 compound next to the vehicle access gate. Mick Duggan (Altus Traffic Controller) was sitting next to me. Duggan and I were having a chat, but I do not recall what we were discussing.
2. It was raining at the time, so we weren't working and were undercover. Lyndon Hinrichsen was also there but was around the corner looking over the station box.
3. I heard the gate close and looked over and saw Chris Nimwegan and a person wearing a black hard hat. I now know this person to be Andrew Blakeley from the CFMEU. I have seen him hanging around the site before.
4. I did not see them enter the site but Nimwegan was in front of Blakeley near the pedestrian entry gate when I turned around. I saw them exchange words but did not hear what was said.
5. When I saw Blakeley, I yelled out to Hinrichsen, "*we have company*".
6. Hinrichsen turned around and walked over to where Blakeley was standing. Blakeley and Dineen spoke but I do not recall what they said to each other.
7. I saw them begin walking around the protection slab area.
8. I recall seeing Blakeley walking over to the station box area and popping his head over the edge. I think he may have been checking if people were working in the rain.
9. I also recall Blakeley walking to the toilet block/first aid room area. When at that area, I only saw Blakeley pop his head into the toilets and the first aid room and did not see him go to the toilet.
10. I saw Blakeley walking off the site with Hinrichsen behind him. As they were leaving I overheard Blakeley and Hinrichsen speaking about the weather and Blakeley saying, "*he was god*". I believe this was about the rain.
11. Blakeley left the site through the pedestrian gate. I did not see Blakeley lift the latch as he was leaving. Hinrichsen remained on-site.
12. I would guess that Blakeley was on-site for about 3-4 minutes in total.

Acknowledgement

I acknowledge that this statement is true to the best of my recollection.

Witness name:	Padraig Dineen	**Date:**	11/11/2021
Signature:	[redacted]		

Form 59
Rule 29.02(1)

Affidavit

No. of 2021

Federal Court of Australia

District Registry: New South Wales

Division: Employment and Industrial Relations

CPB Contractors and others

Applicants

Construction, Forestry, Maritime, Mining and Energy Union and others

Respondents

Affidavit of: **Lyndon Hinrichsen**

Address: [redacted]

Occupation: Senior Site Supervisor

Date: 12 November 2021

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Lyndon Hinrichsen, affirmed on 12 November 2021	[1] – [7]	1

I Lyndon Hinrichsen of [redacted] Senior Site Supervisor, affirm:

1. Where the words in this statement relate to conversations in direct speech, the words identified were those words used to the best of my recollection and reflect the substance of what was said.

Filed on behalf of (name & role of party)
Prepared by (name of person/lawyer)
Law firm (if applicable)
Tel Fax
Email
Address for service
(include state and postcode)

[redacted]

[redacted]

Role and Background

2. I am currently employed by CPB Contractors Pty Ltd as part of the joint venture between CPB Contractors, BAM, Ghella and UGL (**CBGU JV**) which is undertaking the Tunnel, Stations and Development package of the Cross River Rail Project (**the Project**).

Events of 14 October 2021

3. At approximately 7:40am I was standing on the protection slab overlooking the excavation area at Lot 3 of Albert Street Station. It was raining heavily at the time, so no work was happening on the site.

4. I heard someone yell out to me (it was either Padraig Dineen, Labourer (**Dineen**) or Chris Nimwegen, (Labourer (**Nimwegen**)), "*Lyndon, we have company*". I turned around and walked over to where the group was standing (which was only 10-20m away from where I was standing). In addition to Dineen and Nimwegan, Mick Duggan (Altus Traffic) was present at the time. The group were just hanging around waiting for the rain to subside.

5. I then saw Andrew Blakeley from the CFMMEU (**Blakeley**) onsite. When I first saw Blakeley, he was standing approximately 8 metres away from the site personnel access gate at Lot 3 (**Personnel Entry Gate**). I approached Blakeley and immediately said to him "*You need to leave the site.*" He replied, "*I will shortly, can I use your toilet first?*" I replied, "*sure, but make sure you leave afterwards*". He said, "*No worries*".

6. I escorted Blakeley to the toilet and remained around the area. Once Blakeley finished in the toilet, he started walking off-site toward Personnel Entry Gate. While he was departing the site, we had an idle conversation about the weather.

7. At 7:46am I contacted Jonathan (Jonty) Bekkers (Senior IR Advisor) and informed him what had happened. At no point during his entry did Blakeley provide with either a federal or state entry permit.

8. I am informed by Jonty Bekkers and verily believe that following the incident he indicated an investigation into Blakeley's entrance to the site, during which he obtained signed witness statements from Nimwegen and Dineen.

9. At the time that Blakeley entered the site, there were signs erected on the exterior fence adjacent to the Personnel Entry Gate, which included a sign that stated: -

(a) "Danger Construction Site Do Not Enter";

[redacted]

[redacted]

(b) "This Personal Protective Equipment must be worn on this site [insert picture of Hardhat, Steel Capped Boots, Protective Glasses and Gloves]";

(c) "Site Access";

(d) "All visitors must report to this site office...";

(e) "Site contact [insert relevant phone number";

(f) "After hours contact: [insert relevant number";

(g) "Restricted Access Authorised Personnel Only";

10. At no time did Blakeley purport to exercise a statutory Right of Entry (**ROE**) nor did he provide me with a ROE notice. Blakeley was not wearing a hard hat, protective glasses or gloves, as required by the site work health and safety requirements and in contravention of the PPE sign that was attached to the exterior Personnel Entry Gate. Further Blakeley did not comply with the standard ROE procedures which apply to all union officials seeking entry to a CRR Project site. That standard procedure includes: -

(a) The union official is to wait outside the turnstile / gate access to the particular site for a representative from the Project to come and meet them to discuss their request to access site. If it's a section 117 *Work Health and Safety Act 2011* (Qld) (**WHS Act**) ROE, the union official can call up the Superintendent of the site to come meet them at the turnstile / gate, or alternatively they can request one of the traffic controllers to make a call over the radio to organise a Project representative to come meet the official at the turnstile / gate.

(b) The Project representative (who is typically a Superintendent / Safety Advisor / or IR Advisor) will then meet and discuss with the union official their purpose and right to enter site. For example, if it's a section 117 WHS Act ROE, the entry notice will be requested and reviewed by the site team to determine their right to enter.

(c) The applicable ROE Permits of the union official will then be checked i.e., their Federal Fair Work Act and their State WHS Act entry permits to confirm that they have a right to enter the construction site for the purpose they wish to enter. This would typically involve the relevant Superintendent / Safety Advisor / or IR Advisor making contact with Mr Terry Prior (**Prior**) to let him know that a ROE is being sought. If there is anything unusual about the ROE or our standard ROE procedure is not complied with, it is usual practice to contact Prior to determine whether access should be granted. If Prior determines that entry should not be granted, he will instruct the relevant Superintendent / Safety Advisor / or IR Advisor that entry should

[redacted]

[redacted]

not be granted. If the union official is on site, they would be instructed to immediately leave the site.

(d) However, if all is in order and our ROE procedure is complied with by the union organiser, then Prior is only updated on the visit on an infrequent basis by text message and he is provided with a brief written report after the ROE has been completed.

(e) However, if Prior is satisfied that the union official has a right to enter, he will instruct the Superintendent / Safety Advisor / or IR Advisor that entry should be granted. The union official will then be escorted through the pedestrian turnstile / gate.

(f) Prior has issued standard instructions to IR Advisors, that if a union official enters a workplace without following the above procedure or they fail to comply with a reasonable work health and safety requirement of the site, they are directed that they must immediately leave the site. If an IR Advisor is unsure of the appropriate response to a particular set of circumstances, Prior will typically be contacted, and he will issue instructions to the IR Advisor based on the circumstances that then exist.

(g) If the union official is granted entry, they are required to sign into our electronic record keeping system, known as the Damstra Kiosk. This involves the person seeking entry to complete the visitor induction. They are also required to complete the Queensland Government QR Covid-19 check in via their mobile phone. This is a site requirement for all visitors to gain access to site.

(h) If the union official wishes to inspect the site works, then the union official's PPE (personal protective equipment) is also checked to determine if they are compliant with the health and safety requirements of the site. This is typically completed by a Safety Advisor.

(i) This is the same process that is conducted for any Workplace Health and Safety Inspector that requests site access to conduct a safety inspection of the site.

Blakeley did not comply with any of the elements of the ROE procedure described above.

Affirmed by the deponent
at Brisbane City
in Queensland
on 12 N[redacted]
Before [redacted]

)
)
)
)
)

[redacted]

Signature of witness

MALCOLM JOHN DAVIS
SOLICITOR SYDNEY NSW

Grace Johnston

From: Sean Donald
Sent: Thursday, 13 April 2023 4:53 PM
To: Joe Barker; Jason Gardiner; Gareth Davie; Josh Ryan; Tristan Ogden; Cameron Bell; Kieren Walters; Berry Freshney; Ward Burdekin; Simon Westerweller
Cc: Jonty Bekkers; Roger Oliver
Subject: FW: CFMEU Safety Checklist
Attachments: CFMEU Checklist.pdf

FYI all,

It is very broad BUT information all the same.

Sean Donald
General Manager - QLD

Telephone: [redacted]
Mobile:
Email:

Our vision is to be the 'best people to work with'
Georgiou Group acknowledges the traditional custodians of the land on which we work, and pay our respects to the Elders past, present and emerging.

From: Jonty Bekkers [redacted]
Sent: Thursday, 13 April 2023 4:15 PM
To: Roger Oliver [redacted]
Cc: Sean Donald [redacted] Courtney Scott [redacted]
Subject: CFMEU Safety Checklist

CAUTION - This email was sent from outside Georgiou Group

Hi Rog

I suggest we distribute the attached document out to the projects as an audit tool – this is the CFMEU's current guidelines for safety items they are targeting.

Thanks, Jonty

Jonty Bekkers
Senior HR/IR Advisor
Coomera Connector – Shipper Drive to Helensvale Road
Acciona Georgiou Joint Venture
35 Waterway Dr, Coomera, Queensland 4209
[redacted]

CFMEU CONSTRUCTION CHECKLIST

CFMEU QLD
16 Campbell Street
Bowen Hills QLD 4006
Ph [redacted]
Fax [redacted]

CFMEU NT
38 Woods Street
Darwin NT 0800
Ph [redacted]
Fax [redacted]

HEALTH AND SAFETY

Part 7 of the Work Health and Safety (WHS) Act 2011 - Section 118

1. Examples of Suspected Contraventions

- Inappropriate storage of chemicals
- Unidentified fumes causing risk to workers
- Exposure to hazardous chemicals
- Inappropriate ventilation
- Working unprotected from height
- Risk of falling objects from heights
- Failure to conduct inductions if training not completed (s316 of WHS regs)
- Risk to public from falling objects
- Insufficient air flow creating a health risk
- Inappropriate / unsafe working in a confined space
- Excessive noise
- Unsafe plant and equipment
- Unregistered plant
- Inadequate exclusion areas
- Inadequate maintenance of plant
- Unsafe plant and equipment due to work being performed by unqualified person
- No asbestos register
- Inappropriate removal of asbestos
- Working around material suspected of containing asbestos
- Dust creating a risk to workers health
- Unlicensed prescribed occupation workers
- Hazardous traffic management on a construction site
- Non compliance with scaffolding regulation
- Workplace harassment
- Tripping hazards due to poor housekeeping
- Tripping hazards due to poor access and egress
- Slippery surfaces
- Unsafe manual handling
- Lifting and carrying heavy loads
- Inadequate amenities
- Insufficient dining room facilities
- Inadequate emergency and evacuation procedure
- Failure to ensure adequate emergency lighting and signage
- Inappropriate and or inadequate management of risks posed by inclement weather

1. MANAGEMENT RESPONSIBILITIES		YES	NO	N/A	Penalty Units	Act/Reg
1.1	Is there a WHS Management plan developed for this project?					
1.2	Is the WHS Management plan available for inspection?					
1.3	Is there an emergency plan in place? a) evacuation procedures. b) the periodic testing of fire fighting equipment.					
1.4	Is ther safe access and egress to site?					
1.5	Is there suitable public protection where building works are adjacent to, or over public access ways? i.e. gantries, hoardings?					
1.6	Is site management involved in SS meetings? (no longer required to be member of Health & Safety committees (see s76 of WHS Act) Alternative 1.6 Is there an Issue Resolution procedure?					
1.7	Are site personnel kept informed on incident/accident data?					
1.8	Are personnel and induction records kept on site?					
1.9	Are contractor/sub contractor safe work method statements provided before commencement of works?					
1.10	Are management involved in regular, formal site inspections?					
1.11	Are signs posted at entrance i.e. hard hats, report to site office?					
1.12	Are necessary permits developed and retained on site?					
2. AMENITIES		YES	NO	N/A	Penalty Units	Act/Reg
2.1	Is there covered access from inclement weather?					
2.2	Are crib huts seating capacities adequate for site personnel numbers?					
2.3	Are crib huts hygienic and separated from work activity that exposes or is exposed or is likely to expose a construction person to a health and safety risk. a) If there are at least 15 construction persons adequate space and seating for the maximum numbers construction persons likely to use the room or shelter area at one time.(ie inclement weather) b) Have appropriate facilities for washing and storing utensils, boiling water, and storing food in a cool place. c) Bins with bin liners?					
2.4	Adequate numbers of toilet cubicles with clean tidy washing facilities? a) One toilet for each 15 or part of 15 construction persons. b) One toilet on at least each of the following levels, ground level, the fourth level, each third level after the fourth level.					
2.5	When a toilet must be connected. a) A connected toilet must be provided within 2 weeks after the first time that there are at least 15 construction persons after the connection becomes available. b) A portable toilet must be replaced by a connected toilet within 2 weeks after the sewer connection becomes available.					

2.6	Cool clean drinking water available at appropriate locations? a) Supply located within 30m of a construction worker on a single level building. b) Supply located on the ground level and then every second level of a high rise building.					
3. EMERGENCY RESPONSE/FIRST AID		YES	NO	N/A	Penalty Units	Act/Reg
3.1	Are site personnel aware of the first aid location and is it clearly identified?					
3.2	Is first aid box adequately stocked?					
3.3	Are there adequate first aid personnel and clearly identified?					
3.4	Are first aid treatment records kept on site?					
3.5	Are emergency response personnel trained in site emergency procedures? Last test date of emergency					
3.6	Emergency siren and equipment i.e. stretcher, trauma kit, oxy viva.					
3.7	Emergency contact numbers displayed in conspicuous locations?					
4. TRAINING AND CONSULTING		YES	NO	N/A	Penalty Units	Act/Reg
4.1	Is there a site induction for new starters to the project?					
4.2	Are induction records maintained on site?					
4.3	Do all site personnel hold a current general induction?					
4.4	Is emergency response and evacuation training conducted?					
4.5	Are personnel trained in fire precautions and use of fire extinguishers?					
4.6	Is training in Safe Work Method Statement requirements conducted?					
4.7	Are visitors inducted as to site hazards and procedures?					
4.8	Have managers and supervisors attended health and safety courses?					
4.9	Are hazards, incidents, and accidents reported to site personnel at toolbox meetings?					
4.10	Do supervisors conduct regular toolbox meetings?					
4.11	Do supervisors close out hazard accidents and incidents actions?					
4.12	Are health and safety committees established on site?					
4.13	Are health and safety committee meetings held regularly?					
4.14	Are health and safety committee meeting minutes discussed at toolbox meetings and, displayed in the crib hut?					
5. ELECTRICAL						
5.1	Does a competent person tag portable electrical equipment?					
5.2	Are all electrical leads protected from mechanical or water damage?					
5.3	Are extension leads correctly connected to temporary power boards?					
5.4	Are temporary power boards weatherproof?					
5.5	Is the electrical testing register maintained on site?					

5.6	Extension leads not longer than 30m?					
5.7	All electrical equipment in good condition?					
6. SCAFFOLDING		YES	NO	N/A	Penalty Units	Act/Reg
6.1	What type of Scaffold is being used? (eg: modular, wedgelock, mills, alum mobile).					
6.2	Are standards on solid foundations with adequate sole boards?					
6.3	Is there adequate bracing in all directions?					
6.4	Are the ties correctly positioned/fixed (Every 3 bays, 2 lifts)					
6.5	Are working platforms at required locations?					
6.6	Are handrails and kickboards installed on scaffolds over 2 metres?					
6.7	Is there a control measure for falling objects?					
6.8	Is there access and egress to all working platforms?					
6.9	Are working platforms the correct distance from the working face?					
6.10	Are ladders installed correctly and an industrial grade?					
6.11	Are ladders: secured top and/or bottom; and projecting above landing 1m; and at a 4:1 pitch?					
6.12	Are scaffold boards secured to prevent uplift from wind in cyclone prone areas?					
6.13	Do ticketed scaffolders erect scaffolds over 4m high?					
6.14	When scaffold is completed, is a handover certificate supplied?					
6.15	Are signs/barriers erected for incomplete scaffolds?					
6.16	Are scaffolds regularly inspected & records kept of details?					
7. HAZARDOUS MATERIALS		YES	NO	N/A	Penalty Unity	Act/Reg
7.1	Does the relevant person have Safety Data Sheets available for all hazardous chemicals used at the workplace?					
7.2	Have SDS been provided to Principal Contractor?					
7.3	Is hazardous chemicals register kept on site?					
7.4	Are information placards posted at site? (only if site has hazardous chemicals over the placard quantity threshold in column 4, Schedule 11)					
7.5	All hazardous substances containers appropriately labelled?					
7.6	Are chemical storage areas provided that keeping the risk at an acceptable level?					
7.7	Are procedures in place and equipment available to contain and clean up a spill or leak of dangerous goods?					
7.8	Where required by a risk assessment, are workers wearing appropriate PPE for the hazardous substance being used?					
8. CRANES & RIGGING		YES	NO	N/A	Penalty Units	Act/Reg
8.1	Crane certificates of inspection provided and readily available?					
8.2	Crane driver's certificate of competency & licenses provided for site records?					

8.3	Manufacturer's instruction book and crane's log book in crane completed daily?					
8.4	Cranes set up firm level ground; engineer's specification detail where applicable?					
8.5	Riggers and dogmen certified and recorded and used for all crane operations?					
8.6	Is there a safe working zone established for crane operations?					
8.7	Is all lifting gear in good condition with inspection records kept on site?					
9. PLANT & EQUIPMENT						
9.1	Are excavators used as cranes fitted with burst protection valves and load chart available?					
9.2	Are manufacturer's instructions for lifting capacities in all directions in excavator cabins?					
9.3	Are roll over protection systems on all earthmoving equipment?					
9.4	Where applicable, are reverse and visual alarms operating and audible?					
9.5	Are isolation procedures developed for maintenance and repair work on plant?					
9.6	Are Elevated Work Platform logbooks and daily inspections completed, recorded and kept on the machine?					
9.7	Do only competent persons operate Elevated Platforms?					
9.8	Are Elevated Work Platforms used on firm level surfaces?					
9.9	Are hoists erected on stable ground and tied into structure?					
9.10	Is overhead protection provided for operator with material hoist?					
9.11	Are limit switches correctly installed?					
9.12	Are forklift operators licensed and trained for the specific type of forklift, ie. Work platforms, jibs etc?					
9.13	Is operator's manual readily accessible?					
9.14	Are seat belts installed in the FLT and used by the operators?					

Grace Johnston

From: Quinn Murray
Sent: Thursday, 18 April 2024 1:08 PM
To: Gareth Davie
Subject: FW: CFMEU Attendance - 17 April 2024
Attachments: AGJV-Entry-to-Assist-in-Resolving-a-Safety-Issue-Procedure--s81-3--.pdf

Useful document for managing them under 81-3

Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[redacted]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178



From: Jonty Bekkers [redacted]
Sent: Wednesday, April 17, 2024 4:18 PM
To: Quinn Murray [redacted]
Subject: FW: CFMEU Attendance - 17 April 2024

Quinn

See AGJV's s81(3) procedure **attached** as an FYI.

Also, if they are purporting to be "WHS entry permit holders, then s124 would require them to also hold a permit issued to them under the Fair Work Act. As we know, Dean Reilly and Luke Gibson had the Fair Work Act permits revoked.

Division 4 Requirements for WHS entry permit holders

123 Contravening WHS entry permit conditions

A WHS entry permit holder must not contravene a condition imposed on the WHS entry permit

WHS civil penalty provision.

Maximum penalty—100 penalty units.

124 WHS entry permit holder must also hold permit under other law

A WHS entry permit holder must not enter a workplace unless he or she also holds an entry pen

WHS civil penalty provision.

Maximum penalty—100 penalty units.

Thanks, Jonty

Care. Integrity. Excellence.

Jonty Bekkers
Senior HR/IR Advisor
Level 16, 31 Duncan Street
Fortitude Valley QLD 4006
Mobile: [redacted]
Email: [redacted]

Georgiou **Our vision is to be *'the best people to work with'***
Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our res

From: Quinn Murray [redacted]
Sent: Wednesday, April 17, 2024 4:11 PM
To: Gareth Davie [redacted]; Ben Weston [redacted]; Gary Grant [redacted]; Berry Freshney [redacted]
Cc: Sean Donald [redacted]; Mathew Quy-Verlander [redacted]; Jonty Bekkers [redacted]; Ward Burdekin [redacted]; Gavin Kenny [redacted]
Subject: CFMEU Attendance - 17 April 2024

! CAUTION - This email was sent from outside Georgiou Group

All,

At 9.10am this morning the CFMEU (Luke Gibson and Dean Riley) entered site via the ATP facilitated by a KPI Traffic Controller.

Nick Willets (Supervisor) challenged their entry and was advised that they were here to sort out safety issues.

Nick contacted Ben and Gavin who in turn advised me of their attendance.

The CFMEU Organisers were insistent upon purported issues with crane documentation and VOC's, and traffic management of our concrete pour on the northern abutment.

After repeated requests to the organisers advising them that we consider their entry unlawful we called the QPS.

At 10am Luke Gibson left the Southern Abutment and crossed the river and entered the Northern Abutment Working area where he challenged the team on safety provisions associated with traffic management and access/egress etc

At 10.25am the QPS attended site where I debriefed with them. Acting Sergeant Michael Downie reviewed the information and determined they would attempt to convince the CFMEU to leave site.

Following extensive discussions, the CFMEU advised they had entered site under S81.3 of the WHS Act, that being a person had called regarding a safety issue. Upon questioning this issue changed and morphed several times leading to the Police confirming that they were content to facilitate their removal, however they required confirmation in writing from WHSQ as to the unlawful nature of the organisers entry (Michael advised that the QPS are currently in court with the CFMEU and their personnel have been directed that no action is to be taken without WHSQ direction.

At 10.43am I contacted WHSQ requesting Inspector attendance to facilitate the direction to QPS

At 11.34am I made contact with Rob McDonald, Operations Manager for WHSQ, requesting expeditious assistance on the above. We spoke at length about the provisions of S81. I then facilitated a conversation between Rob and Acting Sergeant Michael XXXXX.

At 12.50pm Dean Riley agreed to leave the site work front and attend the office to attempt to resolve the issue.

At 1.10pm WHSQ (Lauren Arthurs and XXXXX XXXXX) attended site and convened in the induction room with Ben Weston, Gavin Kenny, Dean Riley and Luke Gibson.

The issues raised by the CFMEU were deemed resolved by 1.55pm, and the organisers departed site.

From 1.55pm to 2.25pm, Ben, Gavin and I conversed with the inspectors to better understand our obligations and rights under S81.3 (summarised as follows):

- They have no powers to enter site - only to attend discussions at the office
- We are not required to provide them with any documentation or address their concerns
- WHSQ are the mediator in the event resolution cannot be achieved between the parties

Concrete Pour was completed successfully and other workfronts progressed without hassle but southern abutment landside piling lost the bulk of the day.

Regards,

Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[redacted]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178


Centenary Bridge Upgrade Project

AGJV Entry to Assist in Resolving a Safety Issue Procedure (s81(3))

1. OBJECTIVES OF THIS PROCEDURE

The purpose of this procedure is to outline the steps to follow when a *"union representing the worker"* or *"any other person"* seeks to enter the Coomera Connector Stage 1 North Project (**Project**) as a representative of a party to a safety issue under section 81(3) of the *Work Health and Safety Act (Qld)* (**WHS Act**).

If you have any questions about your obligations during a section 81(3) entry or the obligations of persons entering under section 81(3), you should contact **Daniel Foster** at [redacted] or **Jonty Bekkers** at [redacted]

2. OVERVIEW OF THE ENTRY PROVISIONS UNDER SECTION 81(3)

Section 81(3) of the WHS Act entitles a **representative** of a party to a safety issue to enter the Project to attend discussions to assist in resolving the safety issue.

A **representative** is defined in the WHS Act as:

- the health and safety representative for the worker; or
- a union representing the worker; or
- any other person the worker authorises to represent him or her.

This procedure deals with the steps that must be followed when a ***"union** representing the worker"* or *"**any other person** the worker authorises to represent him or her"* seeks to enter the Project.

3. OVERVIEW OF ENTRY BY A "UNION OFFICIAL" UNDER SECTION 81(3)

The courts have determined that section 81(3) is a State or Territory OHS right, as defined in section 494 of the *Fair Work Act 2009 (Cth)* (**FW Act**). This is important as it means union officials seeking to enter the Project under section 81(3) must comply with the following under the FW Act:

- Have and produce for inspection, an entry permit issued to them by the Fair Work Commission when requested by AGJV (see FW Act section 497); and
- Only enter the Project during working hours (see FW Act section 498); and
- Comply with any reasonable occupational health and safety requirement and request given to them by AGJV (see FW Act section 499); and
- Must not intentionally hinder or obstruct any person, or otherwise act improperly while on the Project (see FW Act section 500).

A union official seeking to enter the Project under section 81(3) must also satisfy the following:

- The AGJV safety issue resolution procedure must have formally commenced, and the matter remains unresolved after discussions between the parties to the issue; and
- Where a safety issue is not previously known to AGJV, the person must be able to provide sufficient detail to clearly identify the nature and scope of the purported health and safety issue, including:
  - Where applicable, location(s) of where the purported safety issue exists on-site.
  - The imminence of the safety risk arising from the purported safety issue, if any.

- While on-site, the union official is only permitted to attend discussions regarding the safety issue. If a union official wishes to attend areas where discussions about the safety issue are not occurring, then they must re-enter the Project under section 117 of the WHS Act.

4. OVERVIEW OF ENTRY BY "ANY OTHER PERSON" UNDER SECTION 81(3)

Before granting entry to a person purporting to be "any other person" for the purpose of entering under section 81(3), each of the following conditions must be satisfied:

- Confirm that the person is not employed by an industrial association within the meaning of that term in section 12 of the FW Act. If they are, their entry must be treated as a 'union official'.
- Confirm the validity of the person seeking entry. Specifically, the following information should be provided by the person seeking entry:
  - The full name of the person seeking entry to the Project; and
  - The full name of the worker that is a party to the issue and has authorised them to represent them in the safety issue (if not previously known).
- Where a safety issue is not previously known to AGJV, the person must be able to provide sufficient detail to clearly identify the nature and scope of the purported health and safety issue, including:
  - Where applicable, location(s) of where the purported safety issue exists on-site.
  - The imminence of the safety risk arising from the purported safety issue, if any.

Note: If the person refuses to disclose the name of the worker that has authorised them as their representative and relies on section 130 of the WHS Act as their reasoning, then the person must also be a WHS entry permit holder. If this is the case, a WHS entry permit holder must also hold an entry permit issued to them by the Fair Work Commission (see WHS Act section 124). In this circumstance, their entry must be treated as a 'union official'.

If the person is unable to satisfy all the requirements detailed above, the person must be informed of the following, where applicable:

1. *"AGJV is not aware of any safety issues and has not had the opportunity to follow our WHS issue resolution procedure."*
2. *"The supposed safety issues raised are generic and lack any detail required to validate the existence of a safety issue."*
3. *"The person is a WHS entry permit holder and does not hold a Fair Work entry permit, therefore they are not permitted to enter the workplace under the WHS Act."*; or
   a. *"The person refuses to identify the worker who has supposedly authorised them to represent them, therefore we are unable to validate they have received authorisation to represent the worker."*

If the person has satisfied the above requirements, their entry can be permitted. While on-site, the person is only permitted to attend discussions aimed at resolving the safety issue. The person must not engage in any other activity while at the workplace unless authorised by AGJV.

AGJV is under no obligation to allow the person to carry out other activities while at the workplace, including visiting any areas other than the location at which discussions about the WHS issue are taking place.

The Project Director maintains absolute discretion to permit entry.

Grace Johnston

From: Jonty Bekkers [redacted]
Sent: Thursday, 18 April 2024 10:40 AM
To: Sean Donald; David Balmer; Matthew Hall; James Hanna; Mark Bingley
Subject: RE: EXT: Combating the S81.3

Follow Up Flag: Flag for follow up
Flag Status: Completed

My two cents:

1. Any letter sent should include the names of the known CFMEU/CFMEUQ officials that have had their federal entry permits revoked by the Fair Work Commission as a result of being found "unfit and improper" to hold a permit. Off the top of my head these are: Beau Seiffert; Andrew Blakeley; Blake Hynes; Michael Ravbar; Jade Ingham; Luke Gibson; and Dean Rielly.
2. We should also remind WHSQ and the QPS of section 109 (misrepresentation) – specifically that its unlawful for these non-permit holders to make false representations about what they can do under the WHS Act. Gold standard would be to have WHSQ onboard with issuing infringement/improvement notices to the CFMEU/CFMEUQ (as PCBUs in their own right).
3. The *Health and Safety and Other Legislation Amendment Act 2024* was passed late last month and will come into effect shortly. This has a raft of changes that were pushed by the AWU in an attempt to address entry by these non-permit holders under s81(3). Most notable was the inclusion of the terms "excluded entity" and "suitable entity" when determining who can enter under s81(3) as a representative. It is likely now these non-permit holders would fall within the excluded entity definition. We all know they will still simply walk on site but at least it's likely to be more clear cut for WHSQ/QPS.
4. Without having the requisite understanding of right of entry powers, the police will always be uneasy getting involved in "union matters" given the below carve out for trespass in the *Summary Offences Act 2005*. This was tested in *Seiffert v Commissioner of Police*, which didn't end well for the QPS… They generally have a pretty unsuccessful record in this area.

11 Trespass

(1) A person must not unlawfully enter, or remain in, a dwelling or the yard for a dwelling.

Maximum penalty—20 penalty units or 1 year's imprisonment.

(2) A person must not unlawfully enter, or remain in, a place used as a yard for, or a place used for, a business purpose.

Maximum penalty—20 penalty units or 1 year's imprisonment.

Note—

See the *Police Powers and Responsibilities Act 2000*, section 634 for safeguards applying to starting proceedings for particular offences in this division.

(3) This section does not prevent an authorised industrial officer entering, or remaining in, a workplace in accordance with the terms of the person's appointment as an authorised industrial officer.

Jonty Bekkers
Senior HR/IR Advisor
Coomera Connector – Shipper Drive to Helensvale Road
Acciona Georgiou Joint Venture
35 Waterway Dr, Coomera, Queensland 4209
[redacted]

From: Sean Donald
Sent: Thursday, April 18, 2024 8:04 AM
To: David Balmer ; Matthew Hall ; james.hanna ; Jonty Bekkers ; Bingley, Mark
Subject: RE: EXT: Combating the S81.3

Do not disagree

Just for info, Gibbo or Riley did NOT mention a 83.1 until WHS arrived.

I will have a chat at the CCF Board meeting today.

Care.
Integrity.
Excellence.

Sean Donald
General Manager - QLD
Level 16, 31 Duncan Street
Fortitude Valley QLD 4006
Mobile: [redacted]

Email: [redacted]

Georgiou **Our vision is to be *'the best people to work with'***
Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our respects to elders past and present.

From: Balmer, David [redacted]
Sent: Thursday, April 18, 2024 7:00 AM
To: Matthew Hall [redacted]; Sean Donald [redacted]; James Hanna [redacted]; Jonty Bekkers [redacted]; Bingley, Mark [redacted]
Cc: Darren Wagstaff [redacted]
Subject: Re: EXT: Combating the S81.3

CAUTION - This email was sent from outside Georgiou Group

Thanks Matt

Agree with suggestion

Will action tomorrow as I plan to spend a few hours pushing the broader discussion forward with the department.

Get Outlook for iOS

From: Matthew Hall [redacted]
Sent: Thursday, April 18, 2024 6:42:44 AM
To: Balmer, David [redacted]; Sean Donald [redacted]; James Hanna [redacted]; Jonty Bekkers [redacted]; Bingley, Mark [redacted]
Cc: Darren Wagstaff [redacted]
Subject: EXT: Combating the S81.3

Gents,

Both companies have had CFMEU Organisers in recent weeks, attend site using the S81.3 as they do not have permits. During the Centenary visit QPS were called and attended site and advised that they have been directed that no action is to be taken without WHSQ direction. This is due to the CFMEU currently taking the QPS to court.

I believe they way forward should be using our influence with the QMCA and the AWU to speak to WHSQ and get them to issue two letters, one to the CFMEU and one to the QPS. The letter is to give the CFMEU clear directions on what they can and cannot do when using S81.3. If not the QMCA then we could do it ourselves. This should include:

1. Must go to the office to discuss the dispute and potential resolution.
2. If a resolution cannot be agreed, WHSQ needs to attend site to mediate.
3. The PCBU and WHSQ may need to attend site to resolve the issue if the dispute resolution plan has not worked. All personnel need to do a visitors induction.
4. Anyone from the CFMEU attending site need to have both their permits.
5. WHSQ should state that anyone entering site that hasn't followed the above will be issued fines?
6. Jonty/James/Mark – Add your expertise for more points.

The letter to the QPS needs to explain the S81.3 is not an IR related entry and what the process should be. The QMCA may need to seek high levels in the QPS to go through the details and explain what is likely to happen when

they attend site. The letter should be sent to all the PM's and a company representative should reach out to the local QPS with the letter to get a number to contact should we get a non-compliant visit and to make sure they are comfortable with the process.

The reason for the letters is due to the CFMEU officials currently just walking on to site and disrupting our workforce and stopping our productivities whilst we are waiting for WHSQ to attend site, we can be waiting most of the day for them to attend site. Without us forcibly removing the officials, there isn't much we can do when they are forcing their way on to site and standing inside of exclusion zones.

Kind regards,

Matthew Hall
General Superintendent

Coomera Connector – Shipper Drive to Helensvale Road
Acciona Georgiou Joint Venture
100 Melbourne Street, South Brisbane, QLD, 4101
[redacted]

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Grace Johnston

From: Jonty Bekkers
Sent: Tuesday, 28 March 2023 12:51 PM
To: Quinn Murray
Cc: Rob Young; Leigh Hahn
Subject: AGJV + GBJV - BPIC
Attachments: GBJV Centenary Bridge Upgrade Works Greenfields Agreement 2022 (AG2022-5264).xlsx; # CALCULATOR TEMPLATE [BUILDING AND CONSTRUCTION].xlsx; Tender Clarification Questionnaire - BPP.docx; WorkPac - Tender Clarification Questionnaire - BPP [FINAL].pdf; LCR - Tender Clarification Questionnaire - BPP [FINAL].pdf

Quinn

As discussed, see **attached** the following:

1. Employee Earnings Calculator – Template
2. Employee Earnings Calculator – GBJV Centenary Bridge Upgrade Works Greenfields Agreement 2022 (AG2022-5264)
3. Tender Clarification Questionnaire – BPP
4. Tender Clarification Questionnaire – BPP – completed examples from the following contractors:
    a. WorkPac
    b. LCR

Let me know if you want to discuss any of the above.

Thanks, Jonty

Jonty Bekkers
Senior HR/IR Advisor

Telephone:
Mobile: [redacted]
Email: [redacted]

Our vision is to be the 'best people to work with'
Georgiou Group acknowledges the traditional custodians of the land on which we work, and pay our respects to the Elders past, present and emerging.

Agreement details	
Enterprise agreement	GBJV Centenary Bridge Upgrade Works Greenfields Agreement 2022
Date of operation	30/12/2022 - 23/12/2026
Union	AWU
Escalation point	1/07/2023
Classification	CW3

Day of the week	Ordinary hours (include RDO accrual)	Overtime hours x1.5	Overtime hours x2
Monday	8	2	
Tuesday	8	2	
Wednesday	8	2	
Thursday	8	2	
Friday	8	2	
Saturday			
Sunday			
Totals:	40	10	0
	50		

Item	Frequency	Superable	Hours/units	Rate	Subtotal
Ordinary Hours	Hourly (Norm)	Yes	40	$39.21	$1,568.48
Overtime Hours x1.5	Hourly (OT)	No	10	$58.82	$588.18
Overtime Hours x2.0	Hourly (OT)	No	0	$78.42	
SUPERANNUATION GUARANTEE	Weekly	No	1	11.0%	$192.95
RDO ACCRUAL	Weekly	Yes	4.00		
INCOME PROTECTION	Weekly	No	1		
TRAVEL ALLOWANCE	Daily (Norm)	Yes	5	$37.13	$185.65
TRAVEL ALLOWANCE	Daily (OT)	No	0	$37.13	
MEAL ALLOWANCE	Meal ≥ 2hrs	No	5	$22.66	$113.30
REDUNDANCY CONTRIBUTION	Weekly	No	1	$100.00	$100.00
TRADESPERSON ALLOWANCE	Hourly (All-purpose)	Yes	All-purpose		
FIRST AID ALLOWANCE	Daily (Norm)	Yes	5		
FIRST AID ALLOWANCE	Daily (OT)	No	0		
LH: 2-5 PPL	Hourly (All-purpose)	Yes	All-purpose		
LH: 6-10 PPL	Hourly (All-purpose)	Yes	All-purpose		
LH: 11+ PPL	Hourly (All-purpose)	Yes	All-purpose		
HSR ALLOWANCE	Hourly (All-purpose)	Yes	All-purpose		
UNION DELEGATE ALLOWANCE	Hourly (All-purpose)	Yes	All-purpose		

Employee's gross weekly earnings (incl. contributions)	$2,749
Employee's gross average hourly earnings (incl. contributions)	$54.97

Base Hourly Rates				
Classification	1/07/2022	1/07/2023	1/07/2024	1/07/2025
CW1	$35.17	$36.23	$37.31	$38.43
CW2	$37.24	$38.36	$39.51	$40.69
CW3	$38.07	$39.21	$40.39	$41.60
CW4	$39.72	$40.91	$42.14	$43.40
CW5	$41.38	$42.62	$43.90	$45.22
CW6	$43.34	$44.64	$45.98	$47.36

Allowances								
Allowance / Contribution	EA Clause	Frequency	Superable	1/07/2022	1/07/2023	1/07/2024	1/07/2025	Apply
Superannuation Guarantee	11.5	Weekly	No	10.5%	11.0%	11.5%	12.0%	Yes
RDO Accrual		Weekly	Yes	$39.21	$39.21	$39.21	$39.21	No
Income Protection	10.13	Weekly	No	$31.00	$31.93	$32.89	$33.87	No
Travel Allowance	11.4.1	Daily (Norm)	Yes	$37.13	$37.13	$37.13	$37.13	Yes
Travel Allowance	11.4.1	Daily (OT)	No	$37.13	$37.13	$37.13	$37.13	Yes
Meal Allowance	11.4.3	Meal ≥ 2hrs	No	$22.66	$22.66	$22.66	$22.66	Yes
Redundancy Contribution	11.6	Weekly	No	$100.00	$100.00	$100.00	$100.00	Yes
Tradesperson Allowance	11.4.4	Hourly (All-purpose)	Yes	$3.30	$3.30	$3.30	$3.30	No
First Aid Allowance	11.4.5	Daily (Norm)	Yes	$4.50	$4.50	$4.50	$4.50	No
First Aid Allowance	11.4.5	Daily (OT)	No	$4.50	$4.50	$4.50	$4.50	No
LH: 2-5 ppl	11.4.6	Hourly (All-purpose)	Yes	$1.80	$1.80	$1.80	$1.80	No
LH: 6-10 ppl	11.4.6	Hourly (All-purpose)	Yes	$2.30	$2.30	$2.30	$2.30	No
LH: 11+ ppl	11.4.6	Hourly (All-purpose)	Yes	$3.20	$3.20	$3.20	$3.20	No
HSR Allowance	11.4.8	Hourly (All-purpose)	Yes	$2.66	$2.66	$2.66	$2.66	No
Union Delegate Allowance	11.4.8	Hourly (All-purpose)	Yes	$2.66	$2.66	$2.66	$2.66	No

Agreement details	
Enterprise agreement	
Date of operation	
Union	
Escalation point	
Classification	

Day of the week	Ordinary hours (include RDO accrual)	Overtime hours x1.5	Overtime hours x2
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			
Totals:	0	0	0
	0		

Item	Frequency	Superable	Hours/units	Rate	Subtotal
Ordinary Hours	Hourly (Norm)	Yes	0		
Overtime Hours x1.5	Hourly (OT)	No	0		
Overtime Hours x2.0	Hourly (OT)	No	0		
SUPERANNUATION GUARANTEE	Weekly	No	0		
RDO ACCRUAL	Weekly	Yes	0.00		

Employee's gross weekly earnings (incl. contributions)	$0
Employee's gross average hourly earnings (incl. contributions)	$0.00

Base Hourly Rates						
Classification	Escalation 1	Escalation 2	Escalation 3	Escalation 4	Escalation 5	Escalation 6
CW1						
CW2						
CW3						
CW4						
CW5						
CW6						
CW7						
CW8						
CW9						
CW10						
CW11						
CW12						
CW13						
CW14						
CW15						
CW16						
CW17						
CW18						
CW19						
CW20						

Allowances										
Allowance / Contribution	EA Clause	Frequency	Superable	Escalation 1	Escalation 2	Escalation 3	Escalation 4	Escalation 5	Escalation 6	Apply
Superannuation Guarantee		Weekly	No							Yes
RDO Accrual		Weekly	Yes							No

TENDER CLARIFICATION QUESTIONNAIRE – BEST PRACTICE PRINCIPLES (BPP)

The responses provided in this document will be assessed and form part of our tender non-price evaluation.

If you have any questions when completing this questionnaire, please contact Jonty Bekkers at [redacted]

Commitment to new entrants and trainees
If successful, AGJV would seek that the tenderer assists with our commitment to training hours through this package of work. Can the tenderer please give consideration and quantify what training hours they will commit to for these works, with a particular focus on new entrant training. Please also indicate what traineeships/apprenticeships you would offer.
Response here:

Commitment to indigenous participation
If successful, AGJV would seek that the tenderer assists with our commitment to indigenous participation through this package of works. Can the tenderer please give consideration and quantify what indigenous employment they will commit to for these works (i.e., XXXX hours or XX persons or XX% of workforce).
Response here:

Commitment to employing a local workforce
If successful, the Project would seek that the tenderer assists with AGJV's commitment to maximising local employment through this package of works. Can the tenderer please give consideration and quantify what local employment outcomes they could commit to for these works (i.e., XX% of workforce or XX persons engaged within 125km radius of the Project (still within Queensland*)).
Response here:

As part of the tender review process for this package of works, AGJV needs to understand how the tenderer is – or plans on – meeting best practice industrial relations.

To address best practice industrial relations, the Queensland Government (through DTMR) has developed a specific guidance document called "Transport BPIC", in addition to a project-specific addendum to the Transport BPIC called "Coomera Connector BPIC appendix". These documents can be accessed from the links below.

- Best Practice Industry Conditions for Transport Civil Construction Projects (Transport BPIC) (PDF, 779 KB)
- Coomera Connector BPIC – set out as an appendix to the Transport BPIC (PDF, 22 KB)

DTMR has advised that best-practice industrial relations may be met through the Transport BPIC. AGJV are meeting the intent of best practice industrial relations and the Transport BPIC through various practices and its enterprise agreement, which can be viewed on the Fair Work Commission's website at the below link.

- AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022 (AG2022/2457)

The Transport BPIC forms part of the Queensland Government's procurement policy. It is a guide only and is not mandatory. AGJV has committed to meet the intent of the Transport BPIC (and the Coomera Connector BPIC appendix) on this project, however, tenderers can demonstrate the intent and outcomes of the Transport BPIC in any manner the tenderer chooses, which may include not adopting any part of the Transport BPIC.

To assist AGJV, could the tenderer please complete the below tables outlining what changes (**if any**) it plans to make from its existing industrial instrument and practices to meet the intent of the Transport BPIC (and the Coomera Connector BPIC appendix) for this package of works.

AGJV acknowledges that some tenderers may already provide terms and conditions of employment which are at least equivalent to the substantive obligations, entitlements, conditions, and amounts contained in the Transport BPIC and Coomera Connector BPIC appendix.

Demonstrating the intent and outcomes of the Transport BPIC and Coomera Connector BPIC appendix		
Transport BPIC Specific Industrial Condition	Intent	Response here
Third-party access to employee wage records	Compliance	
Superannuation	Employment conditions	
Redundancy	Employment conditions	
Hours of work	Employment conditions	
Shift loadings and overtime penalties	Employment conditions	
Hourly rates of pay	Employment conditions	
Allowances	Employment conditions	
Income protection insurance	Employment conditions	
Leave provisions	Employment conditions	
Workforce RDOs	Fatigue management	
Hot weather guidelines	Health and safety	
Inclement weather	Health and safety	
Impairment / fit for work policy	Health and safety	

Workplace health and safety operations	Health and safety	
Provision of PPE	Health and safety	
Security of employment	Job security	
Direct employment optimised	Job security	
Casual employment and conversion of long-term casual employees	Job security	
Consultation with workforce and/or their representatives	Workforce engagement	
Structured dispute resolution framework	Workforce engagement	
Toolbox meetings	Workforce engagement	

Employee Base Hourly Rates - Permanent Employees		
Classification	Base Hourly Rate (**BAU**) *i.e., the hourly rate your permanent employees currently receive under your industrial instrument and/or arrangements for the current financial year*	Base Hourly Rate (**BPIC**) *i.e., the hourly rate your permanent employees will receive following your review of BPIC (if being varied) for the current financial year*
E.g., CW1		
E.g., CW2		
E.g., CW3		
E.g., CW4		
E.g., CW5		
E.g., CW6		
The above classifications are examples only, please adjust accordingly for your business and/or industrial instrument.		

Employee Allowances		
Allowance	Rate (**BAU**) *i.e., the allowance amount your employees currently receive under your industrial instrument and/or arrangements for the current financial year*	Rate (**BPIC**) *i.e., the allowance amount your employee will receive following your review of BPIC (if being varied) for the current financial year*
E.g., Travel Allowance		
E.g., Meal Allowance		
E.g., Site Allowance		
E.g., Income Protection		
E.g., Redundancy		
The above allowances are examples only, please adjust accordingly for your business and/or industrial instrument.		

TENDER CLARIFICATION QUESTIONNAIRE – BEST PRACTICE PRINCIPLES (BPP)

The responses provided in this document will be assessed and form part of our tender non-price evaluation.

If you have any questions when completing this questionnaire, please contact Jonty Bekkers at [redacted].

Commitment to new entrants and trainees
If successful, AGJV would seek that the tenderer assists with our commitment to training hours through this package of work. Can the tenderer please give consideration and quantify what training hours they will commit to for these works, with a particular focus on new entrant training. Please also indicate what traineeships/apprenticeships you would offer.
Response here: *Apprentices and trainees will be provided for the project as ordered by the Acciona Georgiou JV (in accordance with labour-hire arrangements).*

Commitment to indigenous participation
If successful, AGJV would seek that the tenderer assists with our commitment to indigenous participation through this package of works. Can the tenderer please give consideration and quantify what indigenous employment they will commit to for these works (i.e., XXXX hours or XX persons or XX% of workforce).
Response here: *WorkPac would leverage the services of our strategic partner, JobTrail (a majority Aboriginal-owned business registered with Supply Nation), to engage within local communities and source applications from Indigenous Australians. Based upon our experience and achievements with other local projects, WorkPac can commit to achieving a 10% Indigenous participation rate for the project.* *Additionally, based upon our experience and achievements with other local projects around female-focussed marketing campaigns and strategies, WorkPac can commit to achieving a 20% female participation rate for the project).*

Commitment to employing a local workforce
If successful, the Project would seek that the tenderer assists with AGJV's commitment to maximising local employment through this package of works. Can the tenderer please give consideration and quantify what local employment outcomes they could commit to for these works (i.e., XX% of workforce or XX persons engaged within 125km radius of the Project (still within Queensland*)).
Response here: *WorkPac has over 140,000 directly registered candidates within 50km of Coomera, and we are establishing new connections every day through our ongoing operations. Of these, over 1,000 identify as Indigenous, and WorkPac would engage the services of our strategic partner JobTrail to undertake community engagement and source additional Indigenous applicants for the project. Across South East Queensland we employ over 1,100 on-hire personnel and over 100 internal staff. We are committed to local first sourcing for the project, with an aspiration of 100% local employment.*

As part of the tender review process for this package of works, AGJV needs to understand how the tenderer is – or plans on – meeting best practice industrial relations.

To address best practice industrial relations, the Queensland Government (through DTMR) has developed a specific guidance document called "Transport BPIC", in addition to a project-specific addendum to the Transport BPIC called "Coomera Connector BPIC appendix". These documents can be accessed from the link below.

- Tenders and contracts – Best Practice Industry Conditions

DTMR has advised that best-practice industrial relations may be met through the Transport BPIC. AGJV are meeting the intent of best practice industrial relations and the Transport BPIC through various practices and its enterprise agreement, which can be viewed on the Fair Work Commission's website at the below link.

- AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022 (AG2022/2457)

The Transport BPIC forms part of the Queensland Government's procurement policy. It is a guide only and is not mandatory. AGJV has committed to meet the intent of the Transport BPIC (and the Coomera Connector BPIC appendix) on this project, however, tenderers can demonstrate the intent and outcomes of the Transport BPIC in any manner the tenderer chooses, which may include not adopting any part of the Transport BPIC.

To assist AGJV, could the tenderer please complete the below tables outlining what changes (**if any**) it plans to make from its existing industrial instrument and practices to meet the intent of the Transport BPIC (and the Coomera Connector BPIC appendix) for this package of works.

AGJV acknowledges that some tenderers may already provide terms and conditions of employment which are at least equivalent to the substantive obligations, entitlements, conditions, and amounts contained in the Transport BPIC and Coomera Connector BPIC appendix.

Demonstrating the intent and outcomes of the Transport BPIC		
Transport BPIC Specific Industrial Condition	Intent	Response here
Third-party access to employee wage records	Compliance	WorkPac agrees to provide project records as required for client and principal audits. Additionally, WorkPac's employees (i.e. labour hire workers) can access their personal information and records held by WorkPac in accordance with our Privacy Policy.
Superannuation	Employment conditions	WorkPac pays Superannuation in accordance with the Superannuation Guarantee (Administration) Act 1992, meeting the requirements of clause 14 of the Transport BPIC.
Redundancy	Employment conditions	Contributions will be made to ACIRT as applicable
Hours of work	Employment conditions	As per the AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022
Shift loadings and overtime penalties	Employment conditions	As per the AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022
Hourly rates of pay	Employment conditions	As per the AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022
Allowances	Employment conditions	As per the AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022
Income protection insurance	Employment conditions	As per the AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022
Leave provisions	Employment conditions	WorkPac's employees on the project be entitled to leave in accordance with the provisions of the Construction Services Agreement 2021 (AG2021/5601)

Workforce RDOs	Fatigue management	WorkPac's employees on the project shall accrue RDOs in accordance with the provisions of the Construction Services Agreement 2021 (AG2021/5601)
Hot weather guidelines	Health and safety	The inclement weather provisions of the Construction Services Agreement 2021 (AG2021/5601) shall apply, in conjunction with the directions of AGJV.
Inclement weather	Health and safety	The inclement weather provisions of the Construction Services Agreement 2021 (AG2021/5601) shall apply, in conjunction with the directions of AGJV.
Impairment / fit for work policy	Health and safety	The fitness for work provisions of the Construction Services Agreement 2021 (AG2021/5601) shall apply, in conjunction with AGJV's policies and procedures for the project.
Workplace health and safety operations	Health and safety	WorkPac and AGJV's respective health and safety management systems shall apply.
Provision of PPE	Health and safety	As per the AGJV & AWU Coomera Connector Civil Works Greenfields Agreement 2022
Security of employment	Job security	WorkPac shall provide options for casual conversion (to permanent employment with WorkPac) as per the WorkPac Construction Services Agreement 2021. Additionally, WorkPac will facilitate temporary-to-permanent conversion (to direct employment with AGJV) where this is requested by AGJV for individual workers.
Direct employment optimised	Job security	As above, temp-to-perm employment will be facilitated as requested by AGJV and or the NES obligations for casual conversion.
Casual employment and conversion of long-term casual employees	Job security	No change WorkPac will apply the NES obligations of 12 months casual conversion
Consultation with workforce and/or their representatives	Workforce engagement	WorkPac shall consult with its employees in accordance with its established procedures, and the provisions of the Construction Services Agreement 2021 (AG2021/5601)
Structured dispute resolution framework	Workforce engagement	Any queries, disputes, or grievances can be raised through WorkPac's local Business Manager who shall be available on site regularly, or the candidate's assigned recruitment coordinator. These will be investigated, escalated (if required), and resolved promptly in accordance with the dispute resolution provisions of the Construction Services Agreement 2021 (AG2021/5601)
Toolbox meetings	Workforce engagement	Toolbox meetings are the responsibility of AGJV, as the entity directing and supervising on-hire personnel on a daily basis. WorkPac staff shall attend and contribute to toolbox meetings as reasonably requested by AGJV.

Employee Base Hourly Rates - Permanent Employees		
Classification	Base Hourly Rate (**BAU**)	Base Hourly Rate (**BPIC**)

	i.e., the hourly rate your permanent employees currently receive under your industrial instrument and/or arrangements for the current financial year	*i.e., the hourly rate your permanent employees will receive following your review of BPIC (if being varied) for the current financial year*
Level 1	$29.60 / hour ($39.00 casual)	$36.77 / hour ($45.96 casual)
Level 2	$31.20 / hour ($42.00 casual)	$38.93 / hour ($48.66 casual)
Level 3	$33.60 / hour ($42.00 casual)	$39.57 / hour ($49.46 casual)
Level 4	$36.00 / hour ($45.00 casual)	$41.53 / hour ($51.91 casual)
Level 5	$38.40 / hour ($48.00 casual)	$43.26 / hour ($54.08 casual)
Level 6	$40.00 / hour ($50.00 casual)	$45.42 / hour ($56.78 casual)
Level 7	Not used for package	Not used for package

Employee Allowances		
Allowance	Rate (**BAU**) *i.e., the allowance amount your employees currently receive under your industrial instrument and/or arrangements for the current financial year*	Rate (**BPIC**) *i.e., the allowance amount your employee will receive following your review of BPIC (if being varied) for the current financial year*
Travel Allowance	$25 / day	$40 / day
First Aid Allowance	$5.13 / day	$4.50 / day
Meal Allowance	$23.50 / meal	No change
Productivity Allowance	$5.50 / hour	No change
Income Protection	N/A	$54.30 / week
Redundancy	N/A	$170 / week (permanent employees)
Tool Allowance	$3.30 / hour	No change
Project Partnership Payment	N/A	$55 / week
Shift Loadings	Afternoon & Night Shift – 15% Permanent Night Shift – 30% Non Consecutive Night <5 shifts – 50%	Afternoon Shift – 30% Night Shift – 50%

TENDER CLARIFICATION QUESTIONNAIRE – BEST PRACTICE PRINCIPLES (BPP)

The responses provided in this document will be assessed and form part of our tender non-price evaluation.

If you have any questions when completing this questionnaire, please contact Jonty Bekkers at [redacted].

Commitment to new entrants and trainees
If successful, AGJV would seek that the tenderer assists with our commitment to training hours through this package of work. Can the tenderer please give consideration and quantify what training hours they will commit to for these works, with a particular focus on new entrant training. Please also indicate what traineeships/apprenticeships you would offer.
Response here: *It is difficult to quantify hours based on an adhoc hire relationship. However, current and new employees receive ongoing upskilling training into higher duties. We currently have two trainees and one apprentice who will have work hours contributing to the targets. Unfortunately, trainees and apprentices cannot be engaged directly on site as all crane work requires a High Risk licence to perform.* *Subject to volume of work, an additional trainee may be engaged to support this work package.*

Commitment to indigenous participation
If successful, AGJV would seek that the tenderer assists with our commitment to indigenous participation through this package of works. Can the tenderer please give consideration and quantify what indigenous employment they will commit to for these works (i.e., XXXX hours or XX persons or XX% of workforce).
Response here: *As above, difficult to quantify for daily adhoc hire activities. There is a potential for further employment subject to volume of work and labour requirement, and we will ensure every opportunity is available to Indigenous applicants.*

Commitment to employing a local workforce
If successful, the Project would seek that the tenderer assists with AGJV's commitment to maximising local employment through this package of works. Can the tenderer please give consideration and quantify what local employment outcomes they could commit to for these works (i.e., XX% of workforce or XX persons engaged within 125km radius of the Project (still within Queensland*)).
Response here: *100% of employees will be from within 125km radius.* *General suppliers of inputs, consumables, fuels, support services etc, will also be from within 125km radius.*

As part of the tender review process, the Project needs to understand how the Company is – or plans on – meeting best practice industrial relations for this package of works.

In order to address best practice industrial relations, the Queensland Government (through DTMR) has developed a specific guidance document called Transport BPIC.

DTMR has advised that best-practice industrial relations may be met through the Transport BPIC, which is available online here. AGJV are meeting the intent of best practice industrial relations and BPIC through various practices and its enterprise agreement, which can be viewed online here.

BPIC forms part of the Queensland Government's procurement policy. It is a guide only and is not mandatory. AGJV has committed to meet the intent of BPIC on this Project, however, tenderers can demonstrate the intent and outcomes of BPIC in any manner the Company chooses, which may include not adopting any part of BPIC.

To assist the Project, could the Company please complete the below tables outlining what adjustments (if any) it plans to make from its existing industrial instrument and practices to meet the intent of BPIC for this package of works?

Demonstrating the intent and outcomes of the Transport BPIC and Coomera Connector BPIC appendix		
Transport BPIC Specific Industrial Condition	Intent	Response here
Third-party access to employee wage records	Compliance	*Compliance – subject to Privacy*
Superannuation	Employment conditions	*No adjustment - In line with Federal Superann. Guarantee*
Redundancy	Employment conditions	*No adjustment - Industry-specific redundancy scheme (mobile crane hiring industry)*
Hours of work	Employment conditions	*No adjustment – 36 normal hrs/wk*
Shift loadings and overtime penalties	Employment conditions	*No adjustment required*
Hourly rates of pay	Employment conditions	*No adjustment required*
Allowances	Employment conditions	*Project-specific allowance if BPIC is required*
Income protection insurance	Employment conditions	*No adjustment required*
Leave provisions	Employment conditions	*No adjustment required*
Workforce RDOs	Fatigue management	*No adjustment required*
Hot weather guidelines	Health and safety	*No adjustment required*
Inclement weather	Health and safety	*No adjustment required*
Impairment / fit for work policy	Health and safety	*No adjustment required*
Workplace health and safety operations	Health and safety	*No adjustment required*
Provision of PPE	Health and safety	*No adjustment required*
Security of employment	Job security	*No adjustment required*
Direct employment optimised	Job security	*No adjustment required*

Casual employment and conversion of long-term casual employees	Job security	*No adjustment required*
Consultation with workforce and/or their representatives	Workforce engagement	*No adjustment required*
Structured dispute resolution framework	Workforce engagement	*No adjustment required*
Toolbox meetings	Workforce engagement	*No adjustment required*

Employee Base Hourly Rates - Permanent Employees		
Classification	Base Hourly Rate (**BAU**) *i.e., the hourly rate your permanent employees currently receive under your industrial instrument and/or arrangements for the current financial year*	Base Hourly Rate (**BPIC**) *i.e., the hourly rate your permanent employees will receive following your review of BPIC (if being varied) for the current financial year*
MCE Level 1	$34.87 p/hour (minimum)	No change
MCE Level 2	$36.61 p/hour (minimum)	No change
MCE Level 3	$38.97 p/hour (minimum)	No change
MCE Level 4	$40.16 p/hour (minimum)	No change
MCE Level 5	$41.34 p/hour (minimum)	No change
MCE Level 6	$42.52 p/hour (minimum)	No change
MCE Level 7	$47.24 p/hour (minimum)	No change

Employee Allowances		
Allowance	Rate (**BAU**) *i.e., the allowance amount your employees currently receive under your industrial instrument and/or arrangements for the current financial year*	Rate (**BPIC**) *i.e., the allowance amount your employee will receive following your review of BPIC (if being varied) for the current financial year*
Travel Allowance	$32.50 p/day	No change
Meal Allowance	$15.30 p/instance	No change
Site Allowance	N/A	$8 p/hour (all hours) – Day Works $9 p/hour (all hours) – Night Shift

JLB-24

CN-13712 Centenary bridge Upgrade - Options

Where:	Microsoft Teams Meeting; 141-4253 GBJV Meeting Room
When:	Wed. Mar. 13 17:00:00 2024 +10:00
Until:	Wed. Mar. 13 17:25:00 2024 +10:00
Organisers	Leigh Hahn [redacted]
Required Attendees:	Leigh Hahn [redacted] berry.freshney [redacted] Gary Grant [redacted] Gavin Kenny [redacted] Mathew Quy-Verlander [redacted] Quinn Murray [redacted] Rex Clarke [redacted] Sean Donald [redacted]
Optional Attendees:	Jonty Bekkers [redacted]

Gents: Table below was prepared by Jonty and forwarded via Berry on the available avenues to address the blockade situation CBUP is facing.

I think our collaboration pathway has ended so, my thoughts are a combination of Low & Moderate.

Response Level	Options
BAU / on-site strategies	• Detailed and contemporaneous file notes and statements of unlawful behaviour and conversations with CFMEU officials as to why the action is occurring (particularly intimidating and abusive/aggressive comments). **Good notes and evidence are vital if pursuing legal avenues.** • Video footage, photos of the CFMEU folk wearing CFMEU branded clothing. This allows us to demonstrate the CFMEU's involvement in organising the action. • Quantifiable records of financial loss as a result of unlawful behaviour. • Proactively engaging police/police escorts before and during delivery. • Reconsidering how deliveries to the site are received (eg, utilising the river). • Improved site security (ATF gates, security guards, CCTV etc). • Hosing down the "protestors" to get them to move
Low	1. **PRIORITY:** Write a letter to the CFMEU putting them on notice and seeking an undertaking from them that the action will stop etc or we will take them to court. a. Can be prepared in-house but suggest engaging a solicitor to ensure wording is effective. Relatively cheap if we engage a solicitor (~$800-$1,000 + GST) b. Would need to be prepared to escalate through other avenues if the behaviour continues. c. Can be used in future court proceedings to demonstrate we attempted to resolve the situation at a local level before seeking court intervention.
Moderate	1. Meet with the police off-site and explore avenues available to us through them/brief them on the situation so they have an understanding when they get called out. Arm them with the information and organise a meeting with the right person within QPS.

	2. Contact the Fair Work Ombudsman and report the behaviour/seek their support. 3. Make a "stop action" application to the Fair Work Commission against the CFMEU as an employer organising the action: a. Usually dealt with within two days. Hearing can be held on the same day. b. Cheap and relatively easy. c. Need to demonstrate that the "protestors" are affiliated with the CFMEU.
Nuclear	1. **PREFERENCE:** Engage a lawyer to explore our options of seeking urgent injunctive relief in the Qld Supreme Court (this would be the best jurisdiction to go down, in my opinion. If they are trespassing/abusing right of entry provisions, Federal Court may be more appropriate). 2. Engage a lawyer to explore our options of seeking urgent injunctive relief in the Federal Court.

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 433 618 335 312
Passcode: iV3bzL

Dial-in by phone
+61 7 3062 8833,,648742933# Australia, Brisbane
Find a local number
Phone conference ID: 648 742 933#

For organizers: Meeting options | Reset dial-in PIN

JLB-25

RE: CFMEU

From: Jonty Bekkers [redacted]
To: Quinn Murray [redacted]; Maddie Bismire [redacted]
Date: Mon, 20 May 2024 16:42:17 +1000

I've used them before on another project. Can go one of two ways:

1. Union organisers adjust their behaviours as their actions are being captured for the world to see; or
2. It further escalates the situation.

As a general rule: I wouldn't roll out body cameras straight away; it's probably better getting a feel for the behaviours/individual organisers you are dealing with and wielding the threat of body cameras, if need be.

Worthwhile also checking the state's surveillance laws. I am not sure about WA but in Queensland, for example, the *Invasion of Privacy Act 1971* makes filming people fairly unfettered (outside of "private conversations" and being in the toilet).

Regards, Jonty

Jonty Bekkers
HR/IR Manager
Coomera Connector – Shipper Drive to Helensvale Road
Acciona Georgiou Joint Venture
35 Waterway Dr, Coomera, Queensland 4209
[redacted]

From: Quinn Murray [redacted]
Sent: Monday, May 20, 2024 4:18 PM
To: Maddie Bismire [redacted]; Jonty Bekkers [redacted]
Subject: RE: CFMEU

Centenary Bridge team has recently started utilising them in response to the change in behaviour from the CFMEU.

They have been quite useful for both record keeping purposes and keeping the organisers to adhere to normal human decency.

Quinn Murray
Project Manager
Georgiou BMD Joint Venture (GBJV)

[redacted]
213 Sinnamon Road, Jindalee QLD 4074
PO Box 197 Wynnum Qld 4178

From: Maddie Bismire [redacted]
Sent: Monday, May 20, 2024 10:35 AM
To: Jonty Bekkers [redacted]; Quinn Murray [redacted]
Subject: FW: CFMEU

You don't often get email from [redacted]. Learn why this is important

Hi Jonty and Quinn

Sarah in WA is wanting some feedback on body cams for union visits.

Is this something that either of Coomera/Centenary projects regularly utilises?

Thanks

Care. Integrity. Excellence.

Maddie Bismire

HSEQ Systems Coordinator

Level 16, 31 Duncan Street

Fortitude Valley QLD 4006

Mobile: [redacted]
Email: [redacted]

Georgiou **Our vision is to be *'the best people to work with'***
Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our respects to elders past and present.

From: Sarah Pettit [redacted]
Sent: Thursday, May 16, 2024 8:47 PM
To: Jock Macfarlane [redacted]; Maddie Bismire [redacted]
Subject: CFMEU

Hey Team

I was wondering if you know, or could ask a few of the QLD HS Advisors in Rogers absence, if anyone is still using (Actively) the body cams when the CFMEU come onto site? I know Rog rolled this out a while ago, but very interested to see if people use these regularly or if its fall away?
We are looking to implement on our new perth airport project given the attention we know we will receive from our Furry Friends :)

Any info would be appreciated.

Regards,

Sarah Pettit

HSE Manager - WA

M: [redacted]

Care. Integrity. Excellence.

Our vision is to be *'the best people to work with'*
Georgiou Group acknowledges the Traditional Custodians of the land on which we work, and pay our respects to elders past and present.

Grace Johnston

From: Roger Oliver
Sent: Wednesday, 8 January 2025 11:51 AM
To: Jonty Bekkers JV; Joe Barker; Quinn Murray JV; Gareth Davie
Subject: Union/Regulator Interaction presentation
Attachments: Union Interaction Presentation JB Rev 2.pptx

Hi All

Attached is the final draft of the presentation can you pleasae cast your eyes over it and if need be make any change(s) and get back to me with them. If your happy with your section simply reply OK

Cheers
Roger

Georgiou



Union / Regulator Interactions/Learnings

Georgiou

Setting the scene

- What prompted the sudden influx of interactions with the unions
- What was the climate like eg
  - about 5years ago WHSQ inspectors were providing an educational focus on industry, this focus changed why?
  - What were the triggers
- Challenges
  - S81.3 Issues Resolution
    - Implementation of s81(3),s484, & s117 support material
  - Inspectors enlivening process in support of entry to site

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Joe Barker
Senior Project Manager
Exit 41



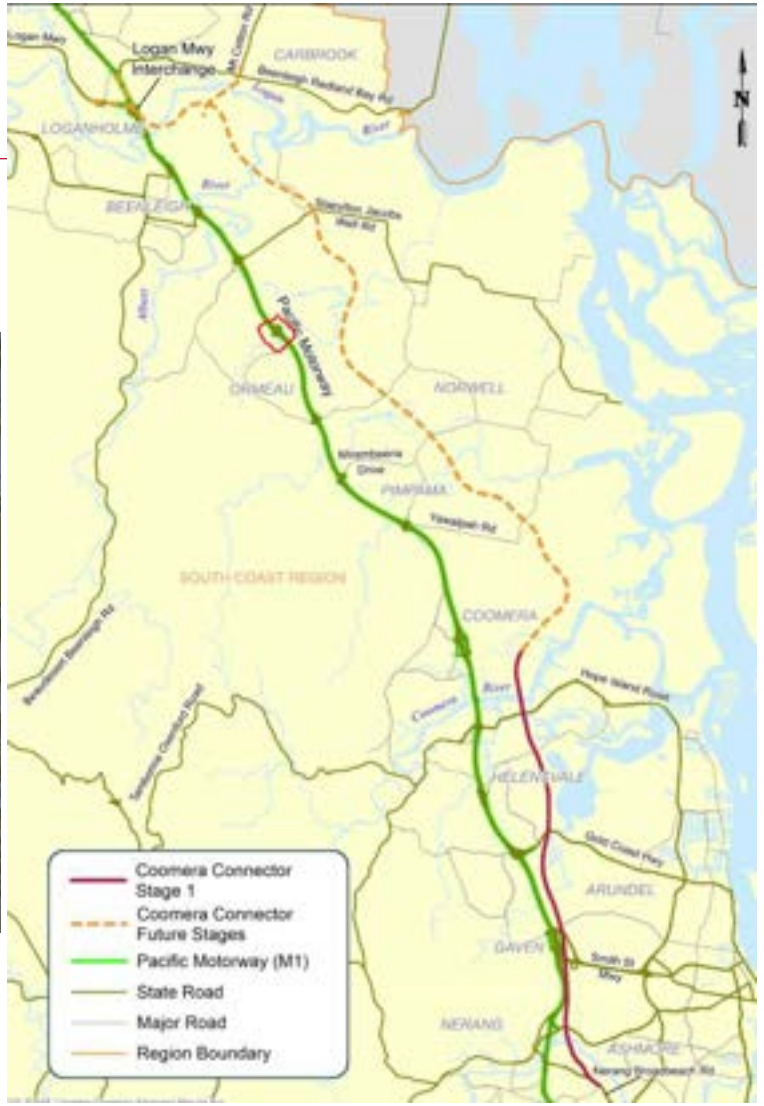
Georgiou

Georgiou

Exit 41

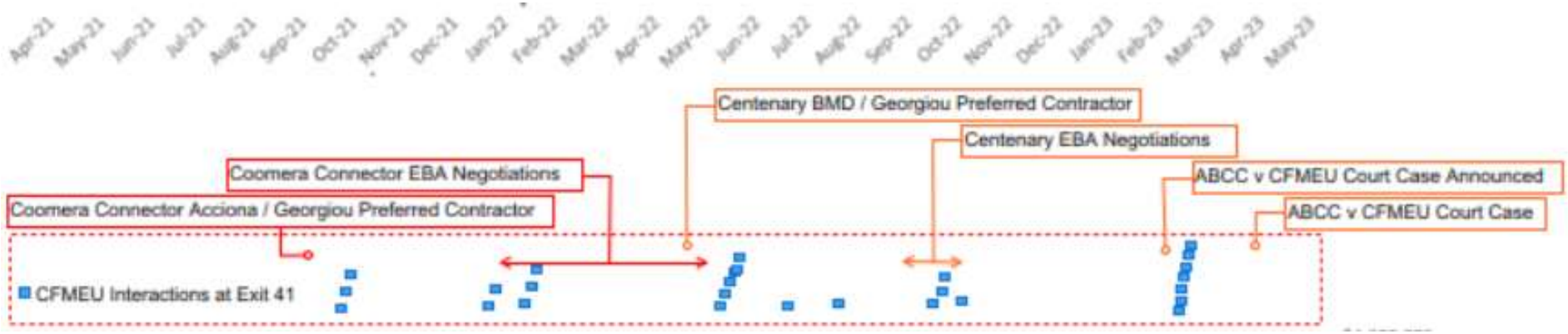
Proximity to Coomera Connector





Impact of BPIC on Exit 41

- BPIC not applied to Exit 41 Contract
- Union completed coordinated visits across all Georgiou SEQ projects
- Note the Union interactions on Exit 41 appear to be driven by BPIC issues on other projects



Georgiou

Exit 41 Interactions / Impact

General

- Over 50 Notice of Entry
  - Several different reps
- A dozen Safety Issue inspections
- Several unofficial visits
- 22 WHS QLD visits
- Only 4 Improvement Notices

Impact on project

- Disruption (120hrs+)
- Supervisors / Engineers / Admin
  - Things got personal
  - Phone calls
  - 150 + text messages before 5am
  - Gumtree ads
  - Photos / videos on Facebook

WHS / Union Interactions

- WHS & Unions arrived at the same time
- WHS did not follow it's own Safety Issues Guidelines…
- Union advised that Project received 2 immediate compliances the day prior
- WHS Officially requested a list of a subcontractors onsite…
- WHS Act was changed…

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Georgiou

ABCC Court Case

Based on Illegal Entry and Threats



- ABCC discussion Nov 21
- ABCC Statement Nov 21
- ABCC lodged Court Application March 22
  - Multiple administration hearings
  - Georgiou Reps subpoenaed to appear in court May 23
  - I was cross examined for several hours over 2 days
    - The lawyer tried every trick to prove I was an unreliable witness and commit perjury
    - ABCC took a plea bargain at the 11th hour

Georgiou

ABCC Court Case

Regards FWC withdrawing the "bat" claim

•To abandon such a claim, especially at the eleventh hour, is something that one would think would not occur lightly.

•In this case, the attitude of the Applicant was consistent from 30 March 2022 to 17 November 2023 with the filing of the application through to the filing of affidavits, the calling of witnesses who were cross-examined, the cross examination of a Union witness who gave contrary evidence, the making of very strong submissions in support of the claim and the making of very strong submissions in reply.

•Yet, a little over 4 hours after finalising all the preparations for the last act in this long running saga (which was to occur on the following business day), the FWO abandoned the claim, notwithstanding that it still proclaimed Mr Barker and Mr Treagus as being "witnesses of truth".

•What concerned me is that there may be a perception that the FWO had not complied with their obligations as a model litigant. Those obligations include such concepts as acting as transparently as possible and acting consistently.



Georgiou

ABCC Court Case

Learnings

- Emergency Contact list
- Control the Prestart Sheet
- Records, Records, Records
  - Take photos of everything (when they arrive and depart)
  - Visitor Process needs to be bullet proof
  - Register was not well maintained and consisted of loose sheets
  - Be diligent with recording the interactions
- Use body cameras at all times
- Do not offer documents / records
- Know the Right of Entry process and follow it completely.
  - Safety Issue Resolution was written
- Come up with a plan on WHO will deal with Union / WHS
- Train up engineers / supervisors on how to interact
- Know the WHS interaction rules….

Quinn Murray
PM Centenary Bridge
Gareth Davie
Construction Manager



Georgiou

Georgiou

Centenary Bridge 2024

Setting the Stage

- GBJV established a Greenfields Agreement with AWU to comply with new BPIC
- CFMEU rallied against all AWU agreements as being sub-standard Industrial Instruments

Opening Act

- 41 Union Visits in first 9 months on site
- Social Media Smear Campaign launched against JV Partner (BMD)
- Aug-23 CFMEU and AWU threatened significant disruption if Traffic Controller ‘Altus’ was retained on project

Final Catalysts

- CFMEU Aligned TC, KPI, contained self-nominated union delegates – caused significant trouble
- GBJV procured Temp Works steel from China due to Aus being unable to hit program
- GBJV rebuffed CFMEU attempts to modify Greenfields agreement



Georgiou

Actions / Responses

Union Actions

- CFMEU began an illegal blockade in Late Feb which lasted for 6 weeks
- Stormed the site on a number of occasions preventing deliveries, pulling apart fencing, and delaying or disrupting pours

Site Response

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- Shutdown site during initial phases when situation escalated
- Employed security firm to prevent illegal access to the project site and to protect staff/workforce
- Engaged IR consultants to remove project team interaction with union delegates

Corporate Response

- Sought and achieved Federal Court Injunction
- Modified policies to enable site to rebuff attempted entries
- Challenged WHSQ notices when issued regarding refusal to comply with S117/118 requests from Union Officials

Georgiou

Lessons Learned

Key Site Lessons

- 2nd Hand Command – villainise PM/CM by only refusing Union Officials requests as a result of Head office/ management direction
- IR support and rotating people at the coalface key to sustained barrages

WHSQ Lessons

- Proactively engage with WHSQ
- Resolve Union purported breaches with WHSQ officials

Corporate Lessons

- Aggressively pursue legal responses to illegal behaviours
- Challenge WHSQ notices
- Better HQ preparedness for such situations / sustained campaigns



Jonty Bekkers
HR/IR Manager
Coomera Connector



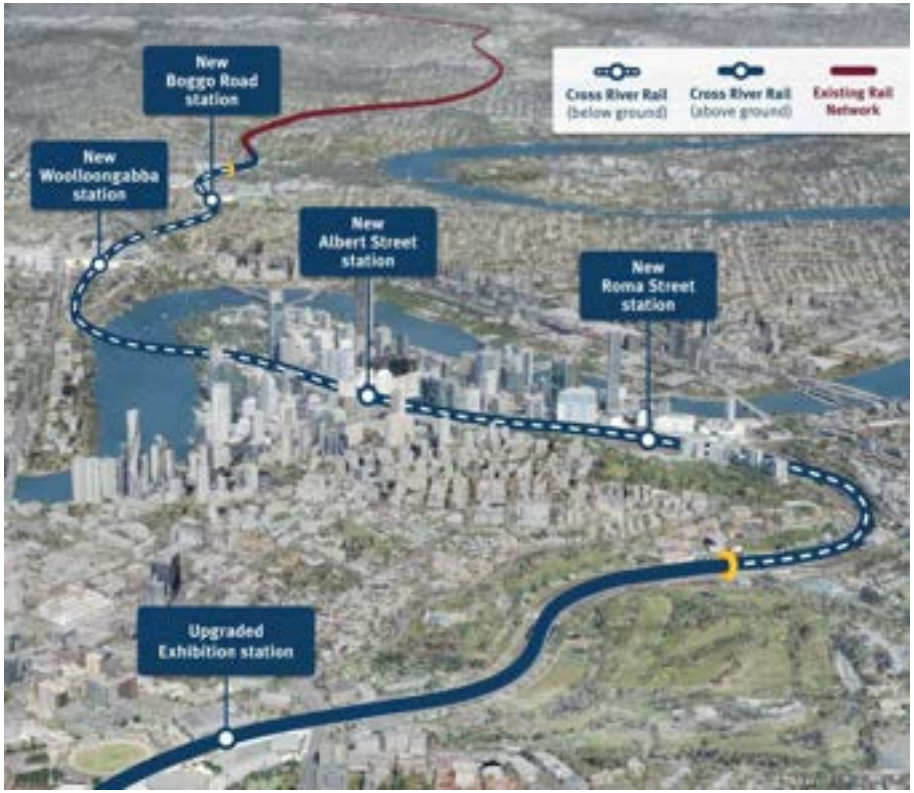
Georgiou

Georgiou

Cross River Rail TSD: April 2020 – September 2022

Background

- $6+ billion dollar rail project involving construction of four underground stations and twin tunnels located in/around Brisbane CBD. Construction commenced in late 2019.
- BTG unions (CFMEU/ETU/PPTEU/AWU) sought Project EA with CPB Contractors, aligning with Queen's Wharf EA and typical high-rise building EA conditions.
- State labour government in power 'encouraging' CPB to bargain with BTG.
- CPB bypassed BTG, secretly bargaining with AWU, citing limited CFMEU coverage in civil construction; resulting in two Project EAs with the AWU.
- BTG committed to disrupting Project throughout delivery.



Georgiou

Cross River Rail: April 2020 – September 2022



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Background Cont.

- Leadership within work health and safety regulator aligned with BTG.
- Safety inspectors split: some aligned with BTG, others neutral.
- Demarcation dispute between AWU and CFMEU.
- WHS Inspectors pressured to issue CPB regulatory notices, aiding BTG safety narrative and influence on government.
- 40% turnover in safety, supervision, and IR/HR roles due to hostile IR environment.
- Two worker's compensation claims from workplace aggression linked to CFMEU/ETU conduct.
- Personally involved in 200+ right of entries, 4 court cases, and 25+ ABCC breach notices.

Georgiou

Learnings from Cross River Rail

- **Union-endorsed delegates and HSRs:** These roles hold significant power—avoid or limit them wherever possible.
- **Subcontractor strategy:** Be selective with union-endorsed subcontractors; plan their use carefully.
- **Crib rooms matter:** Spread them out and keep sizes small to minimise mass meetings and dislocate the workforce. Ensure they're well-maintained and fully compliant with WHS standards.
- **Control site access:** Place your most trusted people/subcontractors in key roles like hoist operators, gatekeepers, and traffic controllers.
- **Act fast with legal action:** If legal action is necessary, don't hesitate—go straight to the Federal Court for injunctions. Detailed notes and CCTV footage are your best assets.
- **Establish a right of entry protocol:** Split responsibilities—HR/IR should handle entry compliance before Safety or Superintendents engage.
- **Document requests:** Don't hand over documents immediately—set up an approval process first.

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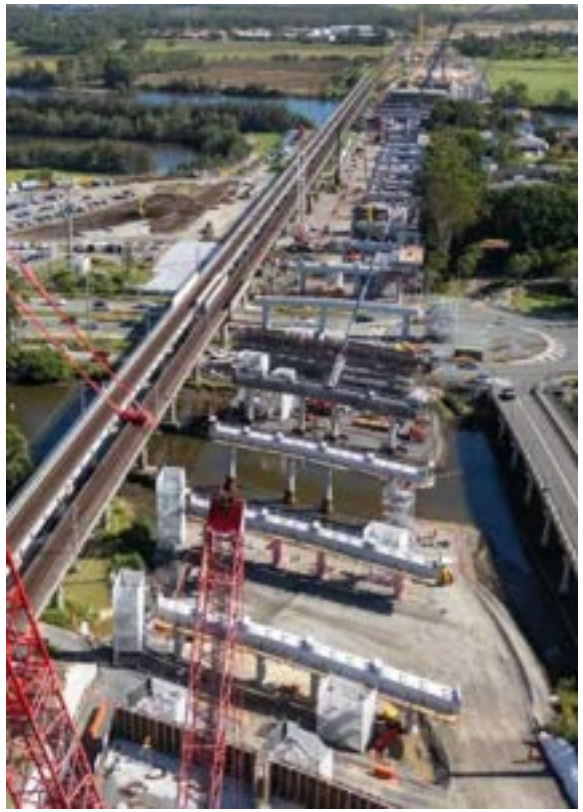
Coomera Connector: September 2022 – *Current*

Background

- $700+ million motorway project; commenced construction in February 2023.
- Delivered by the Acciona Georgiou Joint Venture (**AGJV**).
- BPIC applied to the project and AGJV's major subcontractors.
- State Labour government 'encouraged' AGJV to bargain with all relevant unions for an EA; ETU showed little interest in EA due to Project's limited electrical scope and self-perform.
- Agreement with CFMEU not reached due to terms, coverage concerns, and potential Building Code breaches (now abolished). EA created with AWU instead.
- CFMEU, unhappy with exclusion, stated they would disrupt the project.



Coomera Connector: September 2022 – *Current*



Background Cont.

- Project's General Superintendent proactively and strategically built relationships with local CFMEU organisers.
- Nearly 40 right of entries on the Project to date and no concerns or aggression.
- Organisers call up before coming on-site. Conduct themselves appropriately when on-site.
- Since the CFMEU administration, compliance has improved.
- Ongoing dispute between AWU and CFMEU re. coverage and Cross River Rail "sweetheart" deal.

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Learnings from Coomera Connector

- **Be better than the worst:** You don't need to outrun the bear, just the slowest contractor.
- **Avoid unnecessary escalation:** Support and allow Superintendents to build relationships with local organisers as a means of mitigating conflict. Be consistent with how things are approached but allow them the freedom to manage in a way they feel is best.
- **Happy workers, safe workplace:** A satisfied, engaged workforce is your best defence against union influence. Proactively communicate and consult on issues that may affect them.
- **Identify vulnerable areas:** Pinpoint tasks prone to union attention (e.g., FRP activities, girder installations) and ensure proper supervision and support.
- **Have a plan when things go bad:** Set up clear escalation processes and systems in response to relationships souring/confrontational right of entries.
- **Address genuine safety issues:** Fix legitimate concerns instead of arguing every point.
- **Keep it small:** Limit the audience and communication lines during contentious discussions.

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Overall Learnings

- **No one-size fits all:** Every project has a unique IR landscape shaped by location, size, scope, history, government, and contractors. Consider all these factors at project commencement. Everyone has a plan until they get punched in the face.
- **Safety first:** It's the industrial weapon of choice, especially the "low-hanging fruit." Don't neglect these.
- **Disagree without being disagreeable:** Be firm without being rude—it's harder for people to stay aggressive when you're nice.
- **Say no without saying no:** Use phrases like, "*I'd need to check that with HQ—I don't have that authority*." or "*I wish I could, but I'd lose my job if I let you do that*". Let them think your power is limited.
- **Maintain separation:** Don't let union organisers have a direct line to senior management (e.g., PM). Keep the site team as a buffer to create circuit breakers and escalation pathways.
- **Slow it down when things heat up:** Step away, take a pretend call, or reschedule "meetings." Use the time to prep the site before escalating.

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Thank you.

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