

**Chronology of events – Incidents relating to FWBC Inves**  
**28 March 2007**

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- ABCC Investigator 'Mary' and colleague were conducting a site visit when Mr Reardon and another unknown person confronted Mary and fellow investigator and took a number of photos.
- Mr Reardon later made a phone call to Mary advising she was intimidating his members.

**10 August 2007**

- ABCC Investigators Mary and colleague attend the CFMEU office in Carlton to collect documents.
- Mr Setka came into the reception area and began taking photos of them and said:  
*"I want you to fuck off, get out of here now", "You're not welcome here, I'm telling you to get out. If you don't leave I'll have you physically removed"; "I'm an executive here, and you are trespassing, get out. Get the fuck out you dogs"; "You are dogs, get the fuck out of here" "they are dogs who belong in the North Melbourne Lost Dogs home, we don't let dogs inside".*

**5 August 2008**

- ABCC Investigator Mary and three colleagues attended the Royal Children's Hospital site in North Melbourne.
- Mary and her colleagues stood at the entrances to the site with ETU Organisers and CFMEU organisers who all made a number of offensive remarks about the ABCC.
- Mr Setka immediately identified Mary.
- Mr Setka bragged to workers at the site that he had thrown the ABCC out of the CFMEU office.
- Mr Setka continued to make a number of sexually derogatory remarks to Mary.
- During this time an unknown person continued to throw fire crackers at Investigators' feet.
- At one point Mary removed a copy of a CFMEU flyer from a telegraph pole and was grabbed from behind by CFMEU organiser Gerard Benstead and pulled away from the pole.
- One of Mary's fellow Investigators pulled Mr Benstead off Mary.

**6 August 2008**

- ABCC Investigator Mary and three other FWBC Investigators attended Royal Children's Hospital site, North Melbourne. While at the site various Union Organisers from the ETU and CFMEU called out offensive remarks to investigators and threw fire-crackers at their feet.
- Mary and another FWBC Investigator attended the Australian Industrial Relations Commission. They went to courtroom 3 and were joined by Mr Setka and Mr Reardon.
- Mr Setka and Mr Reardon made a number of sexually derogatory remarks to Mary, to the extent that a third party in the courtroom told Mr Setka to *"Rack off, you're being offensive"*

**18 February 2009**

Tree branch incident

- FWBC Investigators Mary and colleague drove past the Royal Children's Hospital site in North Melbourne where the CFMEU were holding a picket and blocking deliveries to the site.
- As they drove past to take photos and video footage, Mr Setka (and Mr Reardon) ran onto the road in front of the car. The Investigators managed to swerve around the two men.
- Mr Setka then lunged out and hit the car with a large tree branch (about 1.5 metres long). The branch struck the car at the passenger window which was open at the time.
- The matter was reported to police, who advised insufficient evidence to proceed.

Phone message from Mr Setka

- Upon returning from a site visit, Mary found three missed phone calls from Mr Reardon and one missed phone call from Mr Setka. Mr Setka left a sexually derogatory message on Mary's phone.
- Voice mail left on Investigator Mary's mobile phone:  
*"Mary, look can you please just leave me alone. I am not going to go out with you. I am in a relationship. I've got a girlfriend just please leave me alone. Just because you are in the taskforce doesn't mean you've got the right to hassle me and try and blackmail me into going out with you. I will not go out with you. I have no interest. You don't turn me on. Bye."*

**3 July 2009**

- On the evening of Friday 3 July 2009, Investigator Mary missed three phone calls from CFMEU Organiser Mr Shaun Reardon. He left two voice messages:
  - 8.59pm- *"Hey [Mary], Shaun from CFMEU, give me a call."*
  - 9.18pm- *"[Mary], this is the third message, give me a buzz."*
- About 11.23pm, Mr Reardon phoned Mary again. He did not leave a message.

#### 4 July 2009

- At about 8.34am, Mary returned Mr Reardon's call
  - Mary: *"Hi Shuan, it's Mary from the ABCC. Sorry I missed your phone calls yesterday. What's happening?"*
  - Reardon: *"Aw that's right, I was really pissed last night and wanted someone to talk to. I had a bit of a big night and think I'll be a bit scratchy for the rest of the weekend with a hangover. It takes longer to recover these days."*
  - Mary: *"Good luck with that, see ya."*

#### 7 August 2009

- ABCC obtains a copy of a flyer located on a Melbourne building site listing high level of personal details of an investigator, as well as referencing Mary.

#### 25 September 2009

- ABCC is faxed a copy of a flyer. The flyer provided personal details of Mary, including her husband's name, her home address and home phone number as well as highly offensive language and threats. (note - The flyer also made reference to a former Investigator and provided his home address).
- Mary received three phone calls to her home phone as a result along the lines of *"You're a fucking rat"*.

#### 10 October 2009

- Mary received a phone call to her home phone number. Mary answered the phone and a male caller stated *"Mary isn't it, Mary. Me and my seven mates are going to come and fuck you"*

#### 21 May 2010

- Investigator Mary received two calls to her work mobile phone from CFMEU organiser Mr Reardon (8.08pm & 10.02pm).
- The calls were not answered and no messages were left.
- The calls were considered inappropriate due to the times of the calls and the history of Mr Reardon calling while intoxicated.

#### July & August 2010

- Mr Reardon continues to make unsolicited calls from his mobile phone to Investigator Mary's mobile phone.
- Phone log shows one call on 20 July 2010 at 2.10am.
- There were about four other calls from this date until 23 August 2010.
- Investigator Mary was on annual leave during the period and did not make a specific note of the calls received.
- Mary let the phone ring out each time or rejected the call. No messages were left.
- All calls were made outside of business hours.

#### 7 September 2010

- ABCC Director Operations Southern wrote to Mr Reardon requesting he cease making further phone calls to Mary. A letter was also sent to Mr Ralph Edwards (President CFMEU Vic) advising him of the matter and requesting compliance by Mr Reardon.

#### 9 September 2010

- Mr Reardon called Mary's mobile phone, the call went to message bank but Mr Reardon did not leave a message;
- Mr Reardon called Mary' mobile phone again. Mary took the phone, while it was ringing, to the ABCC Director Operations Southern who answered it:
  - ABCC: *"ABCC Director Operations Southern <name redacted>"*
  - Reardon: *"Yeah I want to speak to Mary."*
  - ABCC: *"She's not available – can I help you?"*
  - Reardon: *"Yeah it's about this letter I got - I want to ask her who the unsolicited calls were."*
  - ABCC: *"Well Shaun by the fact that you have rung this number asking about it says something. I'm the Director of Operations and I sent the letter. The letter makes it clear Shaun that you are to contact me directly if you have business to conduct."*
  - Reardon: *"Well fuck me. Your telling me I can't ring an ABCC Inspector about an issue – is that it – your probably fuckin tape in this."*

ABCC: *"Shaun the calls related to in the letter were made out of normal business hours...."*

Call hung up by Mr Reardon.

### **9 September 2010**

- ABCC Director Operations Southern rang President CFMEU Vic Ralph Edwards:

Edwards: *"Hello."*

ABCC: *"Mr Edwards – it's Director of Operations ABCC."*

Edwards: *"You're kidding."*

ABCC: *"Do you have a few minutes?"*

Edwards: *"I don't like talkin to you."*

ABCC: *"It's important."*

Edwards: *"It's about the correspondence."*

ABCC: *"This afternoon Shaun Reardon has rung Mary on her mobile phone and it's clear in the letter I sent that if Shaun Reardon has any ABCC business that he should call me directly."*

Edwards: *"All I will say is that we will deal with the matter internally and there won't be further phone calls and that's all I need to say about the matter."*