

ROYAL COMMISSION INTO TRADE UNION GOVERNANCE AND CORRUPTION

**Public Hearing Pentridge Village/Andrew Zaf
(Day 3)**

Level 11, 222 Exhibition Street, Melbourne

On Thursday, 18 September 2014 at 9.30am

Before the Commissioner: The Hon. John Dyson Heydon AC QC

Counsel Assisting: Mr Jeremy Stoljar SC

Instructed by: Minter Ellison, Solicitors

1 THE COMMISSIONER: Yes, Mr Stoljar. 09:30
2 09:30
3 MR STOLJAR: Commissioner, the first witness is Mr Begic. 09:30
4 09:30
5 <SAKIB BEGIC, affirmed: [9.30am] 09:30
6 09:31
7 <EXAMINATION BY MR STOLJAR: 09:31
8 09:31
9 MR STOLJAR: Q. Tell the Commission your full name? 09:31
10 A. I'm a bit deaf, can you? 09:31
11 09:31
12 Q. Yes. Can you tell the Commission your full name? 09:31
13 A. Sakib Begic. 09:31
14 09:31
15 Q. You're a resident of Victoria? 09:31
16 A. Yes. 09:31
17 09:31
18 Q. What's your current occupation? 09:31
19 A. I'm a construction worker. 09:31
20 09:31
21 Q. You've prepared a witness statement dated 15 August 09:31
22 2014? 09:31
23 A. Yes. 09:31
24 09:31
25 Q. Have you got a copy of that with you? 09:31
26 A. Yes, definitely. 09:31
27 09:31
28 Q. Is the content of that statement true and correct? 09:31
29 A. Yes. 09:31
30 09:31
31 Q. I'd ask that Mr Begic's witness statement be received 09:31
32 into evidence? 09:31
33 A. That will be received into evidence. 09:31
34 09:32
35 #STATEMENT OF SAKIB BEGIC 09:31
36 09:32
37 <EXAMINATION BY MR JOHNS: [9.32am] 09:32
38 09:32
39 MR JOHNS: Q. Mr Begic, just a couple of matters. You 09:32
40 say at paragraph 9 of your statement that after Mr Hill 09:32
41 told you something, that you said: 09:32
42 09:32
43 *I told Mr Hill that we should go and report 09:32*
44 *the incident to the police.* 09:32
45 09:32
46 A. Definitely. 09:32
47 09:32

1 Q. "Got in the car but changed our minds as Maurie told 09:32
2 me he didn't want to go." Is that right? 09:32
3 A. Just to correct you, I didn't change my mind, Maurie 09:32
4 Hill changed his mind. 09:32
5 09:32
6 Q. "We went back to the office and I made Maurie a cup of 09:32
7 tea." 09:32
8 A. Yes. 09:32
9 09:32
10 Q. Did you ring the police? 09:32
11 A. No. 09:32
12 09:32
13 Q. Did you see Maurie ring the police? 09:32
14 A. No. 09:32
15 09:32
16 Q. Did you see any other person ring the police on 09:32
17 Maurie's behalf? 09:32
18 A. No. Nobody could ring because it was only me and 09:32
19 Maurie in the office. 09:32
20 09:32
21 Q. You had your cup of tea? 09:32
22 A. Yes. 09:32
23 09:32
24 Q. With Maurie -- 09:32
25 A. (Indistinct). 09:32
26 09:33
27 Q. What did you say? 09:33
28 A. I make him cup of tea and we start talking. I didn't 09:33
29 want to ask him anything about the gun or this or that 09:33
30 because he was distressed. 09:33
31 09:33
32 Q. It's okay. I'm just asking you, you had a cup of tea? 09:33
33 A. Yes. 09:33
34 09:33
35 Q. How long did he stay there with you for? 09:33
36 A. Maybe half an hour, 20 minutes. 09:33
37 09:33
38 Q. Then he left, did he drive himself away or did someone 09:33
39 pick him up? 09:33
40 A. He drove himself away. 09:33
41 09:33
42 Q. Is that the last you heard of the matter until the 09:33
43 shop stewards meeting this year? 09:33
44 A. Yes. 09:33
45 Q. So you didn't know what became of the matter after you 09:33
46 spoke to Maurie on that day? 09:33
47 A. No. 09:33

1 09:33
2 Q. At the shop stewards meeting this year, no doubt 09:33
3 Mr Zaf would have been a hot topic of conversation. You 09:33
4 understand what I mean by that? He was the talk of the 09:33
5 meeting perhaps? 09:33
6 A. Yeah. 09:34
7 09:34
8 Q. Did you know Mr Zaf at the time in 1994? 09:34
9 A. I never meet Mr Zaf until I did saw him yesterday 09:34
10 here. Never seen the man in my life and I'm glad I didn't. 09:34
11 09:34
12 Q. Were you familiar with the site at Ballarat Road and 09:34
13 McIntyre Road, Sunshine (indistinct)? 09:34
14 A. No, I never been there. And for your information I 09:34
15 never set a foot on McIntyre Road in my life. 09:34
16 09:34
17 Q. Thank you for telling me that. At this shop stewards 09:34
18 meeting this year you say: 09:34
19 09:34
20 *I asked whether this was the same man who* 09:34
21 *had threatened Maurie with a gun all* 09:34
22 *those years before. I was told that it* 09:34
23 *was.* 09:34
24 09:34
25 Did you ask Maurie that or was that some other person 09:34
26 that you were talking about? 09:34
27 A. No. I didn't even speak to Maurie yesterday. After 09:34
28 that I saw Maurie maybe two, three times because he was 09:34
29 (indistinct) until we amalgamate. Let me finish. We 09:35
30 didn't - I didn't see Maurie, I didn't speak to Maurie even 09:35
31 yesterday about that. I didn't speak to nobody. The 09:35
32 people that are talking I saw on ABC or somewhere -- 09:35
33 09:35
34 Q. I've not got message. You didn't speak to Maurie at 09:35
35 the shop stewards meeting, who did you speak to? 09:35
36 A. Maurie wasn't there. 09:35
37 09:35
38 Q. I understand that. We're very clear about that, 09:35
39 Maurie wasn't there. You say: 09:35
40 09:35
41 *I asked whether this was the same man who* 09:35
42 *had threatened Maurie with a gun all those* 09:35
43 *years before. I was told that it was.* 09:35
44 09:35
45 A. Yes. 09:35
46 09:35
47 Q. All I'm asking you is, who told you that? Can you 09:35

1 remember? 09:35
2 A. I get, I remember very well. I got up, there's about 09:35
3 200, 300 shop stewards, all right, we were discussing 09:35
4 what's come up about somebody mentioned a roof and this and 09:35
5 that, and I ask, I got up and say, "Boys, is that Mr Zaf, 09:35
6 whatever is his name, same bloke who pulled the gun on 09:36
7 Maurie Hill?" Elias Spernovasilis answer yes. 09:36
8 09:36
9 Q. Elias Spernovasilis told you, yes, it was him? 09:36
10 A. Yes. 09:36
11 09:36
12 Q. And the name Mr Zaf, you just remembered that for 09:36
13 20 years even though you hadn't met the bloke ever? Is 09:36
14 that right? 09:36
15 A. Just, doesn't matter what I remember or not 09:36
16 remember -- 09:36
17 09:36
18 Q. Well, it does because I'm asking you -- 09:36
19 A. I ask. 09:36
20 09:36
21 Q. -- the question is, did you remember that name for 09:36
22 20 years, Mr Zaf? 09:36
23 A. No, that's why I ask is that the same bloke who pull 09:36
24 the gun because people were talking about it. 09:36
25 09:36
26 Q. Why would you ask is it the same bloke who pulled the 09:36
27 gun, you must have recognised his name? 09:36
28 A. Because I tell you why I ask, if you want to listen, 09:36
29 when I saw Maurie -- 09:36
30 09:36
31 Q. I want you to answer my questions, did you recognise 09:36
32 his name when you saw the media reports? 09:37
33 A. Can I just answer your question? I still remember 09:37
34 Maurie when I walk in the office how bad he was. 09:37
35 09:37
36 Q. You've told us that. What I want to know is, at the 09:37
37 shop stewards meeting this year you say: 09:37
38 09:37
39 *Not long after Mr Zaf was in the media* 09:37
40 *earlier this year making allegations* 09:37
41 *against the CFMEU.* 09:37
42 09:37
43 I'll ask it perhaps a different way. What was it 09:37
44 about the discussion about Mr Zaf that made you think of 09:37
45 the incident with Maurie 20 years earlier? Was it his name 09:37
46 or was it something else? 09:37
47 A. Because - could I answer now? 09:37

1 09:37
2 Q. Was it his name or was it something else? 09:37
3 A. What happened, when I was walking in, people were 09:37
4 talking, they saying that Zaf, "That's that cunt who pulled 09:37
5 the gun on Maurie". To such like myself, because people 09:37
6 making allegations everywhere, some here, there, anywhere, 09:37
7 so to satisfy myself I say I gonna ask 200, 300 people in 09:38
8 there and somebody will tell me the truth. 09:38
9 09:38
10 Q. Okay, so that's cleared that up, that's how you put 09:38
11 two and two together. Thank you, Mr Begic. 09:38
12 09:38
13 THE COMMISSIONER: Mr Agius? 09:38
14 09:38
15 MR AGIUS: Nothing. 09:38
16 09:38
17 THE COMMISSIONER: Mr Stoljar? 09:38
18 09:38
19 MR STOLJAR: Nothing, thanks, Commissioner. 09:38
20 09:38
21 THE COMMISSIONER: Thank you for attending today, 09:38
22 Mr Begic. You're excused from any further attendance on 09:38
23 your summons. 09:38
24 09:38
25 <THE WITNESS WITHDREW 09:38
26 09:38
27 MR JOHNS: Just before I leave, I note there was some 09:38
28 medical records of my client, Mr Zaf, that were produced. 09:38
29 I was given a copy, I'm not sure how they were sourced. As 09:38
30 I understand it they're not into evidence. We don't see 09:38
31 any reason that they would become and if there was an 09:38
32 attempt to put them into evidence, I'd like to be heard on 09:38
33 that. 09:39
34 09:39
35 THE COMMISSIONER: Mr Stoljar will tell you if either he 09:39
36 or anyone else wants them to be put into evidence and your 09:39
37 desires will be accommodated. 09:39
38 09:39
39 MR JOHNS: Thank you. Am I excused? 09:39
40 09:39
41 THE COMMISSIONER: Yes, you are, thank you for coming 09:39
42 along in the last two days. 09:39
43 09:39
44 MR STOLJAR: Commissioner, the next witness is Mr Bonnici. 09:39
45 09:39
46 09:39
47

1	<MICHAEL ANTHONY BONNICI, sworn:	[9.39am]	09:39
2			09:39
3	<EXAMINATION BY MR STOLJAR:		09:39
4			09:39
5	MR STOLJAR: Q. Would you tell the Commission your full		09:39
6	name?		09:40
7	A. Michael Anthony Bonnici.		09:40
8			09:40
9	Q. You are a resident of Victoria?		09:40
10	A. I am.		09:40
11			09:40
12	Q. What is your current occupation?		09:40
13	A. I work in building construction.		09:40
14			09:40
15	Q. You prepared a witness statement in these proceedings.		09:40
16	A. I did.		09:40
17			09:40
18	Q. Dated 15 August 2014. Is the content of that		09:40
19	statement true and correct?		09:40
20	A. Yes.		09:40
21			09:40
22	MR STOLJAR: Commissioner, I'm going to ask that		09:40
23	Mr Bonnici's statement be received into evidence. Can I		09:40
24	just make some observations about it before I do.		09:40
25			09:40
26	Yesterday quite a deal of time was spent in taking		09:40
27	objections to evidence on Mr Chiavaroli's statement, among		09:40
28	other things, on the grounds of submission and the like and		09:40
29	technical points such as hearsay.		09:40
30			09:40
31	I'd like to just draw your attention, Commissioner, to		09:40
32	for example paragraph 17 of Mr Bonnici's statement, most		09:40
33	particularly the final sentence. Then paragraph 18,		09:40
34	another, in my respectful submission, just assertion,		09:41
35	submission, opinion made without any even attempt to set		09:41
36	out the reasoning process. Paragraph 19, second sentence,		09:41
37	another piece of submission, assertion, opinion, call it		09:41
38	what you like.		09:41
39			09:41
40	I don't propose to take up the Commission's time,		09:41
41	Commissioner, by going through this statement		09:41
42	paragraph-by-paragraph and trying to unpick what might be		09:41
43	said to be evidentiary and what might be said to fall into		09:41
44	some other category. I simply note those points. I'd ask		09:41
45	that you receive the statement into evidence but I put my		09:41
46	friend on notice that I will be making submissions in due		09:41
47	course about the weight or lack of it that can be given to		09:41

1 this statement. 09:41
2 09:41
3 THE COMMISSIONER: I think all evidence that's received is 09:41
4 subject to praise or criticism for its weight at the 09:41
5 appropriate stage, which is later. Mr Bonnici's statement 09:41
6 is received into evidence. 09:42
7 09:42
8 **#STATEMENT OF MICHAEL ANTHONY BONNICI** 09:42
9 09:42
10 MR STOLJAR: Q. Mr Bonnici, how did you come to prepare 09:42
11 your statement? 09:42
12 A. I was contacted by Slater & Gordon, asked if I would 09:42
13 care to make comment on what Peter and Leigh Chiavaroli had 09:42
14 said. 09:42
15 09:42
16 Q. Then what did you do, did you have an interview or 09:42
17 something like that? 09:42
18 A. I went into Slater & Gordon. 09:42
19 09:42
20 Q. You saw somebody there? 09:42
21 A. Yes. 09:42
22 09:42
23 Q. What did you do, you gave them some information? 09:42
24 A. I did. 09:42
25 09:42
26 Q. Sitting across the desk from them? 09:42
27 A. Yes. 09:42
28 09:42
29 Q. Then did a statement get prepared for you? 09:42
30 A. Yes, it was typed up. 09:42
31 09:42
32 Q. It was typed up by somebody, was it? 09:42
33 09:42
34 A. Yes. 09:42
35 09:42
36 Q. Then they gave it to you in a form a bit like this, 09:42
37 did they? 09:42
38 A. Yes. 09:42
39 09:42
40 Q. You read through it and satisfied yourself it was true 09:42
41 and correct, did you? 09:42
42 A. Yes. 09:42
43 09:42
44 Q. You checked every paragraph did you? 09:42
45 A. I did. 09:42
46 09:42
47 Q. Some of it is in the words of somebody at Slater 09:42

1 & Gordon, is it? 09:42
2 A. Sorry? 09:42
3 09:42
4 Q. Is it all your words or was some of it -- 09:42
5 A. No, it's my words. 09:43
6 09:43
7 Q. -- summarised for you? 09:43
8 A. No, they're my words. 09:43
9 09:43
10 Q. In any event you made sure the entirety of this 09:43
11 statement was true and correct before you put it into final 09:43
12 form, is that right? 09:43
13 A. I did. There are actually sections in there that I 09:43
14 asked Slater & Gordon to make sure that they were put in 09:43
15 there. 09:43
16 09:43
17 Q. You've seen Mr Chiavaroli's statement, I take it? 09:43
18 09:43
19 A. I have. 09:43
20 09:43
21 Q. Did you hear his evidence yesterday? 09:43
22 A. I did. 09:43
23 09:43
24 Q. You're aware of what Mr Chiavaroli says about your 09:43
25 evidence? 09:43
26 A. Yes. 09:43
27 09:43
28 Q. For example, at paragraph 11 you say: 09:44
29 09:44
30 *My contract was for an annual remuneration* 09:44
31 *of around \$70,000 to \$75,000 per annum.* 09:44
32 09:44
33 That's not right, is it? 09:44
34 A. Yeah, it is. That was for about 70 hours work. 09:44
35 09:44
36 Q. If you just focus on my questions, Mr Bonnici, we'll 09:44
37 move more quickly. 09:44
38 A. Sure. 09:44
39 09:44
40 Q. Come to paragraph 105, 106, 107. 09:44
41 A. Could I actually have a copy of the statement? Is 09:44
42 that all right? 09:44
43 09:44
44 Q. Sorry, I thought you did. I beg your pardon, yes, of 09:44
45 course you can. 09:44
46 A. Thank you. 09:44
47 09:44

1 Q. Did you wish to check through it and make sure that 09:44
2 it's all accurate? 09:44
3 A. Sorry which reference were you at? 09:44
4 09:44
5 Q. Paragraph 105. Yes? 09:45
6 09:45
7 Q. You say: 09:45
8 09:45
9 *I called Mr Leigh Chiavaroli to express my* 09:45
10 *concern.* 09:45
11 09:45
12 This was about someone saying that you weren't going 09:45
13 to be paid, you deal with that in paragraph 104? 09:45
14 A. Correct, I received an email from Leigh's brother, 09:45
15 Damian, and he told me that he couldn't pay me, and then I 09:45
16 rang. 09:45
17 09:45
18 Q. You then had a meeting, as you say, in 105 with 09:45
19 Mr Chiavaroli and Leigh on 23 August 2010? 09:45
20 A. Correct. 09:45
21 09:45
22 Q. This really is the culmination of your time with 09:45
23 Mr Peter Chiavaroli and Mr Leigh Chiavaroli, that was at 09:45
24 the end of your working period with them, correct? 09:46
25 A. Yes, they sacked me. 09:46
26 09:46
27 Q. You say it was clear from the meeting on 23 August 09:46
28 that they wanted to get rid of you. Is that true? 09:46
29 A. Yes. 09:46
30 09:46
31 Q. 09:46
32 *They said that the \$14,000 in bonuses paid* 09:46
33 *some two years earlier were an advance and* 09:46
34 *that I now owed them \$22,000, I couldn't* 09:46
35 *believe it. I explained that I disagreed,* 09:46
36 *to which Peter Chiavaroli said you do what* 09:46
37 *you have to do and I'll do what I have to* 09:46
38 *do. Leigh Chiavaroli sat silently through* 09:46
39 *the meeting. It was ordered by Peter* 09:46
40 *Chiavaroli to escort me off the site as I* 09:46
41 *collected my things.* 09:46
42 09:46
43 Is that true 09:46
44 A. Yes. 09:46
45 09:46
46 Q. It was an angry meeting, was it? 09:46
47 09:46

1 A. No. 09:46
2 09:46
3 Q. Then you say: 09:46
4 09:46
5 *I think that the Chiavarolis wanted me off* 09:46
6 *the project because I would speak my mind* 09:46
7 *and would not bend to adopt the low* 09:46
8 *standards they applied on the site.* 09:46
9 09:46
10 A. Correct. 09:46
11 09:46
12 Q. That's simply not true, is it, Mr Bonnici? 09:46
13 A. No, it's totally true. 09:46
14 09:46
15 Q. You thought they were wonderful people. Correct? 09:46
16 A. In the beginning, yes. 09:46
17 09:46
18 Q. And on 23 August you still thought that? 09:46
19 A. No. 09:46
20 09:46
21 Q. You told them, "I think you are good people, you're 09:47
22 wonderful people", you said that, didn't you? 09:47
23 A. I said to them that I thought they were decent people. 09:47
24 09:47
25 Q. You said to them that "you're good people, you're 09:47
26 wonderful people", you said that, didn't you? 09:47
27 A. Possibly. 09:47
28 09:47
29 Q. And that was the truth, wasn't it? 09:47
30 09:47
31 A. Possibly. 09:47
32 09:47
33 Q. And that's on 23 August 2010? 09:47
34 A. That was before I knew other things. 09:47
35 09:47
36 Q. You left the site on that day, didn't you? 09:47
37 A. I was told to leave the site that day. 09:47
38 09:47
39 Q. Why don't we do it this way. I'll show you a 09:47
40 transcript of a meeting, 23 August 2010. Why don't we pick 09:47
41 up the transcript at page 2 in the bottom, Mr Bonnici. 09:48
42 This is the meeting that you are talking about, you say: 09:48
43 09:48
44 *We'll all this came about because Damian* 09:48
45 *said he couldn't pay me for a month?* 09:48
46 09:48
47 A. For the month. 09:48

1 09:48
2 Q. For a month? 09:48
3 A. No, for the month. 09:48
4 09:48
5 Q. Then line 28 you say: 09:48
6 09:48
7 *I'm gonna push for the \$65. As far as I* 09:48
8 *can tell superannuation become part of your* 09:48
9 *bundle.* 09:48
10 09:48
11 You mean \$65 an hour: 09:48
12 09:48
13 *Peter Chiavaroli: Well, what can I say?* 09:48
14 *The way we thought about it is that you* 09:48
15 *were, you know, you started off here at* 09:48
16 *\$85,000 a year, since then you've had two* 09:48
17 *pay increases.* 09:49
18 09:49
19 You say "correct" and it equates to a 21 per cent 09:49
20 increase per year; you say "right". That's right, isn't 09:49
21 it? 09:49
22 A. No, that's incorrect. I never started there on 85; I 09:49
23 can show you the documents if you need to. 09:49
24 09:49
25 Q. The paragraph I took you to in your statement is 09:49
26 simply not true, is it? 09:49
27 A. It is true. 09:49
28 09:49
29 Q. You started on \$85,000 a year and you had two pay 09:49
30 increases since then; that's right, isn't it? 09:49
31 A. I started on \$70,000-\$75,000. I was increased to 85 09:49
32 after three months, I was then increased to 90, I believe, 09:49
33 after a year and then I was increased to 120. 09:49
34 09:49
35 Q. Why do you say "correct" to Mr Chiavaroli? 09:49
36 A. Don't know, but I never started on that and 09:49
37 documentation will prove it. 09:49
38 09:49
39 Q. Then Mr Chiavaroli says and it equates to a 09:49
40 21 per cent increase per year and you say "right". That's 09:49
41 true, isn't it? 09:49
42 09:49
43 A. No, I don't actually recall saying that, but it 09:49
44 doesn't equate to a 21 per cent increase. 09:49
45 09:49
46 Q. Then Mr Chiavaroli says, "I think that's fair, you 09:49
47 might be right, that it's 65, whatever it is per hour, you 09:50

1 might be right, you're talking about as construction 09:50
2 manager." And you say, "As a site supervisor you're 09:50
3 looking at 120 grand, that's standard industry rate." 09:50
4 09:50
5 So you're debating money with them, you want more 09:50
6 money, that's the short point? 09:50
7 A. No, I actually wanted the money that they told me they 09:50
8 were going to pay me. 09:50
9 09:50
10 Q. You wanted more money, that's the short point, isn't 09:50
11 it? 09:50
12 A. No, it is not. I was arguing the point that they were 09:50
13 supposed to be paying me \$130,000, not \$120,000. 09:50
14 09:50
15 Q. \$130,000, not \$120,000, is that what you say? 09:50
16 A. Correct, yes. Do you want me to clarify that? 09:50
17 09:50
18 Q. No, I don't, Mr Bonnici. Come back to page 2, line 09:50
19 19. This is you talking: 09:50
20 09:50
21 *As far as I can ascertain the correct rate* 09:51
22 *is around \$65 an hour, 65 an hour equates* 09:51
23 *to about 170, 180 a year.* 09:51
24 09:51
25 That's what you were asking for, not 130? 09:51
26 A. I don't recall that. 09:51
27 09:51
28 Q. Let's come back to where we were. Page 3, line 14, 09:51
29 Mr Chiavaroli says: 09:51
30 09:51
31 *The most important part, one is, that* 09:51
32 *you've never been a construction manager* 09:51
33 *before, we've given you the opportunity to* 09:51
34 *become a construction manager, we've given* 09:51
35 *you the opportunity to become a supervisor* 09:51
36 *before that.* 09:51
37 09:51
38 And that's true, isn't it? 09:51
39 A. No, it's not. 09:51
40 09:51
41 Q. You'd been a bricklayer and they gave you the 09:51
42 opportunity to be a construction manager? 09:51
43 A. I've been running jobs for the last 25 years. 09:51
44 09:51
45 Q. That may be, Mr Bonnici, but you had been a bricklayer 09:51
46 and were given the opportunity to be a construction 09:51
47 manager? 09:51

1 A. That's incorrect; I was also a builder, and at the 09:51
2 time that I got employment there I was running my own jobs 09:51
3 as a builder. 09:51
4 09:51
5 Q. You had never been a construction manager before, had 09:51
6 you? 09:52
7 A. No, not in the context of what you're saying. 09:52
8 09:52
9 Q. And you'd never been even a site supervisor before? 09:52
10 A. I think running your own jobs in the building industry 09:52
11 is pretty much saying that you were supervising and running 09:52
12 the jobs. 09:52
13 09:52
14 Q. Then you were given this opportunity by them, they put 09:52
15 you on not what you say, but \$85,000 a year, increased it 09:52
16 twice? 09:52
17 A. That's incorrect. 09:52
18 09:52
19 Q. Then there's further discussion with Mr Chiavaroli, I 09:52
20 won't take you through every word, but let's come to 09:52
21 page 4, line 11. Peter Chiavaroli says: 09:52
22 09:52
23 *There's no sense in you or me getting upset* 09:52
24 *about the whole thing. You'd be here and* 09:52
25 *I'd assume you'd be happy, you never* 09:52
26 *complained that you weren't happy. We* 09:52
27 *believe we gave you the opportunity to take* 09:52
28 *a job up as supervisor and then as* 09:52
29 *construction manager.* 09:52
30 09:52
31 And that's right, isn't it? You'd never complained, 09:52
32 had you? 09:53
33 A. No. 09:53
34 09:53
35 Q. And they'd given you the opportunity to come on as a 09:53
36 supervisor then as a construction manager. That's right, 09:53
37 isn't it? 09:53
38 A. Not really, no. 09:53
39 09:53
40 Q. Then he says: 09:53
41 09:53
42 *We had a construction manager, he said you* 09:53
43 *desperately want it and you should have it,* 09:53
44 *and I thought, well, you know, good* 09:53
45 *hardened man, hardworking man, will* 09:53
46 *probably come good.* 09:53
47 09:53

1 A. That's false. 09:53
2 09:53
3 Q. Then over the next page, page 5, Mr Chiavaroli says: 09:53
4 09:53
5 *\$300,000, \$280,000, I'm not giving it to* 09:53
6 *you. Well, you know, you can pay \$280,000* 09:53
7 *once.* 09:53
8 09:53
9 Et cetera. Then you say at line 7, and if you need to 09:53
10 read through the rest of the top of the page to put it in 09:53
11 context please do, but I just want to draw your attention 09:53
12 to line 7: 09:53
13 09:53
14 *I'm in the same similar way, I'm 52, I* 09:53
15 *don't have jack shit. I'm going to look* 09:53
16 *out for my family as well.* 09:53
17 09:53
18 He says "yeah". You say: 09:53
19 09:53
20 *I never raised any problems, caused any* 09:53
21 *problems. It's not the way I do things.* 09:53
22 *When I first started with Leigh when I was* 09:53
23 *employed here I said to Leigh 'you do the* 09:53
24 *right thing by me, I do the right thing by* 09:54
25 *you' ...* 09:54
26 09:54
27 Mr Chiavaroli, "Yes, I understand". You say: 09:54
28 09:54
29 *There are some bits and pieces I have* 09:54
30 *issues with.* 09:54
31 09:54
32 Et cetera, et cetera, and then as I say, please skim 09:54
33 through the balance of that paragraph if you need to put 09:54
34 things in context but I wanted to draw your attention to 09:54
35 line 25 where you say: 09:54
36 09:54
37 *I think you're good people and you're* 09:54
38 *wonderful people, but at the end of the day* 09:54
39 *I've got to look out for my family too, and* 09:54
40 *regardless of the opportunities given, I* 09:54
41 *proved myself from day one when I started* 09:54
42 *here.* 09:54
43 09:54
44 Then Mr Chiavaroli says: 09:54
45 09:54
46 *You've got to do whatever you need to do.* 09:54
47 09:54

1 I'm now at the bottom of page 5. He says: 09:54
2 09:54
3 *You've got to do whatever you need to do,* 09:54
4 *Mick, it's as simple as that. You know* 09:54
5 *that's the way the world is. It's no good* 09:54
6 *arguing that. You're a so good* 09:54
7 *construction man.* 09:54
8 09:54
9 Et cetera. Then please skim if you need to. Line 18, 09:54
10 you say, "Well, this has been going on for about three 09:55
11 weeks now", that's since he got your email. 09:55
12 A. That's incorrect too, it was actually going on for 09:55
13 about a week. 09:55
14 09:55
15 Q. I thought he got your email, you've told us, on 09:55
16 2 August, it's now 23 August? 09:55
17 A. No, I didn't get the email on 2 August. 09:55
18 09:55
19 Q. Then come to page 8, line 11? 09:55
20 A. My invoices are sent in at the end of the month. 09:55
21 09:55
22 Q. I don't recall asking you about how frequently your 09:55
23 invoices were sent, Mr Bonnici. 09:55
24 A. Okay, sure. 09:55
25 09:55
26 Q. At page 8 you say: 09:55
27 09:55
28 *The increases that I got, I started on 85,* 09:55
29 *the next increase was 87, that equated to a* 09:55
30 *dollar an hour extra.* 09:55
31 09:55
32 So you're saying it wasn't enough. But you say here, 09:55
33 Mr Bonnici, "I started on 85"? 09:55
34 A. Not correct. 09:55
35 09:55
36 Q. So you were lying, were you? 09:55
37 A. I wasn't. 09:55
38 09:55
39 Q. Then Mr Chiavaroli says: 09:55
40 09:55
41 *You were doing the same job as you were* 09:55
42 *doing before as a supervisor.* 09:55
43 09:55
44 A. Mr Chiavaroli said that they gave me the opportunity 09:55
45 to be a supervisor and I didn't do it. 09:56
46 09:56
47 Q. You say: 09:56

1
2 *When I first started here I said to Leigh I*
3 *want to be on 120, and Leigh said to me,*
4 *no, we can't pay you that, we'll pay you*
5 *85, we'll increase it. Then the agreement*
6 *was 87 over three months and the next*
7 *increase was nearly a year later when I*
8 *went to 93.*
9
10 That's what you say?
11 A. Actually, if I recall correctly, I started on 70,
12 \$75,000 and it was increased.
13
14 Q. That's not what you say here, is it, Mr Bonnici?
15 A. Okay.
16
17 Q. In fact, I'll play you some of this now, Mr Bonnici.
18 If you come to the bottom of page 10, you will see
19 Mr Chiavaroli saying - I'll just read you this bit and then
20 I'll play it to you:
21
22 *If you believe you've not been treated fair*
23 *or not been paid enough, I think you should*
24 *dispute that.*
25
26 He says to you?
27 A. Yes.
28
29 Q. He says to you:
30
31 *"You go ahead Mick, you go ahead and*
32 *dispute it.*
33
34 And then he says:
35
36 *But the thing is you shouldn't have taken*
37 *the job in the first place if you didn't*
38 *want it, rather than saying, yes, I'll take*
39 *it at this much, then you can increase me,*
40 *then you can increase me, then you can*
41 *increase me.*
42
43 You say at line 11:
44
45 *I want you to understand, this is not*
46 *disrespecting the job.*
47

1 Peter says: 09:57
2 09:57
3 *I understand. Mate I'll still say good* 09:57
4 *morning. I don't hold grudges against* 09:57
5 *people. You're welcome to come see me any* 09:57
6 *time you want. I'm not going to shut the* 09:57
7 *doors on you.* 09:57
8 09:57
9 "I appreciate it", you say. 09:57
10 09:57
11 A. Yes. 09:57
12 09:57
13 Q. They didn't sack you at all? 09:57
14 A. Yes, they did. 09:57
15 09:57
16 Q. Anyway. 09:57
17 A. Excuse me a second, could I clarify that? 09:57
18 09:57
19 Q. If you need to elaborate on your answer, Mr Bonnici, 09:57
20 please do so. 09:57
21 A. I will. If you leave a job of your own accord, you 09:57
22 pick up your gear and you leave. You aren't escorted from 09:57
23 the site, you aren't taken and repossessed of keys, cards, 09:57
24 laptop, and then escorted around the site in front of 09:57
25 everyone that's on site and told to leave. 09:57
26 09:57
27 Q. Thank you for that. Could we please listen to a 09:57
28 little piece of this from the bottom of page 10, "If you 09:58
29 believe that". 09:58
30 A. Sure. 09:58
31 09:58
32 Q. In fact, we can follow it on the screen as well. 09:58
33 09:58
34 (Video played.) 09:58
35 10:02
36 MR STOLJAR: Commissioner, I'd ask that that security 10:02
37 footage and the transcript be admitted into evidence. 10:02
38 10:02
39 THE COMMISSIONER: Is there any objection, Mr Agius? 10:02
40 10:02
41 MR AGIUS: No. 10:02
42 10:02
43 THE COMMISSIONER: That will be Bonnici MFI#1. 10:02
44 10:02
45 **#BONNICI MFI#1 - SECURITY FOOTAGE AND TRANSCRIPT** 10:02
46 10:02
47 MR STOLJAR: Q. Mr Bonnici, if we come back to 105 -- 10:02

1 A. Of my statement or? 10:03
2 10:03
3 Q. Yes? 10:03
4 A. The picture that you paint in these paragraphs of that 10:03
5 meeting is an entirely false one, isn't it? 10:03
6 10:03
7 A. No. 10:03
8 10:03
9 Q. You say at 106: 10:03
10 10:03
11 *It was clear from the meeting that the* 10:03
12 *Chiavarolis wanted to get rid of me.* 10:03
13 10:03
14 That's not true, is it? 10:03
15 A. Yes, it is. 10:03
16 10:03
17 Q. You went to them insisting on another pay increase. 10:03
18 They said, look, if you want to dispute it, you can dispute 10:03
19 it, but we're just not going to pay you the increase that 10:03
20 you want? 10:03
21 A. No, I went to them asking for my invoice to be paid. 10:03
22 10:03
23 Q. There was never any discussion about \$14,000 in 10:03
24 bonuses being advanced and that you owed them money. That 10:03
25 wasn't discussed, was it? 10:03
26 10:03
27 A. Yes, it was. Are you asking me about that on that 10:03
28 tape, because that's only a partial tape and I'd like to 10:03
29 know how that was recorded. 10:03
30 10:03
31 Q. That's security footage, Mr Bonnici? 10:03
32 A. There is no security footage in that office. I worked 10:03
33 there, I know. 10:03
34 10:03
35 Q. When you say in 106, Mr Chiavaroli who had sat 10:03
36 silently through the meeting was ordered by Peter 10:03
37 Chiavaroli to escort me off the site. That gives a 10:03
38 completely false impression, doesn't it? 10:03
39 10:03
40 A. No, it doesn't. 10:04
41 10:04
42 Q. You said you told Peter Chiavaroli, "Look, I'll go 10:04
43 down and get the files, I'll go down and get some other 10:04
44 things." Then he said, "Do you want to go and give him a 10:04
45 hand to Leigh?" 10:04
46 A. No, that's not how it was. 10:04
47 10:04

1 Q. Then you say at 107: 10:04
2 10:04
3 *I think they wanted me off the project* 10:04
4 *because I would speak my mind and would not* 10:04
5 *bend to adopt the low standards they* 10:04
6 *applied on the site.* 10:04
7 10:04
8 A. Correct. 10:04
9 10:04
10 Q. That's just a false statement, Mr Bonnici, isn't it? 10:04
11 10:04
12 A. Were you there? 10:04
13 10:04
14 Q. You are saying it in order to try and damage the 10:04
15 Chiavarolis as much as possible? 10:04
16 A. I'm not saying anything to damage the Chiavarolis, the 10:04
17 truth is the truth and always will be. 10:04
18 10:04
19 Q. Do you recollect having a conversation with a 10:04
20 contractor on the West Homes project in June 2011? 10:04
21 A. Possibly, which contractor? I mean, there was 150 10:04
22 blokes working on that site and at that particular time I 10:04
23 was probably engaged with all of them. 10:05
24 10:05
25 Q. After you'd left the site, and I can tell you it was 10:05
26 between 3 and 3.30pm on 23 June 2011. What you told this 10:05
27 gentleman, you told someone on that day in that 10:05
28 conversation that you didn't like Leigh Chiavaroli, you 10:05
29 didn't like Peter Chiavaroli, and you'd do anything to 10:05
30 bring them down and hurt their business or damage the 10:05
31 reputation of their business. You said that didn't you? 10:05
32 A. Doubt it. 10:05
33 10:05
34 Q. You'd doubt it. So you might have, you're not sure? 10:05
35 A. No, I didn't say that. 10:05
36 10:05
37 Q. You deny it, do you? 10:05
38 A. I do. 10:05
39 10:05
40 Q. Then you said -- 10:05
41 A. Excuse me, can I ask who that was, that person. 10:05
42 You've said I said something to someone, so who was it that 10:05
43 I said it to? It's okay for me to say you've said 10:05
44 something or you've said something, but tell me who it was 10:05
45 that said it. 10:05
46 10:05
47 Q. What I will do, I'll do it this way, Commissioner, I'm 10:05

1 going to ask for a suppression order in respect of - 10:05
2 actually, I'm not going to - I'll give that further 10:06
3 consideration, I'm not going to tell you who the person is 10:06
4 at the moment, Mr Bonnici. 10:06
5 A. Sure. 10:06
6 10:06
7 Q. Because you went on to say that if you see 10:06
8 Mr Chiavaroli in the street you would in effect attack him, 10:06
9 you threatened violence against him. That's right, isn't 10:06
10 it? 10:06
11 A. No. I have seen the Chiavarolis since that time and 10:06
12 that didn't happen so. 10:06
13 10:06
14 Q. You claimed that Mr Chiavaroli and his father owed you 10:06
15 \$200,000? 10:06
16 A. They do. 10:06
17 10:06
18 Q. And they weren't going to pay you? 10:06
19 A. Correct. 10:06
20 10:06
21 Q. And you said that that's why you stopped working for 10:06
22 West Homes? 10:06
23 A. No, I didn't ever say that; I've always maintained 10:06
24 that they gave me the sack. 10:06
25 10:06
26 Q. You also told this person that if he repeated it, you 10:06
27 would simply not admit to saying it? 10:06
28 10:06
29 A. Doubt it very much. 10:06
30 10:06
31 Q. You'd doubt it, so you may have done it? 10:06
32 10:06
33 A. Okay, I didn't say it. 10:06
34 10:07
35 Q. Why did you say you'd doubt it? 10:07
36 A. Because I don't -- 10:07
37 10:07
38 Q. Because you did say it, didn't you, Mr Bonnici? 10:07
39 A. No, I didn't. 10:07
40 10:07
41 Q. The fact is that you have set out in your statement to 10:07
42 damage the Chiavarolis as much as possible. That's right, 10:07
43 isn't it? 10:07
44 A. Actually, no, that's incorrect. I've named a lot of 10:07
45 different entities in my statement, including the CFMEU, 10:07
46 about shitful things that happened. 10:07
47 10:07

1 Q. You're doing exactly what you predicted in 2011, you 10:07
2 were doing anything to bring them both down or hurt their 10:07
3 business or damage their reputation? 10:07
4 A. No. 10:07
5 10:07
6 Q. That goes for the entirety of your witness statement, 10:07
7 does it not, Mr Mr Bonnici? 10:07
8 A. Totally incorrect. 10:07
9 10:07
10 Q. I'm going to take you to some parts of it. Let's go 10:07
11 to paragraph 11. I've already asked you about this. I've 10:08
12 already put to you that what you say is already false. Do 10:08
13 you adhere to the veracity of what you say in paragraph 11? 10:08
14 You still say it's true, do you? 10:08
15 A. I do. 10:08
16 10:08
17 Q. You said you could point out some records which show 10:08
18 how much you were employed for? 10:08
19 A. I have all the employment contracts that were given to 10:08
20 me. 10:08
21 10:08
22 Q. Let's have a look at the employment contracts, shall 10:08
23 we, Mr Bonnici. Can I show you a folder of documents. 10:08
24 Could you have a look behind tab 1. I'm just going to ask 10:08
25 someone to recover that folder from you and take one piece 10:09
26 of paper out. 10:09
27 A. Sure. 10:09
28 10:09
29 Q. Could we go to tab 1 please. This is your employment 10:09
30 contract: 10:10
31 10:10
32 *Further to your discussions with Leigh* 10:10
33 *Chiavaroli I wish to confirm your* 10:10
34 *appointment as site supervisor [at] West* 10:10
35 *Homes Australia commencement 23 September* 10:10
36 *2008. As agreed your remuneration to* 10:10
37 *undertake the role will be \$85,000. After* 10:10
38 *three months probation period this will* 10:10
39 *increase to \$87,000.* 10:10
40 10:10
41 That's right, isn't it 10:10
42 A. I do apologise, I stand corrected on the 70, 75. 10:10
43 10:10
44 Q. You put that in because you wished to give the 10:10
45 impression that you were receiving less than you were and, 10:10
46 as you say in 11 and as you volunteered, you were working 10:10
47 you said \$70,000, \$75,000 per annum for at least 10 hours 10:10

1 work per day. So you wish to make out that you were being 10:11
2 treated badly in some way, that's right, isn't it? 10:11
3 A. No. 10:11
4 10:11
5 Q. You knew that was false when you put it in your 10:11
6 statement, didn't you, Mr Bonnici? 10:11
7 A. No, actually like I said, I apologise to the court, I 10:11
8 obviously stand corrected, 85,000 it was. It also says in 10:11
9 here that I was to be increased to 87 after six months. So 10:11
10 I didn't ask for an increase, that was in the contract. 10:11
11 10:11
12 Q. All those times that you were denying it this morning, 10:11
13 that was all simply false. Correct? 10:11
14 A. No, not false, I just stand corrected on the figure, 10:11
15 that's all. 10:11
16 10:11
17 Q. Have look at paragraph 21. You say there: 10:11
18 10:11
19 *During the construction at 254 the basement* 10:11
20 *car park slab lifted 25 to 35 millimetres.* 10:11
21 10:11
22 A. Correct. 10:12
23 10:12
24 Q. 10:12
25 *We had to investigate whether the slab was* 10:12
26 *lifting or the building was sinking.* 10:12
27 10:12
28 A. Correct. 10:12
29 10:12
30 Q. Then you say: 10:12
31 10:12
32 *On digging in this area I noticed pieces of* 10:12
33 *sheet asbestos in the soil. I called Leigh* 10:12
34 *Chiavaroli.* 10:12
35 10:12
36 And you claim he said the words set out there. 10:12
37 10:12
38 That's just not true, is it? 10:12
39 A. No, that's 100 per cent true. 10:12
40 10:12
41 Q. Have a look at tab 10 in that folder? 10:12
42 A. Actually I can take you to the exact spot if you want 10:12
43 me to. 10:12
44 10:12
45 Q. Have a look at tab 7 in the folder I just provided to 10:12
46 you. 10:12
47 A. Tab 7, yes. 10:12

1 10:12
2 Q. This is an email that you sent on 2 August 2010? 10:12
3 A. Yes. 10:12
4 10:12
5 Q. You make reference to the slab lifting with excessive 10:12
6 water? 10:12
7 A. Yes. 10:12
8 10:12
9 Q. You say you told Paul Curtis the water sample had a 10:12
10 content of fluoride. Then you're talking about handover in 10:13
11 three weeks et cetera, and you make no reference at all, do 10:13
12 you, to the suggestion that there was asbestos down there? 10:13
13 A. That was a phone call. 10:13
14 10:13
15 Q. Then three weeks after this you had your meeting on 10:13
16 23 August, 21 days later that we've gone to. 10:13
17 A. Okay. 10:13
18 10:13
19 Q. You're telling Leigh and Peter that they're good 10:13
20 people, that they're wonderful people. No suggestion that 10:13
21 there was any activity of the kind that you claim in 10:13
22 paragraph 21, was there? 10:13
23 A. What did I claim in paragraph 21? No, that's true. 10:13
24 10:13
25 Q. I put to you it's just simply not true. And then, 10:13
26 when asbestos was found on that site, or there was the 10:13
27 possibility, it was dealt with appropriately. For example, 10:13
28 go to tab 9 in the folder. You will see that that was an 10:13
29 example the following year of how some asbestos material 10:14
30 was identified and abatement works were undertaken by an 10:14
31 asbestos removalist, and then there was a visual inspection 10:14
32 et cetera and we confirm that it's been removed to a 10:14
33 satisfactory standard. 10:14
34 A. What has that got to do with what happened in 2009. 10:14
35 10:14
36 Q. 2009? 10:14
37 A. 2010. 10:14
38 10:14
39 Q. It was in 2010. 10:14
40 A. It was actually in two thousand - mmm, yeah, okay. 10:14
41 10:14
42 Q. It was in August 2010, wasn't it, Mr Bonnici? 10:14
43 A. I can't recall the exact date. 10:14
44 10:14
45 Q. You can't recall the date but you can recall 10:14
46 word-for-word what was said? 10:14
47 A. No, no, there was a lot of testing done from the time 10:14

1 that happened. I believe that happened earlier in 2010. 10:14
2 Actually that happened when I was fully on the site at 254 10:14
3 and I wasn't on that site in 2010. 10:15
4 10:15
5 Q. Mr Bonnici, you're just making this up as you go 10:15
6 along. We've just seen an email that you wrote about this 10:15
7 very issue, you wrote it. 10:15
8 A. And? 10:15
9 10:15
10 Q. And, have a look -- 10:15
11 A. I wrote emails -- 10:15
12 10:15
13 Q. Behind tab 7. 10:15
14 A. I wrote emails from 10 different sites with reference 10:15
15 to things that happened in the past. 10:15
16 10:15
17 Q. Go back to tab 7, "have discussed the basement 10:15
18 problem", et cetera, et cetera. It's signed by you as site 10:15
19 supervisor. In any event, let's have a look at 10:15
20 paragraph 22 of your statement. 10:15
21 A. No, these are ongoing problems. This problem was 10:15
22 occurring over a period of months, not just one instance of 10:15
23 that happening. There was a lot more that went into it. 10:15
24 Sometimes it was communicated by word, sometimes by phone 10:15
25 and sometimes by email. So you're only looking at one 10:15
26 context. 10:16
27 10:16
28 Q. Thank you, Mr Bonnici. Paragraph 22, can we come to 10:16
29 that. You say: 10:16
30 10:16
31 *The site at 254 featured a considerable 10:16
32 quantity of contaminated soil, around 4,000 10:16
33 cubic metres. It's a complex undertaking; 10:16
34 special care needs to be taken in its 10:16
35 transportation. In early 2010 I was told 10:16
36 by Stefan ... 10:16
37 10:16*
38 I can't pronounce that name, sorry. 10:16
39 A. Mrnjavac. 10:16
40 10:16
41 Q. 10:16
42 10:16
43 *... Mrnjavac of Bushy Park that over the 10:16
44 break Mr Chiavaroli instructed him to load 10:16
45 soil into trucks and take it to 10:16
46 Mr Chiavaroli's farm. Treating 10:16
47 contaminated soil was certainly a breach of 10:16*

1 *safety standards.* 10:16
2 10:16
3 They were your words, were they? 10:16
4 A. Yes. 10:16
5 10:16
6 Q. You see, your entire statement precedes - all the 10:16
7 paragraphs we've looked at, there may be statements which 10:16
8 aren't in this category, are just some sort of generalised 10:17
9 assertions and then just criticisms of Mr Peter and 10:17
10 Mr Leigh Chiavaroli; that's right, isn't it? 10:17
11 A. No, the truth's the truth. 10:17
12 10:17
13 Q. And you just assert in 22 treating contaminated soil 10:17
14 in that fashion was certainly a breach of safety standards? 10:17
15 A. The soil was deemed contaminated by the people next 10:17
16 door, it was loaded onto the school block next door and 10:17
17 that was removed over the Christmas break by Stefan on 10:17
18 instruction of Peter, taken to (indistinct) and spread 10:17
19 around the farm. 10:17
20 10:17
21 Q. You say the people next-door told you it was 10:17
22 contaminated, did they? 10:17
23 A. There was question over the contamination of the soil. 10:17
24 10:17
25 Q. There was a question. I thought a moment ago you said 10:17
26 it was contaminated? 10:17
27 A. I believe it so at the time. 10:17
28 10:17
29 Q. Who told you that? 10:17
30 A. There was a company that went and did works at the 10:17
31 school which was behind 254 in Coburg. 10:17
32 10:17
33 Q. Lane Piper? 10:17
34 A. Sorry. 10:17
35 10:17
36 Q. Was it Lane Piper? 10:17
37 A. Possibly. There was another contractor there doing 10:17
38 works for the school, was another - I don't recall the name 10:18
39 of that company. They were concerned over asbestos they'd 10:18
40 found out the back of 254. 10:18
41 10:18
42 Q. They found that their soil was not contaminated, 10:18
43 didn't they? 10:18
44 A. Not while I was there, no. 10:18
45 10:18
46 Q. Well, Mr Bonnici, come to tab 10. An email middle of 10:18
47 the page from Mr Yan to Chiavaroli, you're copied in, "Soil 10:18

1 stockpiles, DTF land adjoining the Pentridge development. 10:18
2 Spoke to Danny." 10:18
3 10:18
4 Danny's from Lane Piper; correct? 10:18
5 A. Yes. 10:18
6 10:18
7 Q. "He advised the soil is not contaminated." 10:19
8 A. Well, there you go. 10:19
9 10:19
10 Q. That's what you say about it, is it? You've got 10:19
11 nothing further to say about that? 10:19
12 A. What more do you want me to say about it? 10:19
13 10:19
14 Q. Your evidence at 22 is just false, correct? 10:19
15 A. No, that's what I believed at the time, that's what I 10:19
16 was told at the time. 10:19
17 10:19
18 Q. You weren't told that at the time, Mr Bonnici, you 10:19
19 were told in this email that it was not contaminated? 10:19
20 A. This email is 29 March. 10:19
21 10:19
22 Q. But you were cc'd into it? 10:19
23 A. Yes. 10:19
24 10:19
25 Q. You received it, you read it? 10:19
26 10:19
27 A. Possibly. 10:19
28 10:19
29 Q. Paragraph 22 is just yet another false assertion by 10:19
30 you in an attempt to damage the two Chiavarolis, that's 10:19
31 right, isn't it? 10:19
32 A. I've answered this numerous times and it's not an 10:19
33 attempt to do anything to anyone. 10:19
34 10:19
35 Q. In fact, if you go -- 10:19
36 A. It's the truth. 10:20
37 10:20
38 Q. If you go to tab 12, a further email from you, bottom 10:20
39 of the page there's an email about some soil, further up 10:20
40 the page it says, this is you writing, your email: 10:20
41 10:20
42 *This was the stockpile of soil that Stefan* 10:20
43 *collected from 254, it was a substantial* 10:20
44 *pile that was relocated outside our* 10:20
45 *boundary. It's not used by next door as* 10:20
46 *Stefan had it earmarked for Marnong ...* 10:20
47 *discussed with Peter, I was instructed by* 10:20

1 Stefan that Peter had told him to bring 10:20
2 this particular stockpile to the farm. 10:20
3 10:20
4 A. Yes. 10:20
5 10:20
6 Q. The point is that it was examined and found not to be 10:20
7 contaminated, that's right, isn't it? 10:20
8 A. When was it examined? Certainly after this email. 10:20
9 10:20
10 Q. The email I took you to a moment ago and I'm not going 10:20
11 back to it. 10:20
12 A. And the date on it was? 10:20
13 10:20
14 Q. There's a counsel here who can check that with you if 10:21
15 he feels that would assist the Commission. 10:21
16 A. Sure. 10:21
17 10:21
18 Q. Paragraph 24, you say that - now you're accusing 10:21
19 Mr Chiavaroli of trying to bribe people. 10:21
20 A. Paragraph 24, yes. 10:21
21 10:21
22 Q. False as well, isn't it? 10:21
23 10:21
24 A. No. 10:21
25 10:21
26 Q. Let's have a look at tab 17 of the folder. 10:21
27 A. On that one there, if that needs to be checked, I've 10:21
28 got the phone number of the actual contractor. If you want 10:21
29 to ring him, you can. 10:21
30 10:21
31 Q. Thank you, Mr Bonnici, why don't you have a look at 10:21
32 tab 17. 10:21
33 A. Sure. 10:21
34 10:21
35 Q. The gist of your claim, as I understand it in 10:21
36 paragraph 24, is that Mr Chiavaroli asked you to bribe 10:21
37 somebody to get the electrical certification done more 10:22
38 quickly. Is that what you're saying? 10:22
39 A. Yes. 10:22
40 10:22
41 Q. Have a look for example at the certificate, and 10:22
42 there's a bundle of them behind tab 17. Mr Schembri is the 10:22
43 gentlemen to whom you make reference in 24? 10:22
44 A. Yes. 10:22
45 10:22
46 Q. He says he completes the work on 9 October. He 10:22
47 certifies it on 9 October, that's at the bottom of the 10:22

1 page. It's then inspected, if you look over to the right 10:22
2 on 13 October, and the certificate of inspection is 10:22
3 completed on that day? 10:22
4 A. Yes. 10:22
5 10:22
6 Q. There's no delays, was there? 10:22
7 A. These are the certificates of inspection for the 10:22
8 actual buildings, it's got nothing to do with the power 10:22
9 supply. 10:22
10 10:22
11 Q. The power connection -- 10:22
12 A. No, no, no. The electrician doesn't do the power 10:22
13 connection. 10:22
14 10:22
15 Q. Mr Bonnici, I'm taking it in steps. 10:22
16 A. Sure. 10:22
17 10:22
18 Q. We get the certifications done and then you say that 10:22
19 it was critical to obtaining a certificate of occupancy 10:23
20 which triggered the obligation to pay the outstanding 10:23
21 balance. You mean when settlement takes place? 10:23
22 A. Correct. 10:23
23 10:23
24 Q. And settlement wasn't going to be taking place until 10:23
25 much later, was it? 10:23
26 10:23
27 A. No, that's incorrect. 10:23
28 10:23
29 Q. Let's have a look at the settlement register on 10:23
30 tab 15. These are the townhouses in lot 254? 10:23
31 A. Yes. 10:23
32 10:23
33 Q. And the settlement's taking place in either December 10:23
34 2009 or early 2010. 10:23
35 A. And? 10:23
36 10:23
37 Q. And your paragraph 24 is talking about the middle of 10:23
38 2009? 10:23
39 A. Yes. 10:23
40 10:23
41 Q. And the certifications that we were just looking at 10:23
42 were done in October 2009. 10:23
43 A. Yes. 10:24
44 10:24
45 Q. So there was simply no need, was there, Mr Bonnici -- 10:24
46 A. Yeah, there was, they were desperate to get the 10:24
47 certificates of occupancy so they could start selling them 10:24

1 off. 10:24
2 10:24
3 Q. What you say about the allegations of bribery are 10:24
4 simply false? 10:24
5 A. 100 per cent, they are true, with witnesses. 10:24
6 10:24
7 Q. I'm not going to go through all this, Mr Bonnici, but 10:24
8 just to formally put this to you, you deal at paragraph 35 10:24
9 and following of the events of 15 October 2009? 10:24
10 A. Is that my statement? 10:24
11 10:24
12 Q. Yes. 10:24
13 A. Paragraph 35, yes. 10:24
14 10:24
15 Q. You've seen Mr Chiavaroli's account in his statement, 10:24
16 it's at paragraph 65 and following of his statement. 10:24
17 A. I have. 10:24
18 10:24
19 Q. I suggest to you that what he says there is correct 10:24
20 and that your version is not true? 10:24
21 A. Never saw Mr Chiavaroli at all during that day, I saw 10:25
22 his father at approximately 12 o'clock and I was ringing 10:25
23 Leigh, I believe, around about 11.45, 12 o'clock, and he 10:25
24 wasn't on site. At least clarification of being on site is 10:25
25 being at the office up at the top of the building sites, 10:25
26 which has got nothing to do with the sites. He may have 10:25
27 been there, I'm not 100 per cent sure, but the phone calls 10:25
28 were there. 10:25
29 10:25
30 Q. I just put this to you, Mr Bonnici -- 10:25
31 A. Sure. 10:25
32 10:25
33 Q. I'll take this in steps, you're not a witness of truth 10:25
34 and your statement has been prepared in an effort to damage 10:25
35 the Chiavarolis and you're prepared to say things that 10:25
36 aren't true in order to advance that purpose. What do you 10:25
37 say to that? 10:25
38 A. I say that that's false. 10:25
39 10:25
40 Q. You have been to numerous bodies to complain about the 10:25
41 Chiavarolis after you left the site? 10:25
42 A. After I was sacked, yes. 10:26
43 10:26
44 Q. So for example, 112, you say, "I complained to the 10:26
45 ABCC and the fair work Ombudsman"? 10:26
46 A. I did. 10:26
47 10:26

1 Q. You even say in paragraphs 12 and 13, going back 10:26
2 there, you're complaining about being an employee, you say 10:26
3 you were an employee, not a contractor? 10:26
4 A. I do. 10:26
5 10:26
6 Q. The fact is, you went to the Fair Work Ombudsman and 10:26
7 they threw that out? 10:26
8 A. No, they didn't, they went to see the Chiavarolis and 10:26
9 the Chiavarolis told them that I was employed under the 10:26
10 manner that I asked for and that it was then a civil case 10:26
11 and if I wanted to go further I'd have to sue them civilly, 10:26
12 which becomes a different relevant matter, doesn't it? 10:26
13 10:26
14 Q. Tab 3 in the folder that I've just handed you. 10:26
15 10:26
16 MR STOLJAR: I ask that that folder be received into 10:26
17 evidence. 10:27
18 10:27
19 **#BONNICI MFI#2 - FOLDER OF DOCUMENTS** 10:27
20 10:27
21 Subject to Mr Agius's right to object if he thinks he 10:27
22 should after reading it fully. 10:27
23 10:27
24 MR STOLJAR: Q. The Fair Work Ombudsman produced a 10:27
25 report headed "Finalisation of investigation", that's back 10:27
26 in 18 February 2011. I take it you were forwarded a copy 10:27
27 of the finalisation as well? 10:27
28 A. Who, me? 10:27
29 10:27
30 Q. Yes. 10:27
31 A. Yes, I was. 10:27
32 10:27
33 Q. The short point is, bottom of that page, they say: 10:27
34 10:27
35 *There is insufficient evidence to conclude* 10:27
36 *that an employment relationship existed* 10:27
37 *between Mr Bonnici and West Homes.* 10:27
38 10:27
39 I don't see how that was - come about. I worked 10:27
40 there, I worked there for two and a half years and solely 10:27
41 for them 10:27
42 10:27
43 Q. In paragraph 12 and following you're dredging up these 10:27
44 complaints again, some years after the Fair Work Ombudsman 10:27
45 declined to take it any further. That's right, isn't it? 10:27
46 A. As I explained, the Fair Work Ombudsman went and saw 10:27
47 the Chiavarolis. They told the Fair Work Ombudsman that I 10:28

1 had asked to be employed in that manner, which was untrue. 10:28
2 They then said to me that it was now a civil matter and 10:28
3 they can't do anything about it, which makes them pretty 10:28
4 toothless. 10:28
5 10:28
6 Q. Paragraph 16, you were never instructed by 10:28
7 Mr Chiavaroli to do as little as possible on site safety, 10:28
8 were you? 10:28
9 A. Yes, I was, in exactly that manner, "You are to do as 10:28
10 little as possible because if we make it look like we're 10:28
11 doing something, we're covered." 10:28
12 10:28
13 MR STOLJAR: I have nothing further, Commissioner. 10:28
14 10:28
15 THE COMMISSIONER: Mr Agius? 10:28
16 10:28
17 MR AGIUS: Mr Commissioner, we've not had a chance to read 10:28
18 through this volume of material that, as we know, we've 10:28
19 only just received. I would like to defer my 10:28
20 re-examination. If there is any, we might seek to put on a 10:28
21 further statement from the witness. 10:29
22 10:29
23 THE COMMISSIONER: So, is your proposition that you 10:29
24 examine the documents, you see whether or not Mr Bonnici 10:29
25 should have a further statement put on, and then there 10:29
26 would be some cross-examination after that if that event 10:29
27 happened? Is that your plan? 10:29
28 10:29
29 MR AGIUS: If there needs to be, yes. 10:29
30 10:29
31 THE COMMISSIONER: What do you say to that, Mr Stoljar? 10:29
32 10:29
33 MR STOLJAR: I have no difficulty with that, Commissioner. 10:29
34 10:29
35 THE COMMISSIONER: Yes, that's satisfactory. So perhaps 10:29
36 Mr Bonnici can leave the witness box now. 10:29
37 10:29
38 Mr Bonnici, thanks for attending today. You can now 10:29
39 leave the witness box but you will still be bound by that 10:29
40 summons that brought you here in the event that it's 10:29
41 necessary for you to come back for questioning by Mr Agius 10:29
42 to clarify things. If you don't come back, if you are not 10:29
43 brought back within two or three weeks, you can take it you 10:29
44 won't have to come back 10:29
45 10:29
46 THE WITNESS: I'll be here. 10:29
47 10:30

1	<THE WITNESS WITHDREW	10:30
2		10:30
3	THE COMMISSIONER: That's the end of the Pentridge site?	10:30
4		10:30
5	MR STOLJAR: No, we have Mr Sucic. I'm going to ask	10:30
6	Mr Elliott to examine Mr Sucic.	10:30
7		10:30
8	<ANTON DUJO SUCIC, sworn:	10:30
9		10:30
10	<EXAMINATION BY MR ELLIOTT: [10.30am]	10:30
11		10:30
12	MR ELLIOTT: Q. What is your full name?	10:30
13	A. Anton Dujó Sucic.	10:30
14		10:31
15	Q. Are you a resident of Victoria?	10:31
16	A. I am.	10:31
17		10:31
18	Q. What is your occupation?	10:31
19	A. I'm a construction worker.	10:31
20		10:31
21	Q. You have prepared a statement, is that right?	10:31
22	A. Yes, that's right.	10:31
23		10:31
24	Q. Is that a statement dated 15 August 2014.	10:31
25	A. 22 August.	10:31
26		10:31
27	Q. Does it have 39 paragraphs?	10:31
28	A. 38 - ahh, 39 paragraphs, yes.	10:31
29		10:31
30	Q. Are the contents of that statement true and correct?	10:31
31	A. Yes.	10:31
32		10:31
33	MR ELLIOTT: Might that statement be received into	10:31
34	evidence.	10:31
35		10:31
36	THE COMMISSIONER: That statement will be received into	10:31
37	evidence.	10:31
38		10:31
39	#STATEMENT OF ANTON DUJO SUCIC	10:30
40		10:31
41	MR ELLIOTT: Q. Mr Sucic, can I just start by asking you	10:31
42	a question about an email that I'll show you a copy of, an	10:31
43	email dated 18 August 2010 sent by you to a Joyce Zinni.	10:31
44	Do you know who that is, Ms Zinni?	10:32
45	A. No, is she WorkCover?	10:32
46		10:32
47	Q. Can I show you a copy of the email, the email I want	10:32

1 to ask you about. 10:32
2 A. One sec, who do you say sent this email? 10:32
3 10:32
4 Q. I'm asking whether this is an email that you sent, if 10:32
5 you look halfway down the page, OH&S Pentridge Village 10:32
6 18 August 2010 at 11.24am? 10:32
7 A. Can I read the email? 10:32
8 10:32
9 Q. Yes, please. Have you read that email? 10:32
10 A. I have. 10:33
11 10:33
12 Q. Is that an email that you sent, it's sent "kindest 10:33
13 regards Anton, OHS rep" from the OH&S Pentridge Village 10:33
14 email address. Was that an email that you sent? 10:33
15 A. To tell you the truth, I don't recall sending this 10:33
16 email, no. 10:33
17 10:33
18 Q. Was there any other Anton OH&S rep working at the 10:33
19 Pentridge Village project? 10:33
20 A. No. 10:33
21 10:33
22 Q. Do you accept that it's likely that you sent this 10:33
23 email? 10:33
24 A. To tell you the truth, I don't believe I did. I 10:33
25 haven't - I'm not an email person, I'm not even sure 10:33
26 whether they gave me a laptop computer at that time and I 10:33
27 don't believe I sent this email, no? 10:34
28 10:34
29 Q. But there's no other Anton at the Pentridge Village 10:34
30 site who is the OH&S rep? 10:34
31 A. No, there's not. 10:34
32 10:34
33 Q. I tender that email? 10:34
34 10:34
35 **#SUCIC MFI#1 - EMAIL DATED 18 AUGUST 2010** 10:34
36 10:34
37 MR ELLIOTT: Q. You will see, Mr Sucic, that even though 10:34
38 you say you don't believe you sent this email, that the 10:34
39 author of it who is said to be Anton OHS rep, in the last 10:34
40 sentence describes the building project at Pentridge 10:34
41 Village as being classed as a domestic building project. 10:34
42 Do you see that? 10:34
43 A. If -- 10:34
44 10:34
45 Q. Do you see that? 10:34
46 A. Yes, this could be relating to 254, there was four or 10:34
47 five different jobs going on or sites at the time, S13, S8, 10:34

1 254, S6, so I don't know what this relates to. S8 as far 10:34
2 as I was concerned was the only job I was looking after and 10:35
3 that was the only one that was deemed to be commercial. 10:35
4 This might have been in the context of one of the domestic 10:35
5 sites being S13 or 254 or S6, I'm not too sure, okay. 10:35
6 10:35
7 Q. Do you see in the first line of the email the author 10:35
8 of the email who's described as "Anton OHS rep", alludes to 10:35
9 the fact that that person has responsibilities as OH rep on 10:35
10 S8. Do you see that? 10:35
11 A. Yep. 10:35
12 10:35
13 Q. And the email is about the S8 site, isn't it? 10:35
14 A. I'm not too sure when I left Pentridge Village, but 10:35
15 I'd - I'm not too sure if I was still employed on 18 August 10:36
16 by them. 10:36
17 10:36
18 Q. You were the one, as you've said a moment ago -- 10:36
19 A. They might have sent me this email and I've already 10:36
20 left them and that's why I've said I don't work there. 10:36
21 10:36
22 Q. This wasn't an email sent to Anton OHS rep, it's an 10:36
23 email sent from Anton OHS rep? 10:36
24 A. I don't know what I'll be replying to. Has there been 10:36
25 a correspondence, is there an email been sent to me and 10:36
26 this is my reply or? 10:36
27 10:36
28 Q. You said a moment ago that you were responsible for 10:36
29 S8? 10:36
30 A. For S8, yes. 10:36
31 10:36
32 Q. I want to suggest to you that that is an email about 10:36
33 S8 sent by you in which you acknowledged, correctly, that 10:36
34 the site was properly classed as a domestic -- 10:36
35 A. Put it this it says, "Given that I don't work there", 10:36
36 so I've probably already left. 10:36
37 10:36
38 Q. Listen to my question please. I want to suggest to 10:36
39 you that this is an email sent by you in which you 10:36
40 acknowledged, correctly, that the S8 site ought be treated 10:37
41 as a domestic building project. Do you accept that? 10:37
42 A. No. 10:37
43 10:37
44 Q. Can I ask you a few questions, Mr Sucic, about some 10:37
45 OH&S matters. You say that you have some OH&S skills in 10:37
46 your statement and you refer to something called a safe 10:37
47 work method statement. You're familiar with that category 10:37

1 of document? 10:37
2 A. I am. 10:37
3 10:37
4 Q. You've referred to another category of document called 10:37
5 a job safety analysis worksheet? 10:37
6 A. Yes. 10:37
7 10:37
8 Q. Again, you're familiar with that stated document? 10:37
9 A. I am. 10:37
10 10:37
11 Q. They're documents, aren't they, that set out 10:37
12 particular tasks or activities to be performed? 10:37
13 A. They're documents that you formulate in consultation 10:37
14 with the relevant subcontractor or worker so that we go 10:37
15 through the procedures so that all works are performed in a 10:38
16 safe manner. 10:38
17 10:38
18 Q. And the documents typically have a number of columns? 10:38
19 A. Yeah, typically depending; some are handwritten. 10:38
20 10:38
21 Q. But the idea is to set down the tasks that have to be 10:38
22 performed? 10:38
23 A. In writing, yes. 10:38
24 10:38
25 Q. To identify the hazards that might be associated with 10:38
26 the tasks? 10:38
27 A. Yes. 10:38
28 10:38
29 Q. To identify the controls and procedures that would be 10:38
30 put in place to reduce those hazards? 10:38
31 A. Yeah. Well, yeah. 10:38
32 10:38
33 Q. And to identify the person that would actually be 10:38
34 responsible for implementing those processes? 10:38
35 A. Yes. 10:38
36 10:38
37 Q. And each of those elements of the document is an 10:38
38 important element. Correct? 10:38
39 A. Yes. 10:38
40 10:38
41 Q. That's a basic safety procedure that should be 10:38
42 followed on work sites; is that right? 10:38
43 A. Yes. 10:38
44 10:38
45 Q. Can I just ask you some questions about paragraph 19 10:39
46 of your statement, if I could ask you to turn to that. You 10:39
47 say that: 10:39

1 10:39
2 *Mr Hardy and I introduced checks on the way* 10:39
3 *work was done to improve safety on site.* 10:39
4 *This included requiring [the documents I've* 10:39
5 *just been talking to you about] safe work* 10:39
6 *method statements and job safety analyses* 10:39
7 *to be completed by contractors.* 10:39
8 10:39
9 That was something that you required contractors, 10:39
10 subcontractors to complete when they came on site, is that 10:39
11 right? 10:39
12 A. Depending on what tasks were at hand. Generally I'd 10:39
13 make sure that was done when there were any high risk 10:39
14 works. 10:39
15 10:39
16 Q. You say in your statement you were responsible for 10:39
17 ensuring worker safety on site? 10:39
18 A. Yes. As a representative, yes. 10:39
19 10:39
20 Q. Part of that responsibility was to ensure these 10:39
21 documents were completed? 10:39
22 A. That, under instruction from employers and their 10:40
23 bosses, that they would not - how can I say - wouldn't like 10:40
24 subjugate their employees to work unsafely, yes. 10:40
25 10:40
26 Q. You were responsible, you were the OHS site rep? 10:40
27 A. Representative, yes, for the workers. 10:40
28 10:40
29 Q. Your job, as you describe it in your own statement, 10:40
30 was to ensure that workers were safe? 10:40
31 A. Yes. 10:40
32 10:40
33 Q. One of the things you did in your own statement, I'm 10:40
34 not trying to trick you here -- 10:40
35 A. Yeah, no problem. 10:40
36 10:40
37 Q. You say, was to require the Safe Work method 10:40
38 statements and job safety analyses to be completed? 10:40
39 10:40
40 Q. That was something you say you introduced with 10:40
41 Mr Hardy? 10:41
42 A. Yes. We used to enforce, yes. 10:41
43 10:41
44 Q. But you say you introduced checks in paragraph 19? 10:41
45 A. Yes. 10:41
46 10:41
47 Q. And those checks included requiring these forms to be 10:41

1 completed? 10:41
2 A. Yes. 10:41
3 10:41
4 Q. Do you say this was a requirement that was introduced 10:41
5 by you and Mr Hardy, what, some time shortly after you 10:41
6 started on the site? 10:41
7 A. It was a standard practice. If you've got a high risk 10:41
8 activity on site, we'd sit down and consult and make sure 10:41
9 that everything that we done was within legislative 10:41
10 requirements. I wouldn't expect JSA or a SWM to be written 10:41
11 for a petty - if they're going to empty a rubbish bin, 10:41
12 okay. 10:41
13 10:41
14 Q. I'm just dealing with paragraph 19 of this statement 10:41
15 and I'm trying to ascertain when you introduced this new 10:41
16 requirement. Was it shortly after you started work on the 10:41
17 site? 10:41
18 A. Yes, it's standard practice. 10:41
19 10:42
20 Q. When you say it's standard practice, was it something 10:42
21 that you say wasn't being doing? 10:42
22 A. I don't believe it was being done, no. 10:42
23 10:42
24 Q. When you say you don't believe it was being done, was 10:42
25 that something you checked when you came on site? 10:42
26 A. After speaking to the employees on site, no one ever 10:42
27 even new what a JSA or a SWM was so obviously they've never 10:42
28 been introduced to it. Given the accident with Tony Kelly 10:42
29 when he got killed on site, if a JSA or a SWM was done on 10:42
30 that day he'd still be alive and be with us. 10:42
31 10:42
32 Q. It's your understanding, was it, that this requirement 10:42
33 that you describe in paragraph 19 wasn't being done until 10:42
34 you arrived on site? 10:42
35 A. I don't believe it was, no, with any due diligence 10:42
36 anyway. 10:42
37 10:42
38 Q. You may be wrong about that? 10:42
39 A. Well, with Des Caple and the other safety guy that was 10:42
40 coming once every fortnight or every once a month, I'm sure 10:42
41 high risk activities on site were being performed more than 10:43
42 that. I'd say that they were being performed on a daily 10:43
43 basis. 10:43
44 10:43
45 Q. If I was to suggest to you that there are a large 10:43
46 volume of safe work method statements and job safety 10:43
47 analyses that were completed and fully documented prior to 10:43

1 your arrival on site, would you just say you were unaware 10:43
2 of that? 10:43
3 A. I would ask, are they generically printed off the 10:43
4 computer or are they site specific? 10:43
5 10:43
6 Q. If I were to suggest to you that there were a large 10:43
7 volume of safe work method statements and job safety 10:43
8 analyses that were completed and fully documented prior to 10:43
9 your arrival on site, you would say, would you, that you 10:43
10 were just unaware of that fact? 10:43
11 A. I would be unaware of that fact, yes. 10:43
12 10:43
13 Q. That might indicate, might it, a lack of attention on 10:43
14 your part in understanding the precise safety procedures 10:43
15 that were in place when you arrived on site in late 2009? 10:44
16 A. When I was employed on that site, I was never given a 10:44
17 rundown on how the site was run in the past. From what I 10:44
18 understand the way the site was run was all care, no 10:44
19 responsibility, and also I hear that a lot of these JSAs 10:44
20 and SWMs were produced or done or archived after the fact 10:44
21 after the incident with Tony Kelly. 10:44
22 10:44
23 Q. But you didn't undertake any audit, did you, of the 10:44
24 documents that had in fact been prepared prior to your 10:44
25 arrival on site? 10:44
26 A. No, I haven't. 10:44
27 10:44
28 Q. You just wouldn't know what state the documentation is 10:44
29 in? 10:44
30 A. When I was employed -- 10:44
31 10:44
32 Q. You just wouldn't know what state the documentation 10:44
33 was in, would you? 10:45
34 A. No, I wouldn't. 10:45
35 10:45
36 Q. Can I show you this document, which is a job safety 10:45
37 analysis worksheet dated 19 April 2010. You will see the 10:45
38 contractor is Bushy Park. Do you see that? 10:45
39 A. This didn't fall under my jurisdiction, I was only 10:45
40 told to look after S8. I was clearly instructed that when 10:45
41 I was employed, and this JSA is to do with S13. So this 10:45
42 wouldn't have come across to me. 10:45
43 10:45
44 Q. So is your statement not correct when you say you were 10:45
45 responsible for the safety of workers on site, was it only 10:45
46 S8? 10:45
47 A. S8, I was instructed S8 was the only job that I was 10:45

1 to, how could I say, to look after. 10:46
2 10:46
3 Q. So you really can't speak in any authoritative way 10:46
4 about any part of this site other than S8? 10:46
5 A. I did not have much to do with the other sites on 10:46
6 Pentridge Village, no. 10:46
7 10:46
8 Q. When you say your responsibility was to ensure that 10:46
9 workers were safe, it was really only the workers on S8; is 10:46
10 that right? 10:46
11 A. Yes, that's what I was instructed by Ken Hardy and 10:46
12 obviously I think he got instructed by Peter Chiavaroli. 10:46
13 10:46
14 Q. Is there some reason why you didn't identify in your 10:46
15 statement that your role was so confined? 10:46
16 A. I'm pretty sure that I did. They didn't want me to 10:46
17 know what was going on on the other sites. 10:46
18 10:46
19 Q. So we should read all of your statement as really only 10:47
20 applying to S8? 10:47
21 A. That's correct. 10:47
22 10:47
23 THE COMMISSIONER: Do you want this document tendered? 10:47
24 10:47
25 MR ELLIOTT: Yes. 10:47
26 10:47
27 **#SUCIC MFI#2 - JOB SAFETY ANALYSIS WORKSHEET DATED 19 APRIL** 10:47
28 **2010** 10:45
29 10:47
30 MR ELLIOTT: Q. In 2010 am I correct in understanding that 10:47
31 you were employed by Multiplex as a construction worker? 10:47
32 A. Yes. 10:47
33 10:47
34 Q. Not as an OHS officer? 10:47
35 A. I am an OHS rep for Multiplex, yes. 10:47
36 10:47
37 Q. But you were employed as a construction worker? 10:47
38 A. We're all construction workers. 10:47
39 10:47
40 Q. And you signed a contract of employment? 10:47
41 A. No, I don't - I - whether that contract of employment 10:47
42 regarding my, how can I say, my tax file number and my 10:47
43 address and date of birth, if that's an employment 10:48
44 contract, well, yes, I signed one of them. 10:48
45 10:48
46 Q. You signed a contract of employment that set out your 10:48
47 position and duties, the date you commenced work, the place 10:48

1 of work, your conditions of employment, didn't you? 10:48
2 A. From what I understand, like any construction worker 10:48
3 I'm employed under the terms and conditions of the EBA, the 10:48
4 CFMEU EBA or MBA, EBA same thing, it's a patent agreement, 10:48
5 and I fall under those classifications and I get paid 10:48
6 accordingly. 10:48
7 10:48
8 Q. You signed a contract of employment that set out your 10:48
9 position and duties the date you commenced work, the place 10:48
10 of work and your conditions of employment? 10:48
11 A. Have you got a copy of that because I haven't got a 10:48
12 copy of that. 10:48
13 10:48
14 Q. You don't remember whether you did or not? 10:48
15 A. No, I don't. 10:48
16 10:48
17 Q. I'll show you this document. You will see the 10:48
18 document sets out in paragraph (1) position and duties, (2) 10:49
19 date of commencement, (3) place of work, (4) conditions of 10:49
20 employment, (6) OH&S, and then on the next page it's signed 10:49
21 by Brookfield Multiplex Constructions and then signed by 10:49
22 you and you say you've read and accept the terms of 10:49
23 employment set out above. See that? 10:49
24 A. From what I understand, it's a standard document, I 10:49
25 haven't read it in any detail. 10:49
26 10:49
27 Q. Mr Sucic, are you prepared to accept that you've 10:49
28 signed a contract of employment with Multiplex? 10:49
29 A. Obviously I've signed a - I don't know whether you 10:49
30 want to - if it's called a contract, I'm not too sure of 10:49
31 the legal term, but obviously I would have stated, yes, 10:49
32 that I am employed by them as a full-time employee, and all 10:49
33 the relevant details I suppose that they need to pay into 10:50
34 my superannuation funds and long service leave and my tax 10:50
35 file number has been provided, yeah. 10:50
36 10:50
37 Q. I just want to be really clear about this and to give 10:50
38 you every opportunity. Are you prepared to accept that you 10:50
39 have signed a contract of employment with Multiplex? 10:50
40 A. I think I've said yes, I've signed - if this is deemed 10:50
41 to be a contract of employment, yes, I've signed it. 10:50
42 10:50
43 Q. You're hesitating answering my question -- 10:50
44 A. I don't understand, is this a legal term? I don't 10:50
45 understand. Is this? 10:50
46 10:50
47 Q. You're hesitating answering my question positively 10:50

1 because you know in your statement you have said: 10:50
2 10:50
3 *I refused to sign a contract of employment* 10:50
4 *with Pentridge because Pentridge had an* 10:50
5 *EBA.* 10:50
6 10:50
7 A. That's right. 10:50
8 10:50
9 Q. That's the excuse you give for not signing a contract 10:50
10 of employment with Pentridge? 10:50
11 A. Well, I was still employed by Pentridge Village 10:50
12 without signing a contract, so how would that be? 10:51
13 10:51
14 Q. And you're resisting acknowledging that you signed a 10:51
15 contract of employment with Multiplex -- 10:51
16 A. Yes. 10:51
17 10:51
18 Q. -- because you know that the excuse that you have 10:51
19 given in your statement just doesn't stand up? 10:51
20 A. The reason I would sign a, if this is an employment 10:51
21 contract, and like I said I'm a little bit naive to legal 10:51
22 terms, Brookfield Multiplex is a reputable multinational 10:51
23 company and I believe it's just a standard document. 10:51
24 10:51
25 Q. You weren't naive about it when you refused to sign 10:51
26 the contract of employment with Pentridge, were you? 10:51
27 A. Yes, because Pentridge Village were a pack of rogues. 10:51
28 10:51
29 Q. So you did understand what a contract was then? 10:51
30 A. Yes, I did, and I was employed under the terms and 10:51
31 conditions of that EBA, yes. 10:51
32 10:51
33 Q. But you don't now? 10:51
34 A. Beg your pardon? 10:51
35 10:51
36 Q. But you don't now? 10:51
37 A. Don't now what? 10:51
38 10:51
39 Q. Understand what a contract is? 10:51
40 A. I do. 10:51
41 10:51
42 THE COMMISSIONER: Is that in evidence? 10:51
43 10:52
44 MR ELLIOTT: Yes. 10:52
45 10:52
46 **#SUCIC MFI#3 - CONTRACT** 10:52
47 10:52

1 MR ELLIOTT: Q. You did engage in action from time to 10:52
2 time on this site, didn't you, that led to a disruption of 10:52
3 work on site? 10:52
4 A. You'd have to refresh my memory. 10:52
5 10:52
6 Q. There were periods where workers were encouraged by 10:52
7 you to stop working? 10:52
8 A. I don't know. In what context? 10:52
9 10:52
10 Q. There were periods, weren't there, where you 10:52
11 encouraged workers to stop working on site? 10:52
12 A. No, I don't believe so. 10:52
13 10:52
14 Q. It was put by the CFMEU's counsel to Mr Chiavaroli 10:52
15 yesterday that there were occasions where you promoted stop 10:52
16 works but they were for safety reasons. Do you say you 10:52
17 don't know whether that happened or not? 10:52
18 A. Well, I remember there was one time, I think we were 10:52
19 on the fourth or fifth level of S8, and workers removed the 10:52
20 hand rails so they exposed the live edge and they got the 10:53
21 Manitou, being a forklift, and started loading the top deck 10:53
22 unprotected; yes, I probably would have stopped them doing 10:53
23 that. That was one instance. 10:53
24 10:53
25 Q. When I asked you before, there were periods, weren't 10:53
26 there, where you encouraged workers to stop working on site 10:53
27 and you said, no, I don't believe so, is that answer not 10:53
28 correct? 10:53
29 A. I'm asking you in what instances, this is one instance 10:53
30 that comes to mind. So, if there were safety issues where 10:53
31 I couldn't relocate or would, how could I say, we'd ceased 10:53
32 the operation at hand, we'd revert back to the JSA or SWM 10:53
33 to see how the task was to be performed, and until it was 10:53
34 sorted out or through due consultation we would relocate, 10:53
35 start working somewhere else until whatever was rectified. 10:53
36 That's standard practice. 10:54
37 10:54
38 Q. So there were periods where workers were encouraged by 10:54
39 you to stop working on site? 10:54
40 A. Probably to relocate, to cease the operation that they 10:54
41 were doing and go work somewhere else on site, yes. 10:54
42 10:54
43 Q. One of the reasons that you gave for telling workers 10:54
44 they could not work on site was the fact they were not 10:54
45 union members. Correct? 10:54
46 A. I don't believe I've ever said that. I have said in 10:54
47 the past I was always there before 7 o'clock, new 10:54

1 contractors would come and get inducted, I'd ask for their 10:54
2 WorkCover, how many employees, are they contractors, are 10:54
3 they pyramid subcontractors, are they employees, are they 10:54
4 being paid superannuation, long service leave, all the 10:54
5 legal requirements of having the employee, that's... 10:54
6 10:54
7 Q. One of the reasons why you wouldn't allow workers to 10:55
8 work on sites was that they weren't union members. 10:55
9 Correct? 10:55
10 A. No, I don't believe so. 10:55
11 10:55
12 Q. I'll show you this document and it will be handed up 10:55
13 to you in a moment, it's a series of emails in May 2010. 10:55
14 You will see towards the bottom of the page there's an 10:55
15 email from Jack Yan to Mr Chiavaroli. Do you see that, 10:55
16 about three-quarters of the way down the page. You will 10:55
17 see there are a series of lines across the page, do you see 10:55
18 that? 10:55
19 A. Sorry, where's that? 10:55
20 10:55
21 Q. You will see there's a series of lines that run across 10:55
22 the page? 10:55
23 A. Yes. 10:55
24 10:55
25 Q. The lowest of those lines, underneath it there's an 10:55
26 email from Jack Yan to Mr Chiavaroli on 24 May 2010. 10:55
27 A. Yes. 10:55
28 10:55
29 Q. Jack Yan says, "Leigh, for your information" . 10:55
30 10:55
31 And then sets out various pieces of information. You 10:56
32 will see on the second-last line he says: 10:56
33 10:56
34 *Anton will not allow a non-union worker to* 10:56
35 *work on S8. Please advise.* 10:56
36 10:56
37 A. I don't understand, which work is that? 10:56
38 10:56
39 Q. That was the case, wasn't it, you were not allowing 10:56
40 union -- 10:56
41 A. Listen, mate, which worker was that, did he have 10:56
42 insurances, I might not have allowed him to work because he 10:56
43 didn't have insurances. 10:56
44 10:56
45 Q. The reason you were giving for not allowing the worker 10:56
46 to work on site was the fact that he was not in the union. 10:56
47 Correct? 10:56

1 A. I don't even remember really speaking to Jack Yan, all 10:56
2 I know is he used to order our coffee and milk. 10:56
3 10:56
4 Q. That was your real job on the site, wasn't it, to 10:56
5 recruit members for the CFMEU? 10:56
6 A. I don't believe I need to recruit, I didn't need to 10:56
7 recruit any members because while I was there each 10:56
8 contractor or every contractor that was working on site had 10:56
9 an EBA and their employees were members of the union. 10:56
10 10:57
11 Q. How can that be true, Mr Sucic? You say in your 10:57
12 statement that you were positively encouraging union 10:57
13 membership? 10:57
14 A. I always positively encourage union membership. 10:57
15 10:57
16 Q. Paragraph 25? 10:57
17 A. Yes, I don't dispute that, I always encourage union 10:57
18 membership. 10:57
19 10:57
20 Q. Why did you say before you believe you didn't need to 10:57
21 recruit? 10:57
22 A. Because they were already union members. 10:57
23 10:57
24 Q. So they were already union members and you encouraged 10:57
25 them to become union members, is that what you say? 10:57
26 A. I didn't need to encourage people that were already 10:57
27 union members. 10:57
28 10:57
29 Q. Your evidence just doesn't make sense, does it, 10:57
30 Mr Sucic? 10:57
31 A. I think you should change your line of questioning. 10:57
32 10:57
33 Q. Do you accept that your evidence doesn't make sense? 10:57
34 A. No, I do not accept that my evidence doesn't make 10:57
35 sense. 10:57
36 10:57
37 Q. Can I show you another email, this one is -- sorry, 10:57
38 Mr Commissioner, can I tender that email? 10:57
39 10:57
40 **#SUCIC MFI#4 - SERIES OF EMAILS IN MAY 2010** 10:58
41 10:58
42 MR ELLIOTT: Q. Mr Sucic, can I show you another email 10:58
43 from June 2010. You will see this is from Mr Bonnici, the 10:58
44 gentleman who gave evidence before you. It's dated 22 June 10:58
45 2010, it was sent to Ken Hardy, do you see that? 10:58
46 A. Yes. 10:58
47 10:58

1 Q. Mr Bonnici says: 10:58
2 10:58
3 *Ken, as per our phone conversation later* 10:58
4 *today, I confirm [a number of matters].* 10:58
5 10:58
6 *It has come to my attention that Anton has* 10:58
7 *handed out to our people documentation for* 10:58
8 *them to join the union, saying that these* 10:58
9 *papers had to be signed and given to him* 10:58
10 *first thing in the morning ...* 10:58
11 10:58
12 Do you see that? 10:58
13 A. Which line is that? 10:58
14 10:58
15 Q. You will see there's a very short first paragraph that 10:58
16 says, "As per our phone conversation", then after that 10:59
17 there's a second longer paragraph that starts, "It has come 10:59
18 to my attention". Can I just ask you to read those first 10:59
19 two lines. 10:59
20 A. Yes, I remember that. 10:59
21 10:59
22 Q. What you were saying to workers was that there were 10:59
23 union membership forms that had to be signed out and given 10:59
24 back, didn't you? Yes? 10:59
25 A. No. Can I - I want to go through this process. 10:59
26 10:59
27 Q. The process is one where you listen carefully to my 10:59
28 questions and answer them -- 10:59
29 A. You're not giving me an opportunity to answer your 10:59
30 question, I want to answer your question. 10:59
31 10:59
32 Q. The question is, you were saying to workers that there 10:59
33 were union membership forms that had to be signed out and 10:59
34 given back to you. Correct? 10:59
35 A. I would have given union membership forms to take 10:59
36 away, same as they had - I gave each - made sure each of 10:59
37 them got a copy of the EBA that they had for 28 days. If 11:00
38 they were happy with the terms and conditions of that EBA, 11:00
39 it would make sense to become a union member because it is 11:00
40 a union negotiated agreement. 11:00
41 11:00
42 Q. You gave them the documents and told them they had to 11:00
43 sign them and give them back. Correct? 11:00
44 A. I don't believe I told them they had to sign anything. 11:00
45 It's a free country, we do live in Australia. 11:00
46 11:00
47 Q. You will see in the next line that Mr Bonnici 11:00

1 expresses concern about people having to conform to your 11:00
2 demands. Do you see that? 11:00
3 A. To conform to my demands? 11:00
4 11:00
5 Q. Yes. You were demanding that workers become union 11:00
6 members, weren't you? 11:00
7 A. I didn't demand anything; like I said, we live in 11:00
8 Australia, it's a free country, I explain my position and I 11:00
9 gave them the choice. 11:00
10 11:00
11 Q. There was nothing free about Pentridge Village, it was 11:00
12 your job to make people sign up or get off the site, wasn't 11:00
13 it? 11:00
14 A. My job on Pentridge Village was to facilitate the 11:00
15 safety on S8, that's what I was employed to do, and in the 11:01
16 agreements after Tony Kelly's death he was going to trans - 11:01
17 the transition from domestic to commercial and I was 11:01
18 supposed to be looking after that also. 11:01
19 11:01
20 Q. I didn't ask you about Mr Kelly's death, I know you 11:01
21 keep mentioning it. But what I asked you about was what 11:01
22 your true role on site was. Your true role on site was to 11:01
23 demand that workers become union members. Correct? 11:01
24 A. My true role on site was to facilitate the safety on 11:01
25 S8 and to look after, I suppose, industrial matters to the 11:01
26 best of my capability. 11:01
27 11:01
28 Q. And your true role on site was to tell subcontractors 11:01
29 that they had to sign CFMEU form EBAs. Correct? 11:01
30 A. No. I believe at the time the Fair Work legislation 11:01
31 was, employees had to work under an agreement and whether 11:02
32 it be a CFMEU EBA or an MBA EBA or an EBA, from what I 11:02
33 understand from the legislation, employees had to work 11:02
34 under an EBA, yes. 11:02
35 11:02
36 Q. You were insisting that they sign up to a CFMEU form 11:02
37 of EBA or get off the site. Correct? 11:02
38 A. I would have said that this is a commercial site and a 11:02
39 commercial EBA would apply on this site, yes. 11:02
40 11:02
41 Q. And that they had to sign the CFMEU's commercial EBA 11:02
42 or get off the site? 11:02
43 A. If that was the case, I'm pretty sure West Homes, they 11:02
44 signed an EBA with the MBA, so no, I wouldn't have said 11:02
45 that, no. 11:02
46 11:02
47 Q. That's the sort of pressure you were applying in 2010 11:02

1 to people like Joe Molino. Correct? 11:03
2 A. I just want to clear one thing up with Joe Molino, 11:03
3 he's a plumber we do not cover plumbers, that's an issue 11:03
4 you'll have to take up with the Plumbers Union; it has 11:03
5 nothing to do with me or the CFMEU. 11:03
6 11:03
7 Q. And Rahimi Morakin. You put that pressure on him, 11:03
8 didn't you? 11:03
9 A. I don't think I was there at the time when the 11:03
10 painting started. I was only there for the structure, and 11:03
11 by the time the structure had finished I had left. 11:03
12 11:03
13 Q. And Peter Brown, you put pressure on him, didn't you? 11:03
14 A. I don't know these people. 11:03
15 11:03
16 Q. And Albert Moshi, you put pressure on him, didn't you? 11:03
17 A. I just said I don't know these people. They must be 11:03
18 in the finishing trades. I was not present on site at that 11:03
19 time. 11:03
20 11:03
21 Q. You were present on site up until at least August 11:03
22 2010, weren't you? 11:03
23 A. I'm not too sure what the date was that I left. If 11:03
24 someone could please tell me that date -- 11:03
25 11:03
26 Q. Is your recollection about these matters a little bit 11:03
27 hazy given we're talking about -- 11:04
28 A. No, the recollection of the time I left or the exact 11:04
29 date and month that I left Pentridge Village is a bit hazy 11:04
30 for me, yes. 11:04
31 11:04
32 THE COMMISSIONER: I'll take that up with the witness. 11:04
33 11:04
34 Q. You said in your statement that since October 2010 11:04
35 you've been working for Brookfield Multiplex. 11:04
36 A. I'll have look at mine. 11:04
37 11:04
38 Q. Paragraph 5, first line. 11:04
39 A. This is dated 6 October, so yeah, I probably would 11:04
40 have left in September, yes. Pentridge Village -- 11:04
41 11:04
42 Q. Mr Leigh Chiavaroli in paragraph 143 said that: 11:04
43 11:04
44 *In about October 2010 you told him that you* 11:04
45 *were leaving to go to another job.* 11:04
46 11:04
47 So that seems to fit in? 11:04

1 A. Yeah, probably September; I think I left before Grand 11:04
2 Final, yes. 11:04
3 11:04
4 MR ELLIOTT: Q. All of the people that I've identified 11:04
5 are people that you were dealing with at the Pentridge 11:04
6 Village site? 11:05
7 A. I think the people you have just mentioned come after 11:05
8 I had left. 11:05
9 11:05
10 THE COMMISSIONER: Q. While you were there for most of 11:05
11 the time you were employed by a company? 11:05
12 A. Ken Hardy. 11:05
13 11:05
14 Q. Run by Mr Hardy? 11:05
15 A. Yes. 11:05
16 11:05
17 Q. Then that came to an end, I think at the end of July 11:05
18 2010? 11:05
19 A. Possibly, that's correct, yes. 11:05
20 11:05
21 Q. Do you remember then becoming employed by Pentridge 11:05
22 Village? 11:05
23 A. Pentridge Village for about six weeks, yes, six to 11:05
24 eight weeks. 11:05
25 11:05
26 Q. If you can just have a look at this. I'll show you a 11:05
27 couple of payslips from Pentridge Village. I just want you 11:05
28 to confirm that you were still working there at least up to 11:05
29 20 August. I have given to the witness -- 11:05
30 A. These are payslips, 20 August was the last one, was 11:06
31 it? Yes, probably. 11:06
32 11:06
33 Q. There are two pay periods? 11:06
34 A. 20 August is the last one. 11:06
35 11:06
36 Q. For the benefit of everyone else following this 11:06
37 engrossing examination, that's part of tab 34 to Mr Leigh 11:06
38 Chiavaroli's statement. I'm asking you this simply because 11:06
39 I'm worried about that email that Mr Elliott showed you at 11:06
40 the very beginning -- 11:06
41 A. That's why I'm saying, I don't think I was working 11:06
42 there at that time. 11:06
43 11:06
44 Q. That email was sent on 18 August you just said you 11:06
45 were still working there at least on the 20th? 11:06
46 A. On the 20th that could have been my last payslip. 11:06
47 11:06

1 Q. But the 18th is before the 20th? 11:06
2 A. But I could have stopped on the 16th and they made up 11:06
3 my pay that day at the end of the week. 11:06
4 11:06
5 Q. You have no recollection one way or the other? 11:06
6 A. Put it this way, if I've said I'm not working there 11:06
7 any more, I probably already left. 11:06
8 11:06
9 Q. So if you left before 18 August, what did you do 11:07
10 between then and early October? 11:07
11 A. I probably tidied up a bit of work around the house. 11:07
12 I know I went away with the 4th Williamstown Sea Scouts to 11:07
13 a scout camp for a week. Then I think I went to the - I'm 11:07
14 not too sure if I went to the Murray and then I probably 11:07
15 would have started with Brookfield Multiplex. 11:07
16 11:07
17 MR ELLIOTT: Q. What happened was, Mr Hardy's contract 11:07
18 came to an end in August 2010 but then you kept working 11:07
19 directly for Pentridge Village for a period after that 11:07
20 time? 11:07
21 A. Yes, for about six weeks or eight weeks or something 11:07
22 like that. 11:07
23 11:07
24 THE COMMISSIONER: Q. From the end of July, six weeks 11:07
25 takes us up to mid-September? 11:07
26 A. Like I said, I haven't got, I'm unclear on my 11:07
27 termination date. If someone could ... 11:08
28 11:08
29 THE COMMISSIONER: Sorry for interrupting, Mr Elliott. 11:08
30 You were discussing with the witness this email from 11:08
31 Mr Bonnici to Mr Hardy. Has that been marked yet? 11:08
32 11:08
33 MR ELLIOTT: It hasn't. 11:08
34 11:08
35 THE COMMISSIONER: You'll tender it. 11:08
36 11:08
37 **#SUCIC MFI#5 - EMAIL FROM MR BONNICI TO MR HARDY** 11:08
38 11:08
39 MR AGIUS: Before my friend continues, if I could just 11:08
40 have a moment to draw something to his attention? 11:08
41 11:08
42 THE COMMISSIONER: Yes, certainly. 11:08
43 11:08
44 MR ELLIOTT: Q. Mr Sucic, could I come back to this 11:08
45 email of 22 June 2010. You will see that Mr Bonnici, 11:08
46 although he didn't refer to this email in his evidence 11:09
47 today, at the time at least was writing to Mr Hardy saying 11:09

1 in relation to your demands, that if your demands were 11:09
2 satisfied, that would give you direct negotiable strength 11:09
3 as a union representative looking after union members. 11:09
4 That's what you were trying to achieve, wasn't it, strength 11:09
5 on site? 11:09
6 A. I think that's common practice, yeah. 11:09
7 11:09
8 Q. And that's the practice that you were following on 11:09
9 site? 11:09
10 A. Well, how can I say, United Workforce is a disciplined 11:09
11 workforce and they're easier to, how can I say, easier to 11:09
12 work with on site, and they take instruction when it comes 11:09
13 to, like health and safety or working, as we were talking 11:10
14 about, the JSAs and SWMs. Yes, I do believe in running a 11:10
15 disciplined site, yes. 11:10
16 11:10
17 Q. It was that attitude that you brought to the Pentridge 11:10
18 Village site, wasn't it? 11:10
19 A. Yes, discipline, yes. 11:10
20 11:10
21 Q. To your understanding it's that attitude that other 11:10
22 people within the CFMEU bring to sites that they attend? 11:10
23 A. Yes. 11:10
24 11:10
25 Q. And it was an attitude that led you to be very 11:10
26 forceful when dealing with workers who were not members of 11:10
27 the CFMEU, wasn't it? 11:10
28 11:10
29 A. No. 11:10
30 11:10
31 Q. In the next paragraph of this email there's a 11:10
32 reference to you telling people at Pentridge that you were 11:10
33 there in the capacity of shop steward. 11:10
34 A. Yes. 11:10
35 11:10
36 Q. That's certainly what you were telling people, wasn't 11:10
37 it? 11:10
38 11:10
39 A. My job there, as I said, was to facilitate safety and 11:11
40 look after the industrial relations side of things with the 11:11
41 employees, yes. 11:11
42 11:11
43 Q. You were CFMEU's man on site, weren't you? 11:11
44 A. Yes, I was. 11:11
45 11:11
46 Q. As you understood it, you'd been placed there by 11:11
47 Mr Setka? 11:11

1 A. Yeah, I was placed there by the CFMEU, I think more 11:11
2 Gerry Benstead, that was his area so at the end of the day 11:11
3 I suppose Gerry Benstead had the final say. 11:11
4 11:11
5 Q. To make sure that all of the workers on site became 11:11
6 members? 11:11
7 A. To make sure that there wasn't going to be another 11:11
8 tragedy on site, yeah. 11:11
9 11:11
10 Q. To achieve that you wanted to insist that everyone who 11:11
11 worked on the site became a member of the CFMEU. Yes? 11:11
12 A. Now, I'm sort of just tiring a little bit, you keep on 11:11
13 asking the same questions. I don't know. My job there was 11:11
14 to facilitate the safety on site and to look after 11:12
15 industrial matters. 11:12
16 11:12
17 Q. If we go on with the email, it ends: 11:12
18 11:12
19 *There was a lot of pressure brought to bear* 11:12
20 *on one of our subcontractors today with a* 11:12
21 *multitude of calls being made to him* 11:12
22 *regarding his EBA ...* 11:12
23 11:12
24 You were making many calls, weren't you, to 11:12
25 subcontractors on site about EBAs? 11:12
26 A. Can I tell you, when I was working on S8 there was 11:12
27 probably two contractors, there was Bushy Park and Reo Fix 11:12
28 doing the structure and they already had EBAs, both of 11:12
29 them, okay. 11:12
30 11:12
31 Q. Did Bushy Park work on S8? 11:12
32 A. Yes. They were the builder. 11:12
33 11:12
34 Q. And you were making a multitude of calls to the 11:13
35 subcontractors about EBAs? 11:13
36 A. Which subcontractors? 11:13
37 11:13
38 Q. All of the ones that were working on S8? 11:13
39 A. I just mentioned it was Bushy Park and Reo Fix, they 11:13
40 both had EBAs. 11:13
41 11:13
42 Q. And you were making a multitude of calls to all 11:13
43 subcontractors working across the site, whether on S8 or 11:13
44 some other part, correct? 11:13
45 A. My coverage on site, as I was instructed by Ken Hardy 11:13
46 and obviously instructed by Peter Chiavaroli, I was only to 11:13
47 look after S8. 11:13

1 11:13
2 Q. That's what you were instructed to do, you say, but in 11:13
3 fact once you were on site you were making calls to all 11:13
4 subcontractors you could identify telling them that they 11:13
5 had to sign the CFMEU form of EBA? 11:13
6 A. That's incorrect. 11:13
7 11:13
8 Q. And telling them that their workers had to be CFMEU 11:13
9 members? 11:13
10 A. That's incorrect. 11:13
11 11:13
12 Q. Can I just ask you a few questions about paragraph 31 11:13
13 of your statement. 11:14
14 11:14
15 THE COMMISSIONER: Have you got long to go, Mr Elliott? 11:14
16 11:14
17 MR ELLIOTT: Maybe 10 minutes. 11:14
18 11:14
19 THE COMMISSIONER: Mr Sucic, you said a little while ago 11:14
20 you were getting tired? 11:14
21 A. I didn't say I was getting tired, I was getting tired 11:14
22 of him asking the same question. 11:14
23 11:14
24 THE COMMISSIONER: Ask a question. 11:14
25 11:14
26 MR ELLIOTT: Q. Have you read paragraph 31? 11:14
27 A. Yes. 11:14
28 11:14
29 Q. When you say you would have spoken to Leigh Chiavaroli 11:14
30 less than five times, is that outright, you only spoke to 11:14
31 him less than five times? 11:14
32 A. It would be a handful of times. I certainly didn't 11:14
33 see him on a weekly basis or a daily basis, put it that 11:14
34 way, or even on a fortnightly basis for that fact. 11:14
35 11:14
36 Q. But you saw him a lot more than five times, didn't 11:14
37 you? 11:14
38 A. If I did, I'd be very surprised. 11:14
39 11:15
40 Q. You had sit down meetings with him, didn't you? 11:15
41 A. No. 11:15
42 11:15
43 Q. You had at least five of those? 11:15
44 A. No. 11:15
45 11:15
46 Q. He called you on the phone from time to time, didn't 11:15
47 he? 11:15

1 A. Yeah, possibly maybe once or twice. 11:15
2 11:15
3 Q. And you called him sometimes? 11:15
4 A. I tried to, I don't think he answered my calls, he 11:15
5 didn't like talking to me. 11:15
6 11:15
7 Q. So you rang him but he wouldn't call you back? 11:15
8 A. Yeah, probably, probably a couple of times I could 11:15
9 remember that, yeah. 11:15
10 11:15
11 Q. Two times? 11:15
12 A. Possibly, maybe more, maybe less, I don't know. At 11:15
13 least twice. 11:15
14 11:15
15 Q. The true position is, you spoke to him a lot more than 11:15
16 five times? 11:15
17 A. I think I said I seen him five times, didn't I? 11:15
18 11:15
19 Q. No: 11:15
20 11:15
21 *I would have spoken to Leigh Chiavaroli* 11:15
22 *less than five times.* 11:15
23 11:15
24 Yeah, probably, around about half a dozen, five times, 11:15
25 thereabouts. 11:15
26 11:15
27 Q. Can I show you a bundle of diary entries from 11:15
28 Mr Chiavaroli and ask you some questions in relation to 11:16
29 that. You will see the first page is a series of 11:16
30 handwritten notes? 11:16
31 A. Yes. 11:16
32 11:16
33 Q. The date is obscured in the top left-hand corner but 11:16
34 it looks like "meeting" and then some date in August 2010 11:16
35 and you're identified at the top of the page? 11:16
36 A. Yes. 11:16
37 11:16
38 Q. You wouldn't deny, would you, that you had a meeting 11:16
39 with Mr Chiavaroli in August 2010? 11:16
40 A. Regarding what? 11:16
41 11:16
42 Q. In relation to the Pentridge Village site? 11:16
43 A. Which Mr Chiavaroli? Peter or Leigh? 11:16
44 11:16
45 Q. Leigh Chiavaroli? 11:16
46 A. No, I don't remember having a meeting with Leigh 11:16
47 Chiavaroli, no. 11:16

1 11:16
2 Q. But you wouldn't deny it? 11:16
3 11:16
4 A. I wouldn't confirm it and I wouldn't deny it. 11:16
5 11:17
6 Q. Go to the second page of this small bundle and you'll 11:17
7 see there's a diary entry for 17 December 2009 and at about 11:17
8 10 o'clock on the page you will see "Anton". Do you see 11:17
9 that? 11:17
10 A. Yeah. 11:17
11 11:17
12 Q. Is it the same position, you can neither admit nor 11:17
13 deny that you -- 11:17
14 A. The accountant's name at Pentridge Village was Anton, 11:17
15 so that could be him. 11:17
16 11:17
17 Q. Just come back to my question: Is the position that 11:17
18 you can neither admit nor deny being at a meeting with 11:17
19 Mr Leigh Chiavaroli on 17 December 2009? 11:17
20 A. I don't believe I was at a meeting with Leigh 11:17
21 Chiavaroli, no. I believe that was the accountant, Anton. 11:17
22 11:17
23 Q. What's the basis of that belief? 11:17
24 A. Because the few times he's gone to ring me, Leigh 11:17
25 Chiavaroli, and once he's realised it was me he's hung the 11:17
26 phone up because obviously his intention was of ringing 11:17
27 Anton the accountant. 11:17
28 11:17
29 Q. But this is a diary, Mr Sucic? 11:18
30 A. Is it a fictional one or non-fiction? 11:18
31 11:18
32 Q. Are you suggesting this is a fictional diary? 11:18
33 A. I'm asking you. 11:18
34 11:18
35 Q. Are you suggesting -- 11:18
36 A. No, no, I'm asking you, is it a fictional one or a 11:18
37 non-fictional one? 11:18
38 11:18
39 THE COMMISSIONER: The best thing for you to do is answer 11:18
40 his questions, don't bother asking him anything, that's not 11:18
41 his job. 11:18
42 11:18
43 MR ELLIOTT: Q. Do you suggest this is a fictional 11:18
44 document? 11:18
45 A. I don't recall having a meeting on 17 December with 11:18
46 Leigh Chiavaroli, no, at 10 o'clock, no. 11:18
47 11:18

1 Q. Do you suggest this is a fictional document? 11:18
2 A. Possibly. 11:18
3 11:18
4 Q. Turn over the page to 30 March 2010 and you'll see at 11:18
5 11 o'clock there's a reference to "Anton". What would you 11:18
6 say to a suggestion that you had a meeting with Mr Leigh 11:18
7 Chiavaroli on 30 March 2010? 11:18
8 A. I don't recall. 11:19
9 11:19
10 Q. But you may have? 11:19
11 A. It could be the accountant again, because there's 11:19
12 \$685,000 next to there so I'd say probably the accountant. 11:19
13 11:19
14 Q. You may have done but you just can't remember? 11:19
15 A. Like I said, I don't - I won't confirm or deny it 11:19
16 because I don't recall. 11:19
17 11:19
18 Q. I ask you to come to the very last page, 30 April 11:19
19 2010, and you will see an entry "11am, Anton". Is your 11:19
20 position the same in relation to this entry? 11:19
21 A. Yes. Does it say Anton accountant or Anton OH&S rep. 11:19
22 My eyes aren't clear, I can't see what's in brackets. 11:19
23 11:19
24 Q. I can't see anything in brackets next to Anton's name? 11:19
25 A. There is something here on this one. 11:19
26 11:19
27 THE COMMISSIONER: There is something in brackets in the 11:19
28 middle part of the page. 11:20
29 11:20
30 MR ELLIOTT: Q. In the middle part of the page there's a 11:20
31 random mobile phone number, Nathan Payton, Rio Tinto. 11:20
32 A. National Bank. Like I said, it's probably the 11:20
33 accountant you're talking about when you're referring to 11:20
34 Anton. 11:20
35 11:20
36 Q. I think we're at cross-purposes, Mr Sucic, sorry about 11:20
37 this. I'd actually asked you to go to the very last page. 11:20
38 A. Okay. Now I don't recall. Like I said, chances are 11:20
39 it's the accountant. 11:20
40 11:20
41 Q. Did Mr Leigh Chiavaroli used to ring you and leave 11:20
42 messages on your voicemail? 11:20
43 A. Not that I can recall. 11:20
44 11:20
45 Q. It's the case, isn't it, that he rang you frequently, 11:20
46 isn't it? 11:20
47 11:20

1 A. I don't recall. Have you got his phone records? 11:20
2 11:20
3 Q. You say you don't recall. Before you were saying that 11:20
4 he was someone who avoided talking to you on the phone? 11:20
5 A. You're telling me that he rang me and phone records 11:20
6 would clear that up, like I said. 11:21
7 11:21
8 Q. You might be wrong what you said earlier in relation 11:21
9 to -- 11:21
10 A. No. 11:21
11 11:21
12 Q. -- whether he was someone who avoided talking to you 11:21
13 on the phone? 11:21
14 A. I spoke to him a handful of times during the duration 11:21
15 of my employment there. 11:21
16 11:21
17 Q. You might be wrong before, might you, when you said 11:21
18 that he was someone who would avoid talking to you on the 11:21
19 phone? 11:21
20 A. He avoided me full stop. 11:21
21 11:21
22 Q. If I were to suggest to you that he rang you in the 11:21
23 month of August 2010 alone no less than 10 or 11 times, 11:21
24 what would you say about that? 11:21
25 A. I would say he's probably gone to ring the accountant 11:21
26 and realised he pressed the wrong Anton and he's hung up 11:21
27 when he's realised. 11:21
28 11:21
29 Q. Was your mobile phone number [REDACTED]? 11:21
30 A. That's correct. 11:21
31 11:21
32 Q. Can I show you this document. 11:21
33 11:22
34 THE COMMISSIONER: We've just been looking at that bundle. 11:22
35 Do you want to tender that? 11:22
36 11:22
37 MR ELLIOTT: Yes, Commissioner. 11:22
38 11:22
39 **#SUCIC MFI#6 - BUNDLE OF DIARY ENTRIES** 11:22
40 11:22
41 MR ELLIOTT: My learned friend correctly reminds me. I 11:22
42 have put on to the transcript a mobile phone number, it was 11:22
43 an omission on my part. Might a suppression order be made? 11:22
44 11:22
45 THE COMMISSIONER: I order that that number be kept 11:22
46 confidential and not published. It is a standard order we 11:22
47 make. 11:22

1 11:22
2 THE WITNESS: It's a bit late now, it's on live stream, 11:22
3 isn't it, they would have heard everything. 11:22
4 11:22
5 THE COMMISSIONER: What do you say to Mr Sucic's point? 11:22
6 11:22
7 MR ELLIOTT: Your Honour ought perhaps also make a 11:22
8 non-publication order in respect of it. 11:22
9 11:22
10 THE WITNESS: I think it's a bit late. 11:22
11 11:22
12 MR ELLIOTT: So that at least anyone who was so diligent 11:22
13 as to be not only listening but taking ferocious notes 11:22
14 might be able to... 11:23
15 11:23
16 THE COMMISSIONER: I further direct that anyone who 11:23
17 acquires knowledge of that number not publish it. 11:23
18 11:23
19 MR ELLIOTT: Q. Mr Sucic, I'm showing you Mr Leigh 11:23
20 Chiavaroli's mobile phone account for the month of August 11:23
21 2010. Go please to - you will see in the top right-hand 11:23
22 corner there is some pagination, page 23 of 84. Do you 11:23
23 have that document? 11:23
24 A. I've got that document. As I said, he's rang me a 11:23
25 number of times and once he's realised he's rang me he's 11:23
26 hung the phone up, so as far as I'm concerned this document 11:23
27 doesn't prove anything. 11:23
28 11:23
29 Q. I just want to test you about that. Go please to 11:23
30 page 23 of 84. Do you have that document? 11:23
31 A. I've got this document in front of me. I don't want 11:23
32 to waste the Commissioner's time or your time. As I've 11:23
33 said before, he's rang me a number of times. Once he's 11:23
34 realised he's rang me instead of the accountant he's hung 11:24
35 the phone up, so the phone number you're probably trying to 11:24
36 point out to me or the time and the date et cetera, 11:24
37 et cetera could have been one of those phone calls. 11:24
38 11:24
39 Q. You may be right, you may be wrong about it, Mr Sucic, 11:24
40 I just want to test it with you so that we can get to the 11:24
41 bottom of it. 11:24
42 A. What page is that, sorry? 11:24
43 11:24
44 Q. Page 23, do you see in the top right-hand corner, 11:24
45 page 23. 11:24
46 A. Top right-hand corner. Yep. 11:24
47 11:24

1 Q. If you look on the left-hand side of the page each 11:24
2 call is given a number and you will see that there is a 11:24
3 number 265? 11:24
4 A. Yes. 11:24
5 11:24
6 Q. You will see that that call lasted for somewhere 11:24
7 between a minute and a minute and a half? 11:24
8 A. Yep. 11:25
9 11:25
10 Q. That surely can't be the case -- 11:25
11 A. Possibly, yeah, possibly would have been one of the 11:25
12 occasions he rang me, yes. It was a long conversation too. 11:25
13 11:25
14 THE COMMISSIONER: Just so I understand, you say between a 11:25
15 minute and a minute and a half. Why don't you say 1 minute 11:25
16 and 25 seconds? Is there some approximation to it, is 11:25
17 there? 11:25
18 11:25
19 MR ELLIOTT: No, it's a minute and 25 seconds. I was 11:25
20 distracted, Commissioner, by the number in the right-hand 11:25
21 column. 11:25
22 11:25
23 THE COMMISSIONER: That's the charge. 11:25
24 11:25
25 MR ELLIOTT: I understand that, yes. 11:25
26 11:25
27 Q. Mr Sucic, if we go across to page 24, the next page, 11:25
28 to entry 340, 13 August, again that's a call to your -- 11:25
29 A. 28 seconds, is it? 11:25
30 11:25
31 Q. Yes. Forgive me, Mr Sucic. Mr Commissioner, perhaps 11:25
32 this document ought not be displayed on the screens. 11:26
33 11:26
34 THE COMMISSIONER: If this document which is not yet in 11:26
35 evidence of course has not been displayed on the screen 11:26
36 yet, it should not be displayed on the screen and shall we 11:26
37 have it removed from the screen if it is? 11:26
38 11:26
39 MR ELLIOTT: It's not on the screen. 11:26
40 11:26
41 Q. Sorry, Mr Sucic, if we go back to 13 August, entry 11:26
42 340, there's a call there of 26 seconds? 11:26
43 A. Yes. 11:26
44 11:26
45 Q. So you would accept, wouldn't you, that he rang you 11:26
46 and spoke to you on that occasion? 11:26
47 A. Possibly, yes. 11:26

1
2 Q. Then the same day, 20 minutes later, call No 344, he 11:26
3 rang you again and spoke to you for 31 seconds? 11:26
4 A. Possible, yeah. 11:26
5 11:26
6 Q. Then there are a few shorter entries further down the 11:26
7 page, 356, 360 -- 11:26
8 A. 16 seconds, look, I don't know whether that's the 11:26
9 duration of the ring time or if there was a conversation. 11:27
10 The context of my five times and 10 times is visual 11:27
11 conversations when you actually sit down and talk to 11:27
12 somebody. Phone calls, well, like I say, I'm a bit 11:27
13 hard-pressed remembering a 20 second phone call or a 30 11:27
14 second phone call. 11:27
15 11:27
16 Q. Page 25, entry 364, another short call there? 11:27
17 A. 364, I've got to find it, wait. 11:27
18 11:27
19 Q. Page 25. 11:27
20 A. Is that 14 seconds? 11:27
21 11:27
22 Q. Yes. 11:27
23 A. Sure that's not just ring time? 11:27
24 11:27
25 Q. No, it's call time. 11:27
26 A. Is that call time, is it? 11:27
27 11:27
28 Q. Over on page 33, entry 866, 25 August. 11:27
29 A. 44 seconds. 11:27
30 11:27
31 Q. Yes. So you're still communicating with 11:27
32 Mr Chiavaroli, Leigh Chiavaroli, on 25 August? 11:28
33 A. That's - must be. 11:28
34 11:28
35 Q. That call would have been in relation to Pentridge 11:28
36 Village? 11:28
37 A. Possibly. 11:28
38 11:28
39 Q. Over the page, page 34, call 917. 11:28
40 A. Yes, 33 seconds or 35 seconds. 11:28
41 11:28
42 Q. 38 seconds I think it says. 11:28
43 A. 38 seconds, my eyes aren't the best. 11:28
44 11:28
45 Q. Again, that's another you would accept wouldn't you, 11:28
46 another phone conversation you had with Mr Leigh 11:28
47 Chiavaroli? 11:28

1 A. Yes, short conversation. 11:28
2 11:28
3 Q. So Mr Chiavaroli spoke -- 11:28
4 A. That's only five times, yeah? 11:28
5 11:28
6 Q. Leigh Chiavaroli spoke to you on the phone -- 11:28
7 A. You pointed out five times there, yeah. 11:28
8 11:28
9 Q. They weren't the only times you spoke to 11:28
10 Mr Chiavaroli, were they? 11:28
11 A. Well, I know I've bumped into him once or twice there 11:28
12 at Pentridge Village. 11:29
13 11:29
14 Q. You've had a number of meetings with Mr Leigh 11:29
15 Chiavaroli from time to time? 11:29
16 A. No, not Leigh. 11:29
17 11:29
18 Q. You've had a significant number of telephone 11:29
19 conversations with Leigh Chiavaroli? 11:29
20 A. You've pointed out five, yes. 11:29
21 11:29
22 Q. You used to bump into him on the site and have 11:29
23 discussions with him from time to time? 11:29
24 A. Not really. Like I said, as soon as he seen me 11:29
25 walking, he'd walk the other way. 11:29
26 11:29
27 Q. In paragraph 31 of your statement, where you say you 11:29
28 would have spoken to Leigh Chiavaroli less than five times 11:29
29 is an exaggeration on your part, isn't it? 11:29
30 A. No, I've spoken to him, I didn't say spoken to him on 11:29
31 the phone. I'm talking face-to-face, because we're men, we 11:29
32 talk face-to-face. Yeah, would have been five times or 11:29
33 less. 11:29
34 11:29
35 Q. I did ask you about that earlier, are you changing 11:29
36 your evidence now? 11:29
37 A. Look, like I say, on a technicality, spoken to whether 11:29
38 it's on the phone or face-to-face, my evidence is when I 11:29
39 made this statement I would have - I'm talking 11:29
40 face-to-face, okay. 11:29
41 11:29
42 Q. Your evidence is changing about that, Mr Sucic, 11:29
43 because I asked you earlier about this and you said -- 11:29
44 A. I'm sorry, I'm not as sharp as what you are. 11:30
45 11:30
46 Q. Isn't this the position, that you are changing your 11:30
47 evidence because you've now seen the phone records I've 11:30

1 taken you to? 11:30
2 A. The phone records; well, like I said, in my evidence I 11:30
3 didn't write specifically how - like I said, my statement 11:30
4 related to face-to-face meetings, like I say, because 11:30
5 that's the way we basically communicate, yeah. 11:30
6 11:30
7 Q. Mr Sucic, can I just ask you a couple more questions, 11:30
8 almost finished. 11:30
9 A. Yeah. 11:30
10 11:30
11 Q. Paragraph 24 of your statement -- 11:30
12 11:30
13 THE COMMISSIONER: You're tendering that telephone bill? 11:30
14 11:30
15 **#SUCIC MFI#7 - L. CHIAVAROLI'S MOBILE PHONE ACCOUNT FOR** 11:30
16 **AUGUST 2010** 11:23
17 11:30
18 MR ELLIOTT: Q. I just wanted to ask you about the last 11:30
19 sentence of paragraph 24. You didn't type out this 11:30
20 sentence, did you, Mr Sucic? 11:31
21 A. I didn't type out anything, but these are my words, 11:31
22 yes. 11:31
23 11:31
24 Q. You don't speak that way, do you? 11:31
25 A. 11:31
26 *I suggest that they take this up with West* 11:31
27 *Homes. I am unsurprised that contractors* 11:31
28 *in relaying this information back to* 11:31
29 *Mr Chiavaroli may have attempted to frame* 11:31
30 *the need to re-price the work as driven by* 11:31
31 *the CFMEU."* 11:31
32 11:31
33 Q. That's not really the way you express yourself, is it? 11:31
34 A. Yeah, I have my days where I can express myself better 11:31
35 than other days, yeah. 11:31
36 11:31
37 Q. But this is a formulation of words that's been 11:31
38 suggested to you by solicitors, isn't it? 11:31
39 11:31
40 A. Well, possibly when this statement was written up we 11:31
41 corrected the, I suppose the semantics or - of the way, of 11:31
42 Queen's English I suppose. 11:32
43 11:32
44 Q. Is the answer to my question, yes? 11:32
45 A. What's that? 11:32
46 11:32
47 Q. This formulation of words was something that was 11:32

1 suggested to you by solicitors? 11:32
2 A. 11:32
3 *I suggest that they take this up with West* 11:32
4 *Homes.* 11:32
5 11:32
6 Probably some of the words as in relaying, I probably 11:32
7 said something different but obviously when I re-read it, 11:32
8 it made more sense, relaying. 11:32
9 11:32
10 Q. I take at least this from paragraph 24, you weren't 11:32
11 surprised that subcontractors were saying to the 11:32
12 Chiavarolis that the CFMEU was pressuring them to increase 11:32
13 the price. You weren't -- 11:32
14 11:32
15 A. Look, I'll tell you, subcontractors when they come to 11:32
16 see me, they ask me is it a commercial job or a domestic 11:33
17 job, I would have said it's a commercial job. Along with 11:33
18 that I would have said to them, when you price the job make 11:33
19 sure you price it at commercial rates, and if there was any 11:33
20 appropriate paperwork with rates of pay and whatever as per 11:33
21 the commercial rates, I would have given it to the 11:33
22 subcontractors. I don't shy away from that at all. 11:33
23 11:33
24 Q. Can I ask you the question again because I'm not sure 11:33
25 you understood it, if you don't understand it I'll put it a 11:33
26 different way. 11:33
27 A. Please. 11:33
28 11:33
29 Q. You weren't surprised, is this what I take from 11:33
30 paragraph 24 of your statement, you weren't surprised that 11:33
31 subcontractors were saying to the Chiavarolis that the 11:33
32 CFMEU was pressuring them to increase their price? 11:33
33 A. Yeah, no, I wouldn't be surprised at all. 11:33
34 11:33
35 Q. And you weren't surprised because that's what was 11:33
36 happening? 11:33
37 A. I'm not surprised because there's a lot of weak 11:33
38 individuals in the construction industry and they look for 11:34
39 scapegoats, or much the same as that plumber, I forget his 11:34
40 name, the \$750,000 extra guy. It's common practice in 11:34
41 industry to bump your price up if you don't want to do the 11:34
42 job and that's exactly what he did. 11:34
43 11:34
44 Q. You weren't surprised that subcontractors were doing 11:34
45 that because you were putting pressure on them to increase 11:34
46 their prices. Correct? 11:34
47 A. I wasn't putting any pressure on any subcontractors. 11:34

1 11:34
2 Q. Mr Susic, I just wanted to draw a couple of documents 11:34
3 to your attention that come out of Mr Chiavaroli's 11:34
4 documents concerning your use of emails. Can I show you 11:35
5 these two documents, for the reference of others it's at 11:35
6 pages 308 and 309 of Leigh Chiavaroli's exhibit. 11:35
7 11:35
8 You will see there, Mr Susic, an email from 11:35
9 Mr Hardy -- 11:35
10 A. Which email are we talking about? 11:35
11 11:35
12 Q. Sorry, page 308. 11:35
13 A. Yes, I've got it. 11:36
14 11:36
15 Q. The bottom right-hand corner, there's a small number. 11:36
16 11 June 2010 from Ken Hardy to Michael Bonnici, "Mick, 11:36
17 Anton has requested" various things, they include other 11:36
18 administrative facilities, email and fax. 11:36
19 11:36
20 That's right, isn't it, you'd requested those 11:36
21 facilities? 11:36
22 A. Yes, that's right. 11:36
23 11:36
24 Q. And you requested them because you intended to use 11:36
25 them? 11:36
26 A. Yes. 11:36
27 11:36
28 MR ELLIOTT: That's the examination. 11:36
29 11:36
30 THE COMMISSIONER: Yes, Mr Agius. 11:36
31 11:36
32 MR AGIUS: No questions. 11:36
33 11:36
34 THE COMMISSIONER: Your evidence is concluded, Mr Susic. 11:36
35 You are free to leave now and you're excused from further 11:36
36 attendance on the summons that brought you here. 11:36
37 11:36
38 MR AGIUS: Could I ask, I just received a reminder, could 11:36
39 I ask just one question? 11:36
40 11:36
41 THE COMMISSIONER: Yes. 11:36
42 11:36
43 <EXAMINATION BY MR AGIUS: [11.36am] 11:36
44 11:36
45 MR AGIUS: Q. Mr Susic, during the time you were at the 11:37
46 Pentridge site, did you have voicemail facility on your 11:37
47 phone? That is, could your phone receive voicemail 11:37

1 messages. 11:37
2 A. Yes. 11:37
3 11:37
4 MR AGIUS: Thank you. 11:37
5 11:37
6 THE COMMISSIONER: Anything? 11:37
7 11:37
8 MR ELLIOTT: No, thank you, Commissioner. Might the 11:37
9 witness be excused. 11:37
10 11:37
11 THE COMMISSIONER: Yes, the witness can be excused. I 11:37
12 think we might adjourn for 10 minutes. 11:37
13 11:37
14 **SHORT ADJOURNMENT** 11:37
15 11:37
16 THE COMMISSIONER: Yes, Mr Stoljar. 11:47
17 11:47
18 MR STOLJAR: The next witness is Mr Timothy William 11:47
19 Constable. The position is that there is no 11:47
20 cross-examination or examination of Mr Constable and I 11:47
21 simply tender his statement and ask that it be received 11:47
22 into evidence. 11:47
23 11:47
24 THE COMMISSIONER: That is received into evidence. 11:47
25 11:47
26 **#STATEMENT OF TIMOTHY WILLIAM CONSTABLE** 11:47
27 11:47
28 MR STOLJAR: It is unsigned, but I don't take any issue 11:47
29 with that or with the fact that it hasn't been formally 11:47
30 sworn. That completes the Pentridge Village case study. 11:47
31
32 - - -
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1
2 UPON RESUMPTION
3
4 THE COMMISSIONER: Mr Stoljar. 02:02
5 02:02
6 MR STOLJAR: Commissioner, the next witness is Assistant 02:02
7 Commissioner Stephen Fontana of the Victorian Police. Can 02:02
8 I indicate that counsel for the AWU is here more in 02:02
9 relation to the next matter, but I've mentioned to him that 02:02
10 it is conceivable, I suppose, that the AWU could be 02:02
11 affected by what's in Assistant Commissioner Fontana's 02:02
12 statement so we've arranging for him to have a copy but he 02:02
13 may wish to announce his appearance in this context. 02:02
14 02:02
15 MR ATTIWILL: Commissioner, something was just raised with 02:02
16 me by Mr Stoljar just as I arrived. I of course don't 02:02
17 appear in the present case study before you Commissioner, I 02:02
18 am here for the next one in relation to Mr Agostino. A 02:02
19 statement of Assistant Commissioner Stephen Fontana's been 02:02
20 provided to me. I'm looking at that at the moment, one 02:03
21 part of it has been drawn to my attention so I'm in the 02:03
22 process of getting instructions, otherwise I'm completely 02:03
23 in the dark. 02:03
24 02:03
25 THE COMMISSIONER: Let's just carry on and see how we 02:03
26 proceed. 02:03
27 02:03
28 MR STOLJAR: I call Assistant Commissioner Fontana. 02:03
29 02:03
30 <STEPHEN ANTHONY FONTANA, sworn: [2.02pm] 02:03
31 02:03
32 MR STOLJAR: Q. Could you tell the Commission your full 02:03
33 name? 02:03
34 A. Stephen Anthony Fontana. 02:03
35 02:03
36 Q. You are an Assistant Commissioner of the Victoria 02:03
37 Police in charge of crime command? 02:03
38 A. That's correct, yes. 02:03
39 02:03
40 Q. You're obviously a resident of Victoria? 02:03
41 A. Yes. 02:03
42 02:03
43 Q. You've prepared a statement, being a statement dated 02:03
44 12 September 2014. Is the content of that statement true 02:04
45 and correct? 02:04
46 A. Yes, it is. 02:04
47 02:04

1 MR STOLJAR: Commissioner, I'd ask that Assistant 02:04
2 Commissioner Fontana's statement be received into evidence. 02:04
3 02:04
4 THE COMMISSIONER: Yes, it will be received into evidence 02:04
5 subject to what Mr Agius said about it this morning. 02:04
6 02:04
7 MR STOLJAR: Q. Assistant Commissioner, just a couple of 02:04
8 things arising from your statement. In paragraph 33 you're 02:04
9 dealing with Victoria Police knowledge of the link between 02:04
10 organised crime and union officials. You say that Victoria 02:04
11 Police has intelligence indicating that there is criminal 02:04
12 activity in the industry. "Industry", I think, is a 02:04
13 defined term in this statement, is it not, you deal with 02:04
14 that in paragraph 4? 02:04
15 A. Yes. 02:04
16 02:04
17 Q. You are referring in effect to the building and 02:04
18 construction industry? 02:04
19 A. That's correct. 02:04
20 02:05
21 Q. I note the qualification or the warning that you put 02:05
22 at the bottom of that page that specific details of current 02:05
23 investigations cannot be disclosed. I'm just going to ask 02:05
24 you a few questions to elaborate on some matters in your 02:05
25 statement but I'm not asking you to delve into operational 02:05
26 issues or reveal anything that would cause you or the 02:05
27 police force any difficulty. 02:05
28 02:05
29 You say in paragraph 33: 02:05
30 02:05
31 *Victoria Police intelligence indicates that* 02:05
32 *criminal activity is undertaken by trade* 02:05
33 *union officials directly and by organised* 02:05
34 *crime figures or groups on behalf of trade* 02:05
35 *union officials.* 02:05
36 02:05
37 Are you able to give an example of a union that the 02:05
38 intelligence that the police holds suggests has been 02:05
39 involved in conduct of this kind? 02:05
40 A. Are you talking about naming a particular union? 02:05
41 Well, certainly the CFMEU is one that comes to mind. 02:06
42 02:06
43 Q. You say that criminal activity may be undertaken by 02:06
44 trade union officials. Did you mean in the context of 02:06
45 union activities or are we talking about things unrelated 02:06
46 to union activities or is it difficult to draw the line? 02:06
47 A. Sometimes it's difficult to draw a line, but sometimes 02:06

1 the activities are directly involving officials involving 02:06
2 threats, intimidations, things like that. 02:06
3 02:06
4 Q. You talk about, for example in paragraph 33, concerns 02:06
5 about matters relating to the drug trade. Is that, as it 02:06
6 were, again separate from union activities or is there some 02:06
7 overlap between that activity? 02:06
8 A. I'm not suggesting unions are involved in drug 02:06
9 trading. We've had allegations at different times, 02:06
10 different sites where drug activity has taken place, but 02:07
11 not directly involved in the unions themselves. 02:07
12 02:07
13 Q. When you say "sites", what kind of sites? 02:07
14 A. They might be large construction sites. 02:07
15 02:07
16 Q. I suppose the question is, Assistant Commissioner, if 02:07
17 Victoria Police has intelligence of this kind of conduct, 02:07
18 why haven't these people been arrested and why aren't they 02:07
19 facing prosecution or charges? 02:07
20 A. Look, it's very difficult. When we get specific 02:07
21 complaints of this nature we investigate them. When we've 02:07
22 done our intelligence probes, you get a lot of anecdotal 02:07
23 evidence in terms of second and third-hand that this is 02:07
24 going on in the industry, but where we get specific 02:07
25 complaints we investigate them. 02:07
26 02:07
27 The difficulty we have with these matters is that 02:07
28 often the witnesses get cold feet. So we'll commence an 02:08
29 investigation, they'll start to compile a statement, but 02:08
30 they withdraw their complaint because they don't want it to 02:08
31 proceed because of fear. 02:08
32 02:08
33 Q. Have you come across examples where that, say in the 02:08
34 last 12 months or so, where that's actually occurred? 02:08
35 A. Yes, we've had examples, and I've got to be careful 02:08
36 about what detail I go into, where people have been asked 02:08
37 to withdraw particular actions or they've been stood over 02:08
38 for debts, with fear of violence, and on behalf of union 02:08
39 officials or directly by union officials that have made 02:08
40 those threats. We've started the investigation but 02:08
41 basically they've withdrawn their complaints. I can't go 02:08
42 into detail because it could disclose the identity of those 02:08
43 people and put them at greater risk. 02:08
44 02:08
45 Q. But there are examples of this happening, eg within 02:08
46 the last 12 months? 02:09
47 A. Absolutely, yes. 02:09

1 02:09
2 Q. When you say they've been asked to withdraw the 02:09
3 complaint, you mean by persons the subject of the 02:09
4 complaint? 02:09
5 A. They haven't been asked, they've started their 02:09
6 complaint, but because of ongoing activity or threats - 02:09
7 they haven't disclosed that they've made a complaint, I'll 02:09
8 make that clear, that they've come to us so that we could 02:09
9 commence an investigation, but basically what they've done 02:09
10 is during the process they've withdrawn, they've got cold 02:09
11 feet, they didn't want to go to the next degree where we 02:09
12 would be interviewing and charging people with serious 02:09
13 criminality. 02:09
14 02:09
15 Q. Can I ask you some questions about paragraphs 47 and 02:09
16 48 of your statement. You're talking here about really the 02:09
17 topic that you were just elaborating on in your oral 02:09
18 evidence, witnesses being reluctant to come forward. You 02:10
19 say in paragraph 48 that there was a particular instance, 02:10
20 or one circumstance that you had in mind and you give an 02:10
21 example. Are you aware of unions deploying outlaw 02:10
22 motorcycle gangs for example? 02:10
23 A. Yes. Yeah, we are. 02:10
24 02:10
25 Q. Can you give a (indistinct)? 02:10
26 A. We've had some members of outlaw motorcycle gangs 02:10
27 involved as union officials, and that particular group is 02:10
28 heavily involved in debt collecting, and on occasions they 02:10
29 just go there, they stand over and intimidate people and 02:10
30 bypass the normal civil process or a whole range of things. 02:10
31 On occasions they do it on behalf of the union or they 02:10
32 might do it on behalf of others in the industry. But the 02:10
33 reality is, they're there. That group make it known that 02:10
34 there's no regulation in the industry so why shouldn't they 02:10
35 get involved in it. It's the way they go about their 02:11
36 business and on occasions people have been called to 02:11
37 locations where they've been assaulted, threatened and a 02:11
38 whole range of other things have taken place. As I said, 02:11
39 at times they come forward, they commence to take a 02:11
40 statement, we've got those details but they won't follow 02:11
41 through because they've got cold feet. Some have moved 02:11
42 interstate because of these threats and didn't want to go 02:11
43 ahead with criminal prosecution. 02:11
44 02:11
45 Q. Are these again relatively recent instances? 02:11
46 A. Yes, they are. 02:11
47 02:11

1 Q. These are the matters that have come to the attention 02:11
2 of the police? 02:11
3 A. Yes. 02:11
4 02:11
5 Q. The practical consequence for the police is you don't 02:11
6 have a witness who can give evidence in the case? 02:11
7 A. Yes, we've got to prove the matter beyond reasonable 02:11
8 doubt and it takes a lot of work to get to that standard 02:11
9 and, as I said, these people are in genuine fear. They 02:11
10 might start off with a process but have second thoughts 02:11
11 because there's other factors to consider such as family 02:11
12 and things like that. 02:11
13 02:11
14 Q. In your statement you've gone to the trouble of 02:12
15 setting out a whole series of steps, law reform type steps, 02:12
16 that could be taken, including for example in paragraph 42 02:12
17 you're talking about protection for whistleblowers? 02:12
18 A. Yes. 02:12
19 02:12
20 Q. Is it your opinion, based on your 39 years of 02:12
21 experience, that reforms of this kind could assist with the 02:12
22 sort of problems that you're describing? 02:12
23 A. Yes. The protection of people that come forward is 02:12
24 critical, and particularly, if people do seek that 02:12
25 protection, they might want to provide evidence or advice 02:12
26 and they don't want their details disclosed to others 02:12
27 because they could come to harm, so it's critical that we 02:12
28 do have arrangements in place to protect people that come 02:12
29 forward. 02:12
30 02:12
31 MR STOLJAR: Nothing further, thank you Commissioner. 02:12
32 02:12
33 THE COMMISSIONER: Mr Agius? 02:12
34 02:12
35 <EXAMINATION BY MR AGIUS: [2.13pm] 02:12
36 02:12
37 MR AGIUS: Q. Assistant Commissioner, I suppose it's 02:13
38 likely that you consulted widely before you provided this 02:13
39 statement to the Royal Commission? 02:13
40 A. Yes. 02:13
41 02:13
42 Q. And you consulted widely about the experience of the 02:13
43 Victoria Police with the higher officials, if you like, 02:13
44 both Federal and State of the CFMEU? 02:13
45 A. We've got intelligence records, we've got files where 02:13
46 we've worked on various individuals over the years. 02:13
47 02:13

1 Q. What about correspondence with people who you haven't 02:13
2 worked on but who are senior office holders in the CFMEU? 02:13
3 A. Such as? 02:13
4 02:13
5 Q. Did you look for that? 02:13
6 A. Such as? 02:13
7 02:13
8 Q. Mr Noonan, Mr Setka? 02:13
9 A. Yes, I've seen correspondence, yes. 02:13
10 02:13
11 Q. I wonder if you would look at this bundle. Just 02:14
12 before I read it, can I confirm what I hope you have, which 02:14
13 is a copy of a letter from Mr Noonan to the Chief 02:14
14 Commissioner, Mr Lay, of 28 January 2013? 02:14
15 A. Yes. 02:14
16 02:14
17 Q. A copy of a letter of 27 May 2013 from Mr Setka to the 02:14
18 Chief Commissioner? 02:14
19 A. Yes. 02:14
20 02:14
21 Q. A copy of an article which appeared in The Age 02:14
22 newspaper which is the subject of Mr Setka's letter? 02:14
23 A. Yes. 02:14
24 02:14
25 Q. And a response from Victoria Police of 3 July 2013 02:14
26 which was provided by Commander Purton? 02:15
27 A. Yes. 02:15
28 02:15
29 Q. Have you had a opportunity to read that material 02:15
30 before today? 02:15
31 A. Not the recent advice, I'm just reading the last 02:15
32 letter of 3 July. Yes. That letter's in relation to a 02:15
33 particular article about allegations that he might have 02:15
34 made - disclosed information to a reporter. 02:15
35 02:16
36 Q. It's about the articles to which it refers, one on 02:16
37 22 May, one on 23 May, and generally about a conversation 02:16
38 that Mr De Santo had. Is that right? 02:16
39 A. Yes. 02:16
40 02:16
41 Q. It finishes with the conclusion that the Victoria 02:16
42 Police enjoys a good working relationship with the CFMEU 02:16
43 and is very keen to protect and build on this relationship? 02:16
44 A. That's right. 02:16
45 02:16
46 Q. Do you embrace that? 02:16
47 A. We have a good working relationship, yes, but that 02:16

1 does not mean to say that there aren't issues within that 02:16
2 relationship. 02:16
3 02:16
4 Q. Are you keen to protect and build on that 02:16
5 relationship? Do you embrace that? 02:16
6 A. Yes. 02:16
7 02:16
8 Q. I'm told that the first letter from Mr Noonan which is 02:16
9 dated 28 January 2013 should in fact be dated 2014. 02:17
10 A. Yes, just looking at the date, you're probably right 02:17
11 on that; I do recall reading that letter earlier on 02:17
12 this year. 02:17
13 02:17
14 Q. You accept the position stated by Mr Noonan as 02:17
15 national secretary for the CFMEU Construction and General 02:17
16 Division is one genuinely held by him and by the senior 02:17
17 executive of the union? 02:17
18 A. That's certainly what's been written in the letter. 02:17
19 02:17
20 Q. Any reason to doubt it? 02:17
21 A. On occasions I do at times. We try to work with the 02:17
22 unions, any unions and have a good relationship, but that's 02:17
23 not to say that we don't hear of and get complaints of 02:17
24 activity that's going on underneath. This is a letter of 02:17
25 reassurance in response to an article that was in the 02:17
26 paper. 02:17
27 02:17
28 Q. Yes, it is, but it's a letter of reassurance in the 02:18
29 sense that it offers the full cooperation of the CFMEU in 02:18
30 relation to any investigation that is undertaken. Do you 02:18
31 accept that was a genuine offer of cooperation? 02:18
32 A. It's an offer of cooperation. I couldn't comment 02:18
33 whether it's a genuine offer. It's certainly on the table, 02:18
34 but I can't go into details about some of the intelligence 02:18
35 we've got and recent investigations where I would say, 02:18
36 well, I don't know whether that would be fully forthcoming. 02:18
37 It might be an intention by the national secretary, but 02:18
38 there is other information or intelligence and complaints 02:18
39 that I'm aware of that would suggest that we probably do 02:18
40 have some issues with particular individuals within that 02:18
41 union. 02:18
42 02:18
43 Q. But not the national secretary? 02:18
44 A. I said not the national secretary, yes. 02:18
45 02:18
46 Q. You have intelligence in relation to some officers of 02:18
47 the union? 02:19

1 A. Yes. 02:19
2 02:19
3 Q. Have you ever approached the senior executives of the 02:19
4 CFMEU for assistance in relation to your investigations? 02:19
5 A. No. 02:19
6 02:19
7 Q. So that includes never having approached Mr Noonan in 02:19
8 response to his letter? 02:19
9 A. No, we haven't approached him. 02:19
10 02:19
11 Q. How then are you demonstrating that the Victoria 02:19
12 Police is very keen to protect and build upon its 02:19
13 relationship with the CFMEU? 02:19
14 A. Look, we have a lot of different dialogue, 02:19
15 particularly when you're dealing with industrial disputes 02:19
16 and things like that, so there is - it's not just in 02:19
17 relation to investigations, we deal with the unions in a 02:19
18 range of forum. But in relation to specific allegations of 02:19
19 criminality, if someone was to stand up and follow through 02:20
20 with their complaints, we probably would approach. But 02:20
21 we've got to be very careful about how we approach our 02:20
22 investigation into some of these matters because people 02:20
23 could be put at risk. 02:20
24 02:20
25 Q. Are you aware that the CFMEU has a policy against the 02:20
26 use of outlaw motorcycle gangs to collect debts? 02:20
27 A. It may have. I don't know, it may have a policy; a 02:20
28 lot of organisations have policies. 02:20
29 02:20
30 Q. Have you ever thought of working with the union in 02:20
31 relation to the general allegations that you make in your 02:20
32 statement, particularly from paragraph 33 onwards? 02:20
33 A. If we needed to, we would, but we haven't embarked on 02:20
34 a large scale investigation. We've dealt with specific 02:20
35 complaints but, as I said before, where people are 02:21
36 reluctant to go forward we're not going to rush in and 02:21
37 potentially jeopardise any future action or put people at 02:21
38 risk. 02:21
39 02:21
40 Q. You speak of cultural change in your statement. 02:21
41 A. That's right, yes. 02:21
42 02:21
43 Q. Have you ever considered that the police have an 02:21
44 obligation to initiate or foster cultural change by opening 02:21
45 dialogues with the senior persons in the CFMEU? 02:21
46 A. That could be part of it but I think there's a lot of 02:21
47 other change I'm referring to along the way, it's not just 02:21

1 about law enforcement. 02:21
2 02:21
3 Q. But why haven't you developed that dialogue with the 02:21
4 CFMEU? 02:21
5 A. Because we might have actual concern about a number of 02:21
6 officials within the union itself. 02:21
7 02:21
8 Q. You don't have any concern about Mr Noonan? 02:21
9 A. No, I don't. 02:21
10 02:21
11 Q. Why haven't you opened dialogue with him? 02:21
12 A. We don't know the relationships in there. As I said, 02:21
13 we've got to be very careful about how we approach this. 02:21
14 We haven't had cause to go rushing in to this. We are 02:22
15 concerned about protecting the sources of information we 02:22
16 have because we've got genuine concerns and we don't know 02:22
17 all the relationships within the union itself. 02:22
18 02:22
19 Q. You know that at least one of your officers had at 02:22
20 least one meeting with the Master Builders Association? 02:22
21 A. Yes. 02:22
22 02:22
23 Q. And discussed criminal activity in the industrial 02:22
24 sector? 02:22
25 A. Yes. 02:22
26 02:22
27 Q. You know that there would be members of the MBA who 02:22
28 would have been involved in debt collection in relation to 02:22
29 industrial issues? 02:22
30 A. I think we've had discussions with people that might 02:22
31 have been victims or had knowledge to support an 02:22
32 investigation we're conducting in relation to some of our 02:22
33 enquiries. 02:22
34 02:22
35 Q. Why not have similar sorts of conversations with 02:22
36 senior executives of the union with a view to obtaining 02:22
37 their assistance for the cultural change that you urge in 02:22
38 your statement? 02:23
39 A. As I said before, we're concerned about some officials 02:23
40 in the unions, about - information gets out. And, whilst 02:23
41 we might say, yes, Mr Noonan's put his hand out, we don't 02:23
42 know who else - or all the relationships within that area. 02:23
43 As I said, we've got some concerns about a number of 02:23
44 officials in the union. 02:23
45 02:23
46 Q. Would it not assist you to inform the union that you 02:23
47 are aware that particular officials may be breaking the 02:23

1 law, without naming them? 02:23
2 A. Not when we've got different investigations going at 02:23
3 the time. 02:23
4 02:23
5 Q. But you've done that in this statement. 02:23
6 A. Yes. 02:23
7 02:23
8 Q. You've said that there are particular officials who 02:23
9 have been breaking the law? 02:23
10 A. Yes, we have. 02:23
11 02:23
12 Q. But you haven't seen fit to approach the union 02:23
13 directly about that? 02:23
14 A. No, we haven't. 02:23
15 02:24
16 Q. You're not about cultural change, are you, you're 02:24
17 about cultural warfare? 02:24
18 A. No, we're not. This is about a broader issue, we're 02:24
19 not going to change, law enforcement is not going to change 02:24
20 this alone, this needs a complete overview - you know, 02:24
21 overhaul of the industry and the unions and the way it's 02:24
22 approached. We can go in and talk to the union alone, but 02:24
23 it's not going to make a difference. 02:24
24 02:24
25 Q. You've made that decision without having spoken to 02:24
26 them? 02:24
27 A. Yes. 02:24
28 02:24
29 Q. Do you think you might be part of the problem? 02:24
30 A. No, I don't think I am. 02:24
31 02:24
32 Q. You've not arrested or charged in Victoria any union 02:24
33 official with corruption; that is, any union official of 02:24
34 the CFMEU? 02:24
35 A. Not to my knowledge. 02:24
36 02:24
37 Q. You've not arrested or charged any union official of 02:24
38 the CFMEU with being complicit in the drug trade? 02:24
39 A. Not to my knowledge. I'd have to go back and have a 02:24
40 look at the list we've got, but not in terms of as an 02:25
41 official union activity. 02:25
42 02:25
43 Q. The same in relation to blackmail? 02:25
44 A. Not to my knowledge. 02:25
45 02:25
46 Q. The same in relation to extortion? 02:25
47 A. I'm just - look, we've charged members of outlaw 02:25

1 motorcycle gangs with extortion, but I don't know whether 02:25
2 they're actually union officials. 02:25
3 02:25
4 Q. You said earlier that there were union officials who 02:25
5 were members of outlaw motorcycle gangs? 02:25
6 A. Yes. 02:25
7 02:25
8 Q. Who are they? 02:25
9 A. From my knowledge, Norm Meyer. 02:25
10 02:25
11 Q. Is that it? 02:25
12 A. Probably one that I know of, yes. 02:25
13 02:25
14 Q. You used the plural, you said "union officials", are 02:25
15 you saying that there is one? 02:25
16 A. There may be more, I don't know. I'm just giving you 02:25
17 an example of one in the State. 02:25
18 02:25
19 Q. In terms of what you do know, I can't ask you about 02:26
20 what you don't know. It was your evidence that there was 02:26
21 union officials plural? 02:26
22 A. Yes. 02:26
23 02:26
24 Q. That's not right, is it? 02:26
25 A. It might be "union official". 02:26
26 02:26
27 Q. "A" union official to your knowledge? 02:26
28 A. To my knowledge, yes. 02:26
29 02:26
30 Q. What is your knowledge that Mr Meyer is a union 02:26
31 official as opposed to a union member? 02:26
32 A. My knowledge is, he holds a position within the union. 02:26
33 02:26
34 Q. What position? 02:26
35 A. I'd have to go back and have a look at that, I can't 02:26
36 recall, but certainly that's the advice I've been given in 02:26
37 relation to him. 02:26
38 02:26
39 Q. Who gave you that advice? 02:26
40 A. My people. 02:26
41 02:26
42 Q. Who are your people? 02:26
43 A. From the intel area. 02:26
44 02:26
45 Q. The police intelligence is that Mr Meyer is a union 02:26
46 official? 02:26
47 A. I believe so, yes. 02:26

1 02:26
2 Q. Would it surprise you to know that Mr Meyer is a 02:26
3 member of the union but is not a union official? 02:26
4 A. If that's the case, I'll acknowledge that. 02:27
5 02:27
6 Q. Would it surprise you to know that he has not paid any 02:27
7 union dues in relation to his membership since October 02:27
8 2012? 02:27
9 A. I don't know what his status is in terms of payments. 02:27
10 02:27
11 Q. In your written statement you do not describe Mr Meyer 02:27
12 as a union official. Paragraph 48 is the place in your 02:27
13 statement where you mention the CFMEU. 02:27
14 A. Sorry, you're right. 02:27
15 02:27
16 Q. You see, there's a publicised association? 02:27
17 A. Yes, publicised association. 02:27
18 02:27
19 Q. Of the Comanchero, sergeant-at-arms Norman Meyer? 02:27
20 A. Yes. 02:28
21 02:28
22 Q. But in your oral evidence you've described him as a 02:28
23 union official? 02:28
24 A. I've got that wrong, I apologise. 02:28
25 02:28
26 Q. So there's no intelligence or evidence that any union 02:28
27 officials of the CFMEU are members of an outlaw motorcycle 02:28
28 gang? 02:28
29 A. Not to my knowledge. 02:28
30 02:28
31 Q. Thank you. Just while we're dealing with 02:28
32 paragraph 48, the publicised association, does that concern 02:28
33 a photograph of Mr Meyer at a public meeting that was 02:28
34 attended by other members of the union? 02:28
35 A. Yes, that's one of them, yes. 02:28
36 02:28
37 Q. Is there any other, any other material relating to 02:28
38 publicised association? 02:29
39 A. I think that's the main one I'm referring to in this 02:29
40 particular example, yes. 02:29
41 02:29
42 Q. Is that the only one you're referring to? 02:29
43 A. It's the only one that I've been advised of, yes. 02:29
44 02:29
45 Q. To your knowledge it's the only one that exists? 02:29
46 A. That publicised association, yes. 02:29
47 02:29

1 Q. How is that relevant to what you say in paragraph 47? 02:29
2 A. In relation to, I'm talking about publicised there; 02:29
3 there's other intelligence and evidence we've got about 02:29
4 activities involving that individual. 02:29
5 02:29
6 Q. But how is the example you give - at paragraph 48 you 02:29
7 say: 02:29
8 02:29
9 *An example that illustrates this point is* 02:29
10 *the publicised association of the* 02:29
11 *Comanchero sergeant-at-arms Norman Meyer* 02:29
12 *with the Construction, Forestry, Mining and* 02:29
13 *Energy Union.* 02:29
14 02:29
15 How is that an example of what you have written in 02:29
16 paragraph 47? 02:29
17 A. I'm just highlighting a link between the OMCGs and the 02:30
18 unions. 02:30
19 02:30
20 Q. So the link being that there is a member of the 02:30
21 union -- 02:30
22 A. Comancheros, who's heavily involved in debt collecting 02:30
23 across the building industry sector. 02:30
24 02:30
25 Q. But not for the union? 02:30
26 A. I won't go into details. We've had investigations 02:30
27 where this group has been involved in debt collecting on 02:30
28 behalf of that union. 02:30
29 02:30
30 Q. I suggest to you that you would know that the CFMEU 02:30
31 would not use the motorcycle gang members to debt collect 02:30
32 on its behalf? 02:30
33 A. I've got other intelligence to indicate other activity 02:30
34 involving this group. 02:30
35 02:30
36 Q. Let's just talk about debt collecting. What debts? 02:30
37 What's the nature of the debts? 02:31
38 A. There's a whole range of debts. They can be personal 02:31
39 debts, there are a whole range of things that people might 02:31
40 have, civil debts, that this OMCG group are involved in 02:31
41 collecting for people in the industry. 02:31
42 02:31
43 Q. Let's narrow the scope of my questioning to debt 02:31
44 collecting on behalf of the union. 02:31
45 A. Yes. 02:31
46 02:31
47 Q. Not debt collecting that they might undertake on 02:31

1 behalf of contractors or subcontractors. What debt 02:31
2 collecting do the outlaw motorcycle gang members do on 02:31
3 behalf of the union? 02:31
4 A. Maybe union officials, it may not be the union itself, 02:31
5 it might be people acting as individuals, but the 02:31
6 intelligence we've got and complaints have come back to, 02:31
7 that it's on behalf of the union. 02:31
8 02:31
9 Q. But you can see that it may not be the union but it 02:31
10 may be the conduct of individuals? 02:31
11 A. It possibly is. 02:31
12 02:31
13 Q. What's the nature of the debt or the debts? 02:31
14 A. They can be civil disputes, there could be debts about 02:31
15 payments, there's a whole range of things that people 02:32
16 collect money for. 02:32
17 02:32
18 Q. But not money owing to the union? 02:32
19 A. I'm not too sure if it's ever about money owing to the 02:32
20 union. 02:32
21 02:32
22 Q. When you say you're not too sure, does that mean you 02:32
23 don't have any information that it's ever about money owing 02:32
24 to the union? 02:32
25 A. I don't know whether it's money about the union, I've 02:32
26 got no knowledge of every case other than the intel and a 02:32
27 number of investigations we started this year, and in the 02:32
28 last 12 months in relation to some of the activities have 02:32
29 said it's been linked back to CFMEU. 02:32
30 02:32
31 Q. But that could mean no more than it's been linked back 02:32
32 to a person who is a member of the CFMEU? 02:32
33 A. Possibly could be, that's right. 02:32
34 02:32
35 Q. Do you have intelligence that there are members or 02:32
36 union officials, that is, members of the CFMEU or officials 02:32
37 of the CFMEU who are involved in accepting secret 02:32
38 commissions? 02:33
39 A. We've had allegations made and we've commenced 02:33
40 investigations on occasions but they haven't gone anywhere. 02:33
41 02:33
42 Q. Haven't gone anywhere because you haven't been able to 02:33
43 obtain any evidence? 02:33
44 A. Well, people have withdrawn, but we've also, as I said 02:33
45 earlier on, we get a lot of anecdotal evidence, people that 02:33
46 tell you this is happening but the reality is, when you 02:33
47 start drilling in you don't get to find who was directly 02:33

1 involved. 02:33
2 02:33
3 Q. Or whether it directly occurred? 02:33
4 A. That's right. 02:33
5 02:33
6 Q. Preferential tendering: Do you have any intelligence 02:33
7 that any union members or officials were involved in 02:33
8 preferential tendering? 02:33
9 A. Once again, we've had allegations made in that area 02:33
10 and I can't go into details about any investigations we may 02:33
11 have undergoing at the moment, but certainly we've had 02:34
12 allegations made. 02:34
13 02:34
14 Q. But nothing that has -- 02:34
15 A. Resulted in -- 02:34
16 02:34
17 Q. -- allegation into -- 02:34
18 A. -- a charge, that's right. 02:34
19 02:34
20 Q. -- what you might call admissible evidence? 02:34
21 A. That's right. 02:34
22 02:34
23 Q. So far I've been asking you about paragraph 33. 02:34
24 Paragraph 34, in the last sentence you say: 02:34
25 02:34
26 *Specifically, trade unions use outlaw 02:34*
27 *motorcycle gang members as hired muscle for 02:34*
28 *debt collection and standover tactics ... 02:34*
29 02:34
30 A. Yes. 02:34
31 02:34
32 02:34
33 Q. What were you intending to convey by that sentence? 02:34
34 A. That they have been engaged by union people to do debt 02:34
35 collecting. 02:35
36 02:35
37 Q. By union people? 02:35
38 A. That's right. 02:35
39 02:35
40 Q. Again by -- 02:35
41 A. And standover tactics as well. 02:35
42 02:35
43 Q. Let's break up your answer, "have been engaged by 02:35
44 union people"? 02:35
45 A. Yes. 02:35
46 02:35
47 Q. So have been hired by union people? 02:35

1 A. I don't know what the full engagement was, but I know 02:35
2 of specific allegations about officials where they've been 02:35
3 present, OMCGs, where threats have been made and threats 02:35
4 have been made to use OMCG groups and that person standing 02:35
5 there to represent that group. 02:35
6 02:35
7 Q. I'm sorry. You mean there have been threats made by a 02:35
8 union official to use an OMCG person to collect debts? 02:35
9 A. Or stand over, threaten for them to take some sort of 02:35
10 action. 02:35
11 02:35
12 Q. The intelligence has been that a union official has 02:35
13 used those words? 02:36
14 A. The union official has made the threats, yes. 02:36
15 02:36
16 Q. What threat? 02:36
17 A. Threats of violence and reprisals by particular groups 02:36
18 if they didn't do a particular thing they asked them to do. 02:36
19 I won't go into detail, it's a very specific - a number of 02:36
20 allegations have been made that we have had to investigate 02:36
21 and some of the people didn't proceed with the complaint 02:36
22 because of fear. 02:36
23 02:36
24 Q. Have any of them proceeded with the complaint? 02:36
25 A. No. 02:36
26 02:36
27 Q. Were they all about the one union official? 02:36
28 A. They were about a particular union official but there 02:36
29 were others present. 02:36
30 02:36
31 Q. Yes, but about one union official? 02:36
32 A. Yes, it was. 02:36
33 02:36
34 Q. This union official, do you have any evidence that the 02:36
35 union official was in fact an official as opposed to a 02:36
36 member of the union? 02:36
37 A. No, it was definitely an official. 02:36
38 02:36
39 Q. Sorry? 02:36
40 A. It was definitely an official. 02:36
41 02:37
42 Q. What do you understand to be caught by the word 02:37
43 "official"? 02:37
44 A. It was a senior person within the union. 02:37
45 02:37
46 Q. Do you know that the union has a policy that, if such 02:37
47 activity became known to it, that it would move against any 02:37

1 such person? 02:37
2 A. It possibly would. 02:37
3 02:37
4 Q. Have you sought to get the support, by approaching 02:37
5 Mr Noonan or the president of the CFMEU or any high office 02:37
6 holder in the CFMEU, to deal with this issue? 02:37
7 A. Not in that case, no. 02:37
8 02:37
9 Q. Well, you never have, have you? 02:37
10 A. No. 02:37
11 02:37
12 Q. You know, don't you, that the CFMEU can legitimately 02:37
13 use quite a lot of industrial muscle in order to support 02:37
14 its members where they have been denied wages and 02:37
15 allowances? 02:37
16 A. Yes, it can, yes. 02:38
17 02:38
18 Q. Has it occurred to you that it would be extremely 02:38
19 unlikely that there would be any authorised action by the 02:38
20 union to use physical threats through outlaw motorcycle 02:38
21 gang members to recover debts when it can legitimately use 02:38
22 its industrial power? Have you thought about that? 02:38
23 A. I know where you're coming from, but this wasn't the 02:38
24 nature of the threat. 02:38
25 02:38
26 Q. Just a few other matters I wanted to cover with you. 02:39
27 You refer at page 12 and the top part of 13 to a 02:39
28 requirement for a union official to be a fit and proper 02:39
29 person. 02:39
30 A. Yes. 02:39
31 02:39
32 Q. Do you believe that that requirement should also apply 02:39
33 to directors of companies in the building and construction 02:39
34 industry? 02:39
35 A. Look, I think it could go across the board, there's a 02:39
36 whole range of things that need to be done, and fit and 02:39
37 proper person is, in my view, a very good criteria to have 02:39
38 in place to try and prevent people that may have extensive 02:39
39 criminal history and links to organised crime from getting 02:39
40 involved in industry. 02:40
41 02:40
42 Q. In the industry as directors of companies that provide 02:40
43 services or offer to provide services in the industry? 02:40
44 A. A whole range of - across the industry. I'm not just 02:40
45 referring to unions, I'm talking about across the board. 02:40
46 02:40
47 Q. You just don't mention that anywhere in your 02:40

1 statement. Is there any reason for that? 02:40
2 A. No. 02:40
3 02:40
4 Q. Just something you - slipped your mind at the time you 02:40
5 were making it? 02:40
6 A. No, you've asked me a specific question about it and 02:40
7 I've said what my view is in that. 02:40
8 02:40
9 Q. Cultural change in the industry, why would you 02:40
10 restrict that recommendation to the unions rather than to, 02:40
11 for example, directors of labour hire companies who are 02:40
12 known to be criminals? 02:40
13 02:40
14 THE COMMISSIONER: I don't think he is restricting? 02:40
15 A. I don't think I am. 02:40
16 02:40
17 MR AGIUS: Q. But you didn't refer to it in your 02:40
18 statement? 02:40
19 A. No, I didn't, but I'm telling you what my view is. 02:40
20 02:41
21 Q. But you're embracing it now? 02:41
22 A. Absolutely. 02:41
23 02:41
24 Q. You are aware, are you, that there's a significant 02:41
25 problem in the building and construction industry with some 02:41
26 particular types of organisations, for example particular - 02:41
27 I'm not meaning everyone - but particular labour hire 02:41
28 companies? 02:41
29 A. Yes, I'm aware of allegations, yes. 02:41
30 02:41
31 Q. And you have intelligence about that as well? 02:41
32 A. Yes. 02:41
33 02:41
34 Q. You would agree, would you not, that it would be 02:41
35 useful if there was some regime which regulated that aspect 02:41
36 of the industry? 02:41
37 A. Yes. 02:41
38 02:41
39 Q. In terms of paragraph 60, you speak about - and I 02:41
40 suspect you're suggesting a recommendation from this 02:42
41 Commission - that there be a mechanism for police and other 02:42
42 enforcement agencies to submit that a union official or 02:42
43 mediator is not a fit and proper person without being 02:42
44 required to disclose what has led them to form that view. 02:42
45 A. That's right. 02:42
46 02:42
47 Q. You would extend that to include company directors or 02:42

1 anybody running a business in the building construction 02:42
2 industry? 02:42
3 A. Yeah, I'd extend it to fit and proper across the 02:42
4 board, yes. 02:42
5 02:42
6 Q. Did you have in mind that that recommendation would be 02:42
7 made, or that mechanism would be such that the 02:42
8 recommendation would be made to, what, some licensing 02:42
9 authority? 02:42
10 A. Some sort of authority, yes. What I've highlighted in 02:42
11 the report, I've said there needs to be a proper regulatory 02:42
12 environment. These are only suggestions that are being 02:42
13 made for consideration in terms of our view. 02:43
14 02:43
15 Q. I understand that. Did you have in mind, and I'm only 02:43
16 asking you because it's a little unclear in the paragraph, 02:43
17 did you have in mind that the recommendation would be made 02:43
18 to the authority and that the basis of the information 02:43
19 would be disclosed to the authority but it would not be 02:43
20 disclosed to the particular person concerned? 02:43
21 A. That's right. We have mechanisms in other forums 02:43
22 where we can refuse, say for example firearms or there's 02:43
23 certain things where we can protect intelligence, and 02:43
24 certainly the decision maker has access to that intel to 02:43
25 make an informed decision, yes. 02:43
26 02:43
27 Q. You're not suggesting that the police simply blackball 02:43
28 somebody without providing any reasons to the authority? 02:43
29 A. No, there's got to be a reason given. But what it's 02:43
30 saying is on occasions we have some very solid intelligence 02:43
31 but we need to protect that. 02:43
32 02:44
33 THE COMMISSIONER: Assistant Commissioner, you give us 02:44
34 examples, firearms, private security, working with 02:44
35 children? 02:44
36 A. Yes. 02:44
37 02:44
38 Q. Does it apply also to publicans, holders of licences? 02:44
39 A. No, it doesn't. There's certain areas where we 02:44
40 provide background information on individuals, but the 02:44
41 intelligence isn't protected and it makes it really 02:44
42 difficult because sometimes we're sitting on a lot of 02:44
43 valuable intelligence but it can't be used, and we'd like 02:44
44 to use it but we can't because, if we use it, it could put 02:44
45 someone at risk. 02:44
46 02:44
47 Q. What about casinos, do they have a regime in casinos? 02:44

1 A. I can't recall what the regime for intel. I'm pretty 02:44
2 sure that may be protected, because with casinos you're 02:44
3 also drawing on data from maybe other law enforcement 02:44
4 agencies around the world, so there are a lot of rules 02:44
5 around casinos. 02:44
6
7 THE COMMISSIONER: Thank you. Yes, Mr Agius? 02:44
8 02:45
9 MR AGIUS: Q. It's just the last sentence now of that 02:45
10 paragraph, "Such a mechanism would protect current 02:45
11 investigations. 02:45
12
13 And I won't challenge you on that. It's just the next 02:45
14 part that I didn't quite understand: 02:45
15
16 *And in my view is essential for the* 02:45
17 *effective investigation and prosecution of* 02:45
18 *offences.* 02:45
19
20 Surely, a fit and proper person test could never be 02:45
21 essential for the prosecution of an offence? 02:45
22 A. I'm just trying to recall where we have used some 02:45
23 details before in prosecution and we have protected the 02:45
24 intel. 02:45
25
26 Q. So you're thinking that, in a prosecution -- 02:45
27 A. It may not necessarily be in a criminal matter. 02:45
28
29 Q. So what you had in mind in that last sentence was the 02:45
30 use of this information secretly by some tribunal of fact 02:45
31 that would determine somebody's guilt or otherwise? 02:46
32 A. It may, yes. 02:46
33
34 Q. Do you know of any forum in the democracy that we call 02:46
35 Australia where that sort of conduct is permitted? 02:46
36 A. I'm just trying to think about the security 02:46
37 environment, but certainly - it may not be prosecution's a 02:46
38 good order word in that case, it might be something that we 02:46
39 can use in administrative forums in relation to a 02:46
40 particular course of action. 02:46
41
42 Q. It wouldn't make any difference to investigations 02:46
43 either, would it? 02:46
44 A. It might help because some people might be prepared 02:46
45 to, if they know that particular intel is protected, they 02:46
46 can go down and provide more information to us. 02:46
47

1 Q. But intel that is provided to you is protected unless 02:46
2 the person provides a statement and is prepared 02:46
3 (indistinct)? 02:46
4 A. That's right but it might encourage people to come 02:46
5 forward in certain cases. 02:46
6 02:46
7 Q. But that's already provided for in the current system, 02:46
8 isn't it? 02:46
9 A. To a degree, yes. 02:46
10 02:46
11 Q. At the bottom of that page you speak about powers of 02:46
12 entry under occupational health and safety law. Are you 02:47
13 familiar with how s.58 of the Occupational Health & Safety 02:47
14 Act in Victoria, which is I think repeated in similar 02:47
15 former cross the whole of the harmonised legislation in 02:47
16 Australia, how that operates? 02:47
17 A. That entry can be allowed to check the safety of sites 02:47
18 on particular issues. 02:47
19 02:47
20 Q. Do you understand that s.58 doesn't offer anybody 02:47
21 protection if, having gained entry, they embark upon 02:47
22 criminal behaviour? 02:47
23 A. I understand that wouldn't provide protection, that's 02:47
24 right. 02:47
25 02:47
26 Q. You understand that, if somebody seeks to exercise a 02:47
27 right under s.58 of the Occupational Health & Safety Act, 02:47
28 that WorkSafe is available to be contacted so that they can 02:47
29 come down and do a site entry -- 02:48
30 A. Yes. 02:48
31 02:48
32 Q. -- and carry out an inspection to determine whether or 02:48
33 not there is a valid exercise of s.58 being (indistinct)? 02:48
34 A. Yes, I'm aware there's recourse to other action, yes. 02:48
35 02:48
36 Q. But specifically the other action including an 02:48
37 oversight by WorkSafe? 02:48
38 A. Yes. 02:48
39 02:48
40 Q. At the bottom of page 14 you refer to the adoption of 02:48
41 the Cole Royal Commission recommendations relating to 02:48
42 financial management? 02:48
43 A. Yes. 02:48
44 02:48
45 Q. Without getting into the Cole Royal Commission, a 02:48
46 matter close to my heart, tell me are you aware of the 02:48
47 requirements of the Fair Work (Registered Organisations) 02:48

1 Act as they apply to the financial obligations of trade 02:48
2 unions? 02:49
3 A. I'm not fully aware of them, but what I am aware of 02:49
4 are the shortfalls that we've highlighted during the course 02:49
5 of various investigations. 02:49
6 02:49
7 Q. Shortfalls in the regulatory system that is applied 02:49
8 through the Fair Work (Registered Organisations) Act? 02:49
9 A. No, in terms of some of the practices of unions or 02:49
10 individuals who have used union funds. 02:49
11 02:49
12 Q. You're talking about people who have stolen union 02:49
13 funds? 02:49
14 A. Exactly right, but also in terms of what was 02:49
15 highlighted during those investigations was the lack of 02:49
16 adequate policies and controls, auditing, a whole range of 02:49
17 things about good governance of an organisation. 02:49
18 02:49
19 Q. All of that activity may well also fall foul of the 02:49
20 Fair Work (Registered Organisations) Act? 02:49
21 A. It may. 02:49
22 02:49
23 Q. You're just not able to say? 02:49
24 A. I'm just looking at the recommendations that came out, 02:49
25 the advice from my people that have conducted these 02:49
26 investigations and have highlighted a whole range of issues 02:50
27 with governance and accountability particularly in 02:50
28 financial matters. 02:50
29 02:50
30 Q. You've referred to the conduct of Mr Craig Thompson in 02:50
31 your paper? 02:50
32 A. As one example, yes. 02:50
33 02:50
34 Q. But that, with respect to you and with no respect to 02:50
35 that kind of activity, that kind of activity can occur in 02:50
36 any organisation, can't it? 02:50
37 A. Yeah, but it was over a prolonged period, there were 02:50
38 no controls, and that's the point. 02:50
39 02:51
40 MR AGIUS: Mr Commissioner, I would invite my learned 02:51
41 friend to tender the correspondence and The Age article to 02:51
42 which the correspondence from Mr Setka to Victoria Police 02:51
43 and the response by Victoria Police relates. 02:51
44 02:51
45 MR STOLJAR: I tender those correspondence. 02:51
46 02:51
47 **#FONTANA MFI#1 - CORRESPONDENCE** 02:51

1 02:51
2 MR AGIUS: That is the examination. 02:51
3 02:51
4 THE COMMISSIONER: Any other questions anyone wants to 02:51
5 ask? 02:51
6 02:51
7 MR STOLJAR: No, Commissioner. 02:51
8 02:51
9 MR ATTIWILL: Could I make our position claim. Having read 02:51
10 and heard the evidence in relation to the discrete matter 02:51
11 raised with us by Mr Stoljar, we don't seek leave to appear 02:51
12 because it doesn't have anything to do with our client, so 02:51
13 therefore I have no questions. 02:51
14 02:51
15 MR STOLJAR: I have nothing further, thank you 02:51
16 Commissioner. 02:52
17 02:52
18 THE COMMISSIONER: Assistant Commissioner, thanks very 02:52
19 much for coming along today at such short notice and giving 02:52
20 up the time you have to prepare this statement. You are 02:52
21 free to leave now and you are excused from further 02:52
22 attendance. 02:52
23 02:52
24 <THE WITNESS WITHDREW 02:52
25 02:52
26 THE COMMISSIONER: So now we turn to mushrooms. 02:52
27 02:52
28 MR STOLJAR: Yes, now we turn to mushrooms, Commissioner. 02:52
29 02:52
30 THE COMMISSIONER: Shall we adjourn briefly. 02:52
31 02:52
32 **SHORT ADJOURNMENT**
33 - - -
34
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\$
\$120,000 [2] - 145:13, 145:15
\$130,000 [2] - 145:13, 145:15
\$14,000 [2] - 142:32, 151:21
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