

The Barangaroo South Case

Intimidation of police officer

Justice Flick also accepted the evidence of a female police constable in relation to her interactions with Mr [Section 11C(1)]. The female police constable described Mr [Section 11C(1)] "body language" as "standing tall, he had broad shoulders, he was leaning down and toward me, his eyes were wide as if he was trying to stare me down".

She described Mr [Section 11C(1)] body language as follows:

"He made sure that I was feeling either intimidated or scared."

"...in my line of work we deal with people like him a lot."

"When someone is trying to intimidate another person they do certain actions to intimidate a person."

About the approach to the police officer, the Court found:

"The exchange with the police Constable formed part of the background factual context in which it can readily be concluded that Mr [Section 11C(1)] was deliberately setting out to create an atmosphere of defiance, even as against those charged with enforcing the law."

Historical intimidation of ABCC staff

7/8/14 – NSW – Investigator [redacted] whilst returning to office from lunch walking in a public place was recognised by [redacted] (CFMEU Official) whilst driving a passing vehicle pointed his finger out of the vehicle at [redacted] and shouted "You're a fucken dog".

24, 25 & 28/7/14 – NSW - Barangaroo – Attending FWBC Investigators repeatedly abused over various days of attending project being subject of insults such as being called "Fucking Dogs", being spat at etc..

In particular on 28/7 At 6:25 am, an unidentified man wearing a navy blue jumper with white horizontal stripes and blue jeans dropped his shoulder into the back of Investigator [redacted].

26/6/14 – VIC - Inspectors [redacted] & [redacted] attended Leighton Constructions project at 567 Collins St Melbourne CBD for purposes of conducting a Building Code 2013 advisory audit. During the process of conducting a site walk & other inspection duties in company of Leighton's site management, [redacted] was subjected to various instances of verbal abuse involving obscene language & derogatory comments/expletives. Upon leaving site both [redacted] & [redacted] were repeatedly gestured at. ("given the finger")

01/5/14 – SA - Whilst investigating breaches of Part 3.4 of the Fair Work Act 2009 by 6 CFMEU Union Officials [redacted] was verbally abused and threatened by a younger and bigger male. During the verbal assault the male pushed his body into [redacted] causing him to be forced backwards. This incident was captured on an iphone video by FWBC Inspector [redacted]

27/2/14 – VIC - Investigators [redacted] & [redacted] attended Robinsons Rd, Deer Park (Regional Rail Link Package C site) in response to call CFMEU Organiser [redacted] was blocking access to site. Upon attendance, [redacted] verbally abused / swore at [redacted] and took photographs of him. Nil physical contact etc.

21/2/14 – VIC - Investigators [REDACTED] & [REDACTED] attended Robinsons Rd, Deer Park (Regional Rail Link Package C site) in response to call CFMEU Organiser [REDACTED] was blocking access to site. Upon attendance, [REDACTED] verbally abused / swore at [REDACTED] and took photographs of him. Nil physical contact etc.

12/11/13 – QLD - FWBC Investigators [REDACTED] & [REDACTED] N intimidated by [REDACTED] (BLF Organiser) in Musk Rd, in vicinity of John Holland QUT project & another unknown male in company of [REDACTED] punch window of FWBC vehicle on driver's [REDACTED] side. [REDACTED] also appeared & ran at vehicle whereby swinging a punch towards open window of passenger ([REDACTED]) side just short of making contact. [REDACTED] continued to verbally abuse both staff with obscenities.

12/11/13 – QLD - FWBC Investigators [REDACTED] & [REDACTED] intimidated by [REDACTED] (QLD BLF Organiser) in Lloyd St in vicinity of Enoggera Army barracks (John Holland) project. [REDACTED] drove vehicle towards FWBC stationary vehicle. Several other attendees protesting at project hit FWBC vehicle with placards.

18/7/13 – WA - Two union officials hindered and obstructed WA Inspector [REDACTED] in the course of his duty. The incident relates to the day [REDACTED] was in WA and a picket was held at the New Children's Hospital. Inspectors were attempting to film the rally, an organiser stood within centimetres of the Inspector blocking the view of the camera. The organiser only moved after being directed to do so by WA Police. After the first organiser was told to move away another organiser came and took his place. *Matter referred & finalised by CDPP.*

05/2/13 – VIC - FWBC Inspectors [REDACTED], [REDACTED], [REDACTED] & [REDACTED] attended Werribee treatment plant construction site Werribee. A picket was being conducted at the site whereby one picketer broke ranks stood in close proximity of, photographed and then "shouldered" [REDACTED] to the chest. (Nil injuries resulted) Police observed incident & apprehended offender at scene. Matter finalised at Werribee Mag Crt 23/10/13 \$200 fine/Good Behaviour bond.

10/11/11 – VIC - ABC Inspectors [REDACTED] & [REDACTED] verbally abused to extent of needing to leave Hickory P/L site at 40-70 Mt. Alexander Rd, Travancore VIC. CFMEU site shop steward, unknown male & CFMEU Organiser [REDACTED] involved in incident

2010 - 2009

13/9/10 – VIC - ASA informed that ABC Inspector [REDACTED] received numerous calls to her work mobile from CFMEU Organiser [REDACTED] between 20/7 & 23/8/2010 whilst on Annual Leave. Calls not answered / no messages left. Considered inappropriate as unsolicited & due to time of calls & past history of [REDACTED] calling whilst intoxicated.

21/5/10 – VIC - ABC Inspector [REDACTED] received two calls to her work mobile (8.08PM & 10.02PM) from CFMEU Organiser [REDACTED]. Calls not answered / no messages left. Considered inappropriate due to time of call & past history of [REDACTED] calling whilst intoxicated.

10/10/09 – VIC - Phone call received to home phone number of ABC Inspector [REDACTED]. Unknown caller was a male with an Irish accent who said "[REDACTED] isn't it, [REDACTED]. Me and my seven mates are going to come and fuck you". He continued to talk and [REDACTED] terminated call.

29/9/09 – VIC - Phone call received to home phone number of ABC Inspector [REDACTED]. Unknown Male caller left a message on message service "You fucking rat, fucker"

25/9/09 – VIC - After an anonymous 1800 call, flyers were located in the lunch sheds of the Caulfield Hospital Extension project site. The head contractor is Kane Construction. The flyer contained derogatory comments and personal details of ABC Inspector [REDACTED] and former employee [REDACTED].

24/9/09 – VIC - Phone call received to home phone number of ABC Inspector [REDACTED] ([REDACTED]). Male caller left message on message service "You're a fucking rat"

24/9/09 – VIC - Phone call received to home phone number of ABC Inspector [REDACTED] ([REDACTED]). Male caller left message on message service "You're a fucking rat"

13/8/09 – VIC - ABC Inspectors [REDACTED] & [REDACTED] attended Brookfield Multiplex, Southbank 1 site, Power Street, Southbank. There they located an "ABCC Player Profile" flyer (as per SIR 7/8/09 [REDACTED]). This flyer was an A3 size, laminated & displayed in the amenities area of the site.

12/8/09 – VIC - ABC Commissioner [REDACTED] was accosted in St.Kilda Rd whilst walking near vicinity of Contexx Building Project 499 St.Kilda by CFMEU Organiser [REDACTED]. [REDACTED] unleashed a tirade of verbal abuse and indecent language towards Commissioner [REDACTED] and followed him for a short distance to do so.

07/8/09 – VIC - ABC Inspector [REDACTED] informed by Sub-contractor at Probuild 500 Bourke St, Docklands site of a "flyer" on site containing personal details of [REDACTED] & derogatory comments of he as well as ABC Inspector [REDACTED]. Example obtained - remaining copies destroyed - unknown author or if contained to this site only.

06/7/09 – VIC - ABC Inspector [REDACTED] received messages on her mobile phone (turned off) after hours Friday 3rd July from CFMEU Organiser [REDACTED] ([REDACTED]). Follow up enquiries revealed calls were made by [REDACTED] whilst intoxicated

30/3/2009 – VIC - ABC Inspectors [REDACTED] & [REDACTED] attended John Holland P/L Westgate Bridge Upgrade Project Port Melb. Upon exiting had ABCC vehicle blocked by employees' vehicle from Civil Pacific Services. Same Employee attempted to gain entry to ABCC vehicle whilst reversing and then kicked driver's door causing minor dent & scuff mark

13/3/2009 – VIC - ABC Inspectors [REDACTED] & [REDACTED] attended Buildcorp Constructions P/L site 264 Drummond St, Carlton (Royal Children's Hospital) & were verbally abused, spat at, hindered/obstructed from entering ABCC vehicle and [REDACTED] allegedly assaulted by CFMEU Organiser whereby "Headbutted" causing visible swelling/redness. Matter investigated by VICPOL & handled/finalised by VIC DPP.

18/2/2009 – VIC - ABC Inspectors [REDACTED] & [REDACTED] attended vicinity of RCH Project Flemington Rd, Nth Melb. CFMEU Organiser [REDACTED] hit ABCC Vehicle with a tree branch as vehicle driven by site. (Nil Damage) [REDACTED] & another CFMEU Organiser [REDACTED] made calls to mobile phone of [REDACTED] - [REDACTED] leaving an offensive message.

2008-2006

12/12/08 – VIC - ABC Inspectors ([REDACTED] & [REDACTED]) verbally abused, entry hindered entering site (Bovis Lend Lease - Royal Child's Hospital project) and [REDACTED] allegedly assaulted by CFMEU Organiser [REDACTED]. Minor damage to equipment of [REDACTED] including mobile phone. Matter reported to Police for Investigation.

15/8/08 – VIC - ABC Inspectors [REDACTED] & [REDACTED] subject of verbal abuse whilst attending Multiplex project 111 Burke St, Melb. [REDACTED] subject of individual (personal) racial abuse in addition to abuse directed at ABCC.

06/8/08 – VIC - ABC Inspectors [REDACTED] & [REDACTED] attended AIRC in furtherance to matters at RCH Project Nth. Melb. 5/8/08 whereby subject to verbal abuse & sexually derogatory remarks towards [REDACTED]. Offending parties made up of CFMEU members

05/8/08 – VIC - ABC Inspectors [REDACTED], [REDACTED], [REDACTED] & [REDACTED] attended RCH Project, Nth Melb. whereby subject to verbal abuse, photographs taken & firecrackers thrown at feet. Offending parties made up of CFMEU & ETU Organisers

06/12/06 – VIC - At approx. 11.30am 6/12/06 Investigators [REDACTED] / [REDACTED] while at the site were approached by [REDACTED] employee 'peggie' known as [REDACTED]. This person was openly hostile to both staff and initially abused both men, referring to them as 'rats', ex fucking coppers, cunts, weak fucking bastards, can you fight you weak bastards, fucking rat coppers and so forth.

[REDACTED] then concentrated his threats on Inv. [REDACTED] by approaching him and sneering into his face, at close quarters and swearing aloud, come on cunt can you fight, I'm an Australian champion and I'm fucking mad and I am going to kill you, you fucking weak cunt. Come on cunt have a go, I will kill you, I am mad. VIC POL Investigated matter.