

1 weeks and he's been badmouthing Lis-Con and badmouthing me,  
2 myself, separately. He's obviously unhappy as regards the  
3 fact that he's honorary president and it became public  
4 knowledge, that he has been leaking documents and - for  
5 whatever reason, down here.

6  
7 Q. He says, "You're all working for a dog." Did someone  
8 tell you he said that?

9 A. Yes.

10  
11 Q. Who told you that?

12 A. One of my workers. I would say it was possibly Chris  
13 McGee, possibly.

14  
15 Q. What does "a dog" mean in this parlance?

16 A. In this one? Well, as you probably heard with  
17 Mr Fitzpatrick early on, it's a common term with the union.  
18 It's a dog act or you're a dog/traitor, you don't comply  
19 with the union way of thinking or the way they carry on.

20  
21 Q. Does it indicate someone who's informing on the  
22 Commission?

23 A. Yes, that would be as well, yes.

24  
25 MR STOLJAR: I have nothing further, Commissioner.

26  
27 THE COMMISSIONER: Mr O'Neill, you can leave the witness  
28 box now. The representatives of the parties may or may  
29 not want to ask you further questions at a later date.  
30 Thank you.

31  
32 <THE WITNESS WITHDREW

33  
34 MR STOLJAR: Commissioner, the next witness is Ms Radhika  
35 Raju.

36  
37 <RADHIKA RAJU, affirmed: [2.13pm]

38  
39 <EXAMINATION BY MR STOLJAR:

40  
41 MR STOLJAR: Q. Your name is Radhika Raju?

42 A. That's correct, yes.

43  
44 Q. You're a resident of New South Wales?

45 A. Yes, I am.

46  
47 Q. You are a legal industrial officer with the CFMEU in

1 New South Wales?  
2 A. Yes, I am.  
3  
4 Q. You have a law degree from the Sydney University of  
5 Technology?  
6 A. That's correct, yes.  
7  
8 Q. You were admitted to practice as a solicitor in about  
9 2006?  
10 A. That's correct.  
11  
12 Q. You started working for the CFMEU at about that time?  
13 A. 2004.  
14  
15 Q. I'm sorry, 2004. You started there a bit prior to  
16 receiving your qualification as a solicitor?  
17 A. That's correct, yes.  
18  
19 Q. Do you still hold a practising certificate?  
20 A. Yes, I do.  
21  
22 Q. And you work in the Lidcombe head office of the  
23 branch?  
24 A. Yes.  
25  
26 Q. You haven't prepared a statement for the Commission  
27 but you've prepared a stat dec for the purposes of some  
28 investigations which were being carried on by the CFMEU  
29 into the events of 27 March 2013. I show you a folder that  
30 has been marked Fitzpatrick MFI-1. Would you go to tab 11,  
31 page 33 in the bottom right-hand corner.  
32 A. Tab 11, did you say?  
33  
34 Q. Yes.  
35 A. Yes, I've got that.  
36  
37 Q. That's a copy of a statement you prepared. That was  
38 in connection with some investigations that the CFMEU NSW  
39 was conducting; is that right?  
40 A. That's correct, yes.  
41  
42 Q. An internal investigation?  
43 A. Yes.  
44  
45 Q. I described it as a statutory declaration. In fact,  
46 it is just in the form of a witness statement?  
47 A. That's correct.

1  
2 Q. But reading it through now, is that statement true and  
3 correct?  
4 A. There was a few changes made to the statement. If  
5 I could take you to them?  
6  
7 Q. Yes. What do you mean "made" to it?  
8 A. When I was last before you. I'd indicated that - just  
9 give me a moment, please.  
10  
11 Q. Certainly, yes.  
12 A. At paragraph 10:  
13  
14 *We then looked at the CFMEU office's mobile*  
15 *phone list that was in Brian Fitzpatrick's*  
16 *office and it was Peter Thomas identified*  
17 *the number as Darren Greenfield's number.*  
18  
19 Q. I can put the word "Peter Thomas" before the word  
20 "identified" in paragraph 10?  
21 A. Yes. And also there were some grammar errors.  
22  
23 Q. We won't worry about those, Ms Raju. Anything else?  
24 A. No, there was nothing else.  
25  
26 Q. Save for that, the grammar errors and the change to  
27 paragraph 10, that statement is true and correct?  
28 A. That's correct, yes.  
29  
30 Q. That is to say, the statement of 17 April 2013?  
31 A. Yes.  
32  
33 THE COMMISSIONER: Do you want to tender it?  
34  
35 MR STOLJAR: It's already in evidence, Commissioner, in  
36 Fitzpatrick MFI-1.  
37  
38 THE COMMISSIONER: Yes, that's true.  
39  
40 MR STOLJAR: I note for the record it's behind tab 11 and  
41 comprises pages 33 through to 36 inclusive.  
42  
43 Q. Just working through the events of Wednesday,  
44 27 March, at about 5pm you were in your office?  
45 A. Yes. Where are you up to, please?  
46  
47 Q. I was going to come to paragraph 2, Ms Raju, but I'm

1 just going to set the scene first.

2 A. Okay. That's correct.

3

4 Q. Where is your office in relation to Mr Fitzpatrick's  
5 office?

6 A. Okay, so I'm on level 1, and in order to get from my  
7 office to Brian Fitzpatrick's office, you'd have to go down  
8 the stairs and around the back.

9

10 Q. So you were in your office and, what, you were  
11 finishing up for the day, were you?

12 A. We don't really finish at five. We always have --

13

14 Q. You were in your office at about 5pm?

15 A. That's correct, yes.

16

17 Q. And you received the phone call --

18 A. Yes, I did.

19

20 Q. -- on the internal phone and the conversation  
21 proceeded as set out in paragraph 2 of your statement?

22 A. That's correct, yes.

23

24 Q. You went straight down to his office?

25 A. I did, yes.

26

27 Q. And you say:

28

29 *He was alone sitting in the right-hand*  
30 *corner. He looked distressed. His face*  
31 *was red.*

32

33 You knew him well, I take it?

34 A. Yes, I did.

35

36 Q. And you could observe from looking at him that in your  
37 view he looked distressed?

38 A. That's correct.

39

40 Q. And then you had a conversation that you've set out in  
41 paragraph 3 and then you said:

42

43 *I'll talk to Leah. She's upstairs.*

44

45 You went back upstairs and Ms Charlson was still in her  
46 office. What's Ms Charlson's position?

47 A. Leah Charlson is a senior legal officer of the CFMEU.

1 So I report to Leah Charlson and Keryn McWhinney.

2

3 Q. Who do they report to?

4 A. Rita Mallia.

5

6 Q. You told Ms Charlson what had happened and you've set  
7 that out in paragraph 4. And then you say that, you  
8 grabbed the Ian Fraser file and went downstairs to Brian  
9 Fitzpatrick's office. Pausing there, Mr Fraser was a  
10 member of the union, or perhaps still is?

11 A. That's correct. I don't know if he still is a member.

12

13 Q. And there had been an AVO or the union had assisted  
14 Mr Fitzpatrick in obtaining an AVO against Mr Fraser just  
15 in the days before, perhaps the day before?

16 A. The police took out the AVO on him.

17

18 Q. Well, the CFMEU assisted Mr Fitzpatrick in obtaining  
19 it, didn't they, or do you not know?

20 A. We did support him, yes.

21

22 Q. I won't take you through the 000 call. I'm sorry,  
23 first of all, you rang Auburn police station, and you've  
24 set out that in 5, and then you dialled. You have the  
25 conversation you've set out in 6 and you dialled 000.  
26 Then one gets to, without going through your statement in  
27 great detail, paragraph 10, Peter Thomas identified the  
28 number as Darren Greenfield's number. And Mr Fitzpatrick  
29 told you to get Brian Parker. You've got that in paragraph  
30 12.

31 A. Yes, that's correct.

32

33 Q. You went upstairs and he was in a meeting.

34 A. No, no. His office is on the same level as --

35

36 Q. I'm sorry?

37 A. -- Brian Fitzpatrick's office.

38

39 Q. Now, leaving the going back and forth out, 16 from  
40 Parker came into the room, had a conversation. How did  
41 Mr Parker - I'm sorry, you said to Mr Parker the words that  
42 you set out in paragraph 16. Before you deal with 17, how  
43 did Mr Parker react on hearing the police had been called?

44 A. He was annoyed that I interrupted his wage claim  
45 because he was in a - it looked like a very important  
46 meeting he was in.

47

1 Q. Are you saying he was annoyed about being interrupted  
2 about the wage claim? Was he annoyed that the police had  
3 been called, to your knowledge?  
4 A. I can't remember. He was just annoyed in general.  
5  
6 Q. He said something to the effect that he was pissed off  
7 that you'd called the police; that's right, isn't it?  
8 A. He never said he was pissed off that we called the  
9 police. He never said those words, no.  
10  
11 Q. Did he say something to that effect?  
12 A. No. I know what you're reading from; you're reading  
13 from the last time I was before you and I said he seemed  
14 annoyed and pissed off and I'm clarifying that now. He was  
15 annoyed and pissed off that I interrupted his meeting  
16 twice.  
17  
18 Q. I'll show you a page of - I'm just trying to do this  
19 shortly, Ms Raju. I've just handed you a document.  
20 Mr Parker, I suggest - have a read of that. I want you to  
21 answer this question: Mr Parker said something to the  
22 effect that he was pissed off that you'd called the police;  
23 correct?  
24 A. Sorry, please just let me read this, please.  
25  
26 Q. I'm sorry.  
27 A. Unless I'm reading it wrong, it doesn't say that  
28 I said that. It says that - I never said that he was  
29 pissed that we called the police.  
30  
31 Q. Have a look at line 27. Then that's a mistake. And  
32 you know that when I was last called before you, I hadn't  
33 slept for three days, I made lots of mistakes throughout  
34 this transcript. I was under stress and he never said - he  
35 never said he's pissed off that we called the police. He  
36 looked pissed off and annoyed. It must be my mistake.  
37  
38 Q. Your solicitors were given a copy of the page of the  
39 transcript I'm showing you, on 11 July, a few days ago.  
40 A. I don't know when they were given it, but I read it  
41 yesterday.  
42  
43 Q. You read it yesterday. Did you read it last week?  
44 A. No, I read it yesterday.  
45  
46 Q. You say that's just simply, what? You say you were  
47 mistaken, were you?

1 A. I was mistaken. There is a lot of mistakes in that  
2 transcript that I've made.  
3  
4 Q. You're a solicitor, I take it, of the Supreme Court?  
5 A. Yes, that's correct.  
6  
7 Q. And you understand your obligation to give truthful  
8 evidence?  
9 A. I understand that, but I did mention I'd not slept in  
10 three days. I was going through a stressful time. I mean  
11 you could tell from my answers they were all muddled up,  
12 I was confused.  
13  
14 Q. You understood your obligation to tell the truth on  
15 30 May 2014?  
16 A. 100 per cent and I did my best then to tell the truth  
17 and I'm doing my best to tell the truth now.  
18  
19 MR STOLJAR: I tender page 20.  
20  
21 THE COMMISSIONER: Any objection? That will be Raju  
22 MFI-1.  
23  
24 MR CRAWSHAW: Can I make an observation?  
25  
26 THE COMMISSIONER: Are you objecting?  
27  
28 MR CRAWSHAW: I'm objecting to it being --  
29  
30 THE COMMISSIONER: Why didn't you object when I asked you  
31 whether there was any objection?  
32  
33 MR CRAWSHAW: I'm sorry, I didn't hear you.  
34  
35 THE COMMISSIONER: Very well. What's the objection?  
36  
37 MR CRAWSHAW: My objection is not on that particular  
38 question, but page 20 in its entirety being tendered in  
39 isolation from other parts - another page of the  
40 transcript.  
41  
42 THE COMMISSIONER: Yes, I follow your point. What are you  
43 tendering, Mr Stoljar, just that question and answer from  
44 lines 19 to 27?  
45  
46 MR STOLJAR: I'm content to tender the entire transcript  
47 if my friend feels that that puts it into context. I was

1 wishing to avoid that in order to observe the privacy of  
2 the hearing, but if my friend takes that objection I'm  
3 happy to tender more.

4  
5 THE COMMISSIONER: That does give us the whole context,  
6 I suppose.

7  
8 MR CRAWSHAW: All I'm worried about is tendering. I don't  
9 want to trespass on the orders you've made, but all I want  
10 to do is - there are questions on page 20, questions and  
11 answers, that my friend goes back to at page 30, and I just  
12 think if page 20 is tendered page 30 should also be  
13 tendered.

14  
15 THE COMMISSIONER: Thirty?

16  
17 MR CRAWSHAW: Yes. I'm inclined to think the economical  
18 course is to admit the whole of the transcript of Ms Raju's  
19 evidence of 30 May 2014.

20  
21 MR STOLJAR: That may be similar because I'm starting  
22 to suspect we may have problems in respect of other --

23  
24 THE COMMISSIONER: The question is what change, if any,  
25 should be made to the confidentiality order of that day.

26  
27 MR STOLJAR: I think you already made - Commissioner,  
28 could I hand up a direction which varies --

29  
30 THE COMMISSIONER: You had better give one to Mr Crawshaw  
31 so that he can follow.

32  
33 MR STOLJAR: Yes.

34  
35 THE COMMISSIONER: I suppose for the moment it is really  
36 paragraph 1 minus subparagraphs (b) and (c), because we're  
37 not concerned with Mr Thomas or the other matter.

38  
39 MR STOLJAR: Yes.

40  
41 MR CRAWSHAW: We don't have any objection to all of it  
42 being made public.

43  
44 THE COMMISSIONER: By which you mean the whole of  
45 Ms Raju's evidence of that day?

46  
47 MR CRAWSHAW: And Mr Thomas and CW6.



1  
2 THE COMMISSIONER: Just one moment. We're moving at such  
3 a pace. I think it's probably appropriate to do it for  
4 Ms Raju and Mr Thomas because they're giving evidence.  
5 Ms Raju is now, and Mr Thomas will be soon. The other  
6 matter can be put to one side until later, I think.

7  
8 MR STOLJAR: I wonder, for abundance of caution, if (c)  
9 should be made also, Commissioner.

10  
11 THE COMMISSIONER: In view of the consensus between  
12 counsel --

13  
14 MR STOLJAR: There's no consensus on (c), so, if,  
15 Commissioner, you could make 1(a) and (b).

16  
17 THE COMMISSIONER: Yes. I make a variation to the  
18 non-publication directions of 30 May in relation to the  
19 evidence of Ms Raju and Mr Thomas as set out in the  
20 document which Mr Stoljar has just handed up, but not  
21 subparagraph (c).

22  
23 MR STOLJAR: I tender the entirety of the transcript of  
24 the hearing on 30 May 2014.

25  
26 THE COMMISSIONER: Would that involve really withdrawing  
27 the previous tender?

28  
29 MR STOLJAR: Yes.

30  
31 THE COMMISSIONER: The transcript of the entirety of  
32 Ms Raju's evidence on 30 May 2014 will be Raju MFI-1.

33  
34 **RAJU MFI#1 TRANSCRIPT OF EVIDENCE OF MS RAJU**  
35 **DATED 30/5/2014**

36  
37 THE COMMISSIONER: It will be noted, as is clear from the  
38 transcript, that this particular passage of the examination  
39 has been stimulated by Mr Stoljar's handling of the  
40 question and answer on page 20.

41  
42 MR STOLJAR: Q. Ms Raju, do you have a copy of that  
43 transcript with you?

44 A. I do.

45  
46 Q. You brought it with you?

47 A. Yes, I do, and there are some errors I've made on

1 there that I would like changed, please.

2

3 THE COMMISSIONER: Q. On that particular page?

4 A. On the transcript.

5

6 Q. Do you have a list of them?

7 A. I've marked them up, yes.

8

9 MR STOLJAR: Q. Why don't you identify what changes or  
10 corrections you say should be made?

11 A. Okay.

12

13 Q. When you say "corrections", you're not challenging the  
14 transcript as an accurate recording of what you said?

15 A. No. But I actually have identified one thing that's  
16 not accurately captured by the transcript. There's  
17 something missing in there.

18

19 Q. I just want to take this in step, Ms Raju. Do you say  
20 that what you are describing as errors, you mean you now  
21 wish to change the evidence? You accept that you gave the  
22 evidence on 30 May, but you now say you were mistaken when  
23 you gave that evidence and you want to make changes; is  
24 that what you're saying?

25 A. Yes, they're slight changes.

26

27 Q. Slight changes. What are they?

28 A. Just give me a moment. Page 8, paragraph 20.

29

30 THE COMMISSIONER: Q. You mean line 20.

31 A. I'm sorry, line 24. I said, "That's correct".

32

33 MR STOLJAR: Q. Yes.

34 A. That's not correct.

35

36 Q. That's not correct?

37 A. Yes.

38

39 Q. You said on the 30th it is correct but you now wish to  
40 say it's not correct?

41 A. That's correct.

42

43 Q. Why don't we work through what you call your  
44 corrections and then we'll come back and look at them.  
45 That's the first one.

46 A. Thank you. Page 13, paragraph 2.

47

1 Q. Yes.  
2 A. The question, who asked me to prepare the statement,  
3 so I said:

4  
5 *Brian Fitzpatrick told me that Rita would*  
6 *like me to prepare a statement ...*

7  
8 Then I said:

9  
10 *... but Rita never asked me.*

11  
12 But I can now recall her asking me to write the statement.

13  
14 Q. Next?

15 A. Page 18, line 6, the question was:

16  
17 *So you go back to Fitzpatrick's room and*  
18 *sit down. Peter Thomas asked if you wanted*  
19 *a coffee?*

20  
21 And I said, "Yes." The answer is, "No". He only asked  
22 Brian Fitzpatrick if he wanted a coffee. The next page,  
23 page 19, line 33, you say:

24  
25 *You obviously don't know what he did when*  
26 *he was out of the room but, to your*  
27 *understanding, he went back to his room?*

28  
29 And then I say:

30  
31 *A. And called Darren Greenfield,*  
32 *I assume.*

33  
34 He didn't go back to his room. He went to the kitchen area  
35 in the - he went to the kitchen area in the organisers'  
36 area.

37  
38 Q. Yes.

39 A. And then page 20, line 2, I answer, when you asked me  
40 the question:

41  
42 *Well, I'm not asking you verbatim, but just*  
43 *the effect of what he said?*

44  
45 And I say to you:

46  
47 *Something like, "He's going to get you."*

1                   *He's going to come after your work."*

2

3                   So when I said, "He's going to get you", that wasn't what  
4                   he said.

5

6                   THE COMMISSIONER:   Q.   It's probably my fault. I'm just  
7                   not picking up where we are exactly. Which page and which  
8                   line?

9                   A.   Sorry, Commissioner, page 20, at the top, line 2.

10

11                  Q.   Thank you. And what was your correction?

12

13                  A.   When I said "Something like, 'He's going to get you'",  
14                  I was - and then I clarified it by saying, "He's going to  
15                  come after your work"; so what I said was, "He's going to  
16                  come after your work." .

16

17                  MR STOLJAR:   Q.   What do you mean what you said was ?

18

19                  A.   Sorry?

20

21                  Q.   What do you mean what you said was? Are you saying

22

23                  the transcript's wrong?  
24                  A.   No, I'm saying when you asked me the question, I was  
25                  hesitant and then I thought of the answer and the second  
26                  part of the answer is the answer.

25

26                  Q.   So you accept that on the 30th you have additional  
27                  words, but you now wish to say that in fact all that  
28                  Mr Parker said was, "He's going to come after your work"?

29

30                  A.   That's correct, yes. And I do clarify that later on  
31                  in the transcript.

31

32                  Q.   Yes, next?

33

34                  A.   So then that correction we had on page 20, which was  
35                  27.

35

36                  Q.   What do you say Mr Parker said?

37

38                  A.   Well, I can't recall what Mr Parker said, but from --

39

40                  Q.   You could recall on the 30th of May?

41

42                  A.   Well, I didn't say - see, you're asking me.

43

44                               *... We've called the police and they're on*  
45                               *the way to the union office." What did*  
46                               *Mr Parker say?*

45

46                  Then I said:

47

1           *He was pissed off that we called the*  
2           *police.*

3

4           I'm meaning his reaction was he was upset that we called  
5           the police. He was frustrated. He never said, "I'm pissed  
6           off I called the police - that you've called the police."

7

8           Q.    I then asked you:

9

10           *He said something to that effect, did he?*

11

12           And you said yes?

13           A.    Okay, but then I go into my statement and tell you I'm  
14           very confused, I'm very frustrated and I have a lack of  
15           sleep. Please, I'm doing it so it's clear and I want to  
16           get it right.

17

18           THE COMMISSIONER:   Q.    There is a further problem.  
19           Mr Stoljar's first question in this group of questions is:

20

21           *What did Mr Parker say?*

22

23           You then have an answer which is, to be charitable to it,  
24           non-responsive. Then Mr Stoljar said:

25

26           *He said something to that effect, did he?*

27

28           And you said yes. What you should have said, according to  
29           what you're saying now is, "I can't remember what he said"?

30           A.    That's correct, Commissioner.

31

32           Q.    Then the next question was:

33

34           *Was he annoyed at Mr Greenfield. Did he*  
35           *say anything about that then?*

36

37           What should the correct answer to that question have been?

38           A.    If you could just give me a minute and just let me  
39           read it. He never said anything about being annoyed with  
40           anyone. He was - from his voice, he was annoyed. I did  
41           write in my statement there was words exchanged about a  
42           wage claim which I could not follow.

43

44           MR STOLJAR:   Q.    What's your next correction?

45           A.    Line 36.

46

47           Q.    Page 20?

1 A. That's correct. You say to me:

2

3 *And then he goes and calls Mr Greenfield,*  
4 *to your knowledge. But in any event, he*  
5 *comes back to Fitzpatrick's room and he*  
6 *says something about him coming to "get you*  
7 *at work"?*

8

9 Q. Yes.

10 A. You're mistaking what I'm saying and, you know, I felt  
11 you put words in my mouth.

12

13 THE COMMISSIONER: Q. Which words were put into your  
14 mouth?

15 A. "Get you at work", when I say that "He's going to come  
16 after your work". I do clarify it later in the transcript,  
17 Commissioner.

18

19 MR STOLJAR: Q. Do you say that when you said yes, you  
20 now wish to say no at line 40?

21 A. That's correct, yes.

22

23 Q. Ms Raju, last week the Commission was contacted and  
24 asked to supply a copy of the transcript so you could go  
25 through it. That was done. When do you say that you  
26 identified these mistakes? You've identified seven so far.

27 A. Yesterday. That's the first time I saw the  
28 transcript.

29

30 Q. Did you tell your solicitors about this?

31 A. Yes, I did.

32

33 Q. You told them yesterday?

34 A. Yes.

35

36 Q. Are there many more? I'm just thinking if we're going  
37 to have a very large number --

38 A. If you just give me one minute, I'll just check if  
39 there's any more, please.

40

41 Q. Yes.

42 A. No, that's it.

43

44 Q. All right. Those are the only corrections you wish to  
45 make or changes you wish to make in respect of your  
46 evidence given on 30 May 2014; is that right?

47 A. Yes.

1  
2 Q. You've now had an opportunity to read the transcript  
3 yesterday and again just now?  
4 A. I didn't have a read of it just now, but I did  
5 yesterday, yes.  
6  
7 Q. You read it carefully yesterday?  
8 A. I did, yes.  
9  
10 Q. You weren't feeling tired or confused?  
11 A. No, because I rested.  
12  
13 Q. And you don't wish to make any more changes to the  
14 transcript?  
15 A. I mean if you --  
16  
17 Q. You do not wish to make any more changes to the  
18 transcript?  
19 A. No, I don't.  
20  
21 Q. Thank you. The position is Mr Parker came back into  
22 Mr Fitzpatrick's room and you told him that you had  
23 realised it was Darren Greenfield and not Mr Fraser and you  
24 called the police and the police were coming to the union  
25 office and Mr Parker was annoyed that you'd called the  
26 police; that's right, isn't it?  
27 A. I'm sorry, where are you up to, please?  
28  
29 Q. I'm not reading from the transcript. I'm just asking  
30 you whether, to your recollection, that's right or not?  
31 A. Yes, that's correct.  
32  
33 Q. He was annoyed that you'd called the police?  
34 A. No, he was annoyed.  
35  
36 Q. He was just annoyed; that's what you say?  
37 A. Yes.  
38  
39 Q. Just to be clear, Ms Raju, what I'm suggesting to you  
40 is that what you say on page 20 - you can go to it if you  
41 need to - at line 27 through to 30, correctly reflects what  
42 happened when Mr Parker came back into the room?  
43 A. Page 20 of the transcript?  
44  
45 Q. Yes.  
46 A. Which line of page 20?  
47

1 Q. That in fact Mr Parker was pissed off you called the  
2 police?

3 A. No, that didn't happen.  
4

5 Q. Then you say that he spoke to Mr Fitzpatrick. I'm  
6 looking at your statement page 35, in the bottom right-hand  
7 corner, paragraph 17.  
8

9 *... spoke to [Brian] Fitzpatrick about a*  
10 *wage claim ... Fitzpatrick told*  
11 *Brian Parker to call Darren Greenfield to*  
12 *sort it out.*  
13

14 And then:  
15

16 *[Mr] Parker left the room and came back*  
17 *about 5 minutes later and asked me to leave*  
18 *the room. I went back upstairs to my desk.*  
19

20 When he came back in he said to you, didn't he, that  
21 Mr Greenfield had made the threat but he wasn't after him,  
22 he was after his work; is that right?

23 A. No.  
24

25 Q. You deny that?

26 A. Yes.  
27

28 Q. Have a look at page 30 of the transcript. You just  
29 told me you had no more corrections to make:  
30

31 *He made the threat --*  
32

33 That's Mr Greenfield, line 3 --  
34

35 *but he wasn't after him. He was after his*  
36 *work.*  
37

38 A. It's meant to be "He made a threat".  
39

40 Q. Have a look at the document - go to page 266 of  
41 Fitzpatrick MFI-1.

42 A. Sorry, which tab is that, please?  
43

44 Q. Tab 38, page 266 in the bottom right-hand corner..  
45

46 A. Page 38, yes.  
47

47 Q. Tab 38.



1 A. Tab 38, sorry.  
2  
3 Q. This is a statement that was published on the CFMEU  
4 website?  
5 A. That's correct.  
6  
7 Q. Take a moment to read through it if you need to to put  
8 it in context.  
9 A. Yes.  
10  
11 Q. Look at the fourth dot point.  
12 A. Yes.  
13  
14 Q. That statement isn't true, is it, that Mr Greenfield  
15 denied making a threat?  
16  
17 MR CRAWSHAW: I object to that. How could this witness  
18 know whether Mr Greenfield ever denied making a threat?  
19  
20 MR STOLJAR: I'll rephrase it, Commissioner.  
21  
22 Q. When that statement appeared on the website, you read  
23 it?  
24 A. Yes, I did.  
25  
26 Q. As far as you were concerned, it was wrong when it  
27 said that Greenfield denied making a threat; correct?  
28 A. Sorry, I didn't understand the question.  
29  
30 Q. When Mr Parker was discussing what had happened, or  
31 talking about it in the evening of 27 March 2013 in  
32 Mr Fitzpatrick's room when you were there, he didn't  
33 suggest that Mr Greenfield had denied making a threat, did  
34 he?  
35 A. He didn't suggest Mr Greenfield made the threat  
36 either.  
37  
38 Q. He didn't suggest that Mr Greenfield denied making the  
39 threat, did he?  
40 A. I gave you my answer.  
41  
42 Q. You noticed that that statement on the website was  
43 wrong when it said Greenfield denied making a threat;  
44 correct?  
45 A. Yes.  
46  
47 Q. And you didn't tell anyone it was wrong, did you?

1 A. No, but there was internal investigations conducted  
2 that I was not privy to.  
3  
4 Q. But you regarded that statement as wrong; correct?  
5 A. Yes, but I was also aware that there was a lot of  
6 investigations that I wasn't part of.  
7  
8 Q. And you didn't tell anyone about it, that it was  
9 wrong, because you were scared for your job; correct?  
10 A. No, I was scared to - because it wasn't my role.  
11  
12 Q. You didn't tell anyone it was wrong because you were  
13 scared for your job; correct?  
14 A. That's not correct.  
15  
16 Q. Have a look at page 37.  
17 A. Of the transcript?  
18  
19 Q. Yes. You haven't asked to make any correction to this  
20 passage, have you? Let's read it together:  
21  
22 Q. *By the way, when that statement*  
23 *appeared on the website, did you read it?*  
24  
25 That's the fourth dot point:  
26  
27 A. *Yes I did.*  
28 Q. *And did you notice that it was wrong*  
29 *when it said that Greenfield denied making*  
30 *the threat?*  
31 A. *Yes, I did.*  
32 Q. *Did you tell anyone that it was wrong?*  
33 A. *No, I didn't.*  
34 Q. *Why not?*  
35 A. *I was scared for my job.*  
36 Q. *Why were you scared for your job?*  
37 A. *Because if I was to go against the*  
38 *executive, then they wouldn't want to*  
39 *employ me.*  
40 Q. *Why do you say that?*  
41 A. *That's my own opinion.*  
42 Q. *Is that based on what you've seen*  
43 *happen to others?*  
44 A. *Yes.*  
45 Q. *Can you give any examples?*  
46 A. *Brian Fitzpatrick ...*  
47

1       Then I say:

2

3           Q.    *Just explain that to me a bit ...*  
4           *please tell me if this is not correct - do*  
5           *you mean that you didn't want what was*  
6           *happening to him to happen to you?*

7           A.    Yes.

8

9       That was truthful evidence, wasn't it?

10      A.    Yes, that was truthful evidence, yes.

11

12      Q.    You haven't tried to correct that, have you?

13      A.    No, but I wish to explain that.

14

15      Q.    What do you wish to say?

16      A.    That I was not --

17

18      Q.    You were not privy to the internal investigations; is  
19      that what you wish to say?

20      A.    Look, I didn't ask for it. I didn't ask for a copy of  
21      the report.

22

23      Q.    Yes. I'm not talking about the report, I'm talking  
24      about the statement on the website?

25      A.    But I'm telling you that there were some  
26      investigations carried out, okay, when I spoke to  
27      Don McDonald, who was involved in the investigations,  
28      I told him absolutely everything, the history of the  
29      matter, exactly what was said, and I trusted that the  
30      investigations were going to be carried out correctly. And  
31      I've been involved in internal investigations with the  
32      union and they're very, very thorough.

33

34      Q.    I want to try to get this clear. Mr Parker went out  
35      of the room and he went and rang Mr Greenfield; is that  
36      right?

37      A.    That's correct, yes.

38

39      Q.    He came back into Mr Fitzpatrick's room; correct?

40      A.    That's correct.

41

42      Q.    And he did not suggest, Mr Parker, that Mr Greenfield  
43      denied the account that had been given by Mr Fitzpatrick;  
44      that's right, isn't it?

45      A.    Sorry, I didn't catch that.

46

47      Q.    What he said was, "He made the threat, but he's really

1 after - he's after your work."  
2 A. He didn't say he made the threat.  
3  
4 Q. He accepted - well, Mr Parker came back in after  
5 speaking to Mr Greenfield. He didn't suggest that  
6 Mr Greenfield denied the account, did he?  
7 A. Mr Parker did not confirm the threat was being made or  
8 deny the threat was being made, but when I left that day,  
9 I can tell you there was no - I believed that there was no  
10 threat to Mr Fitzpatrick's life.  
11  
12 Q. This is the position: when Mr Parker came back in, it  
13 was common ground that Mr Greenfield had said the words  
14 Mr Fitzpatrick said, but what Mr Parker was saying is,  
15 "Look, he doesn't really mean it. He's really after your  
16 work"?  
17 A. I think I have answered the question.  
18  
19 Q. Did you speak to Mr Greenfield a week or two later  
20 about these matters?  
21 A. I can't remember speaking to him a week or two later.  
22  
23 Q. Did he come to your office and discuss it with you?  
24 A. No, he didn't.  
25  
26 Q. Did you have a conversation with him, within a short  
27 period, about these events that took place on 27 March  
28 2013?  
29 A. I did have a conversation with him, yes.  
30  
31 Q. Yes.  
32 A. At the time Don McDonald was writing the report.  
33  
34 Q. But you had a conversation with Mr Greenfield, just  
35 the two of you there?  
36 A. I think so, yes.  
37  
38 Q. Yes. Was that in your office?  
39 A. No, it wasn't in my office.  
40  
41 Q. Where was it?  
42 A. That was outside the level 1 meeting room.  
43  
44 Q. And you said to him, to Mr Greenfield, "Brian  
45 Fitzpatrick thought it was Fraser. Why didn't you just say  
46 who it was?" Did you say that to him?  
47 A. I can't remember.

1  
2 Q. And he said, "I didn't need to. He knew who it was."  
3 A. Look, I remember I had --  
4  
5 Q. Did he say that to you?  
6 A. It wasn't on that occasion, though.  
7  
8 Q. So you had more than one conversation with  
9 Mr Greenfield about these matters?  
10 A. I did not have a conversation in my office with him.  
11 I had a conversation outside level 1 meeting room.  
12  
13 Q. And you said to him, "Brian Fitzpatrick thought it was  
14 Fraser. Why didn't you say who it was"?  
15 A. I can't remember exactly what was said.  
16  
17 Q. You said something to that effect; correct?  
18 A. I can't remember. I just remember his reply.  
19  
20 Q. And his reply was, "I didn't need to. He knew who it  
21 was"?  
22 A. That's correct, he said that.  
23  
24 Q. Mr Greenfield accepted that he never identified who it  
25 was on the phone; correct?  
26 A. I think the words that he used and I can't be sure --  
27  
28 Q. Mr Greenfield accepted that he never identified  
29 himself on the phone?  
30 A. Could you please let me finish?  
31  
32 Q. Is that right or not?  
33 A. Can you please let me finish? Please, I'm trying to  
34 get it right so it - Darren Greenfield said something like,  
35 "He knew it was me."  
36  
37 Q. "He knew it was me." So Mr Greenfield accepted, when  
38 he spoke to you that he never identified himself on the  
39 phone; is that right?  
40  
41 MR CRAWSHAW: I object. The witness has given evidence  
42 about what she remembers of the conversation. My learned  
43 friend is now asking her to draw a conclusion from that.  
44 It's not a matter for her to draw conclusions from what was  
45 said. What the Commission needs to know is what was said  
46 and then the Commission will draw its own conclusions.  
47

1 THE COMMISSIONER: Mr Stoljar?

2

3 MR STOLJAR: Yes. I won't press the question.

4

5 Q. Was that the end of your conversation with  
6 Mr Greenfield?

7 A. I'm just trying to think. I can't remember any more.  
8 I just can't.

9

10 Q. Was anyone else present?

11 A. This was a conversation that took place at level 1  
12 meeting room. No-one else; it was just me and him.

13

14 Q. Doing the best you can, approximately how long after  
15 the events of 27 March 2013 was this? A week, a month?

16 A. Look, it was around the time Don McDonald was getting  
17 a report together.

18

19 Q. Could you come back to page 8 of the transcript. You  
20 said you wanted to make a correction at line 24.

21 A. That's correct, yes.

22

23 Q. What you said on 30 May was "That's correct", but you  
24 now wish to say that's not correct?

25 A. If I could just take you to another part of my  
26 transcript which I do clarify it, please.

27

28 Q. Yes.

29 A. If you could, please, turn to page 42, at 22, line 22,  
30 I say:

31

32 *I just want to make it clear. So no-one*  
33 *said, "Don't speak to those people." Rita*  
34 *told Leah that Andrew Quirk had called me*  
35 *and it was a long conversation on the phone*  
36 *and Rita was concerned for me.*

37

38 That clarifies that part.

39

40 Q. You say there, going on from that, you were surprised  
41 they knew about the call and you assumed that they'd  
42 checked your phone bill, that's how they'd found out about  
43 it?

44 A. They would have had to check Andrew Quirk's phone bill  
45 because he was the one who called me.

46

47 THE COMMISSIONER: Are you leaving that subject,

1 Mr Stoljar?

2

3 MR STOLJAR: Yes.

4

5 THE COMMISSIONER: Q. On page 8, Ms Raju, line 26, which  
6 is immediately after the answer which you changed from  
7 "That's correct" to "That's not correct", the question was  
8 asked - do you have the passage? Page 8? Have you got  
9 page 8?

10 A. Yes, thank you, Commissioner.

11

12 Q. And then lines 20 to 24 lead up to the answer,  
13 "That's correct", which you now say should have been  
14 "That's not correct." Do you understand?

15 A. Yes, that's correct, Commissioner.

16

17 Q. The next question is:

18

19 *And you didn't ask any questions as to how*  
20 *they had come by that particular piece of*  
21 *information?*

22

23 What is your understanding, when you answer that question,  
24 of what that particular piece of information was?

25 A. Sorry, I'll just read it again.

26

27 Q. Yes. You may have to read earlier.

28 A. Thanks, Commissioner. Commissioner, my answer was  
29 "I assumed."

30

31 Q. Yes.

32 A. Do you want me to elaborate, do you?

33

34 Q. You can elaborate in a moment, but what does the  
35 expression "that particular piece information" refer to?

36 A. That he called me.

37

38 Q. "He" being?

39 A. Andrew Quirk called me.

40

41 Q. What did you mean when you said "I assumed"?

42 A. I assumed they had checked his phone bill.

43

44 MR STOLJAR: Q. Who is "they"?

45 A. So probably the person - I'm just guessing here, but  
46 I assume it's - it might be Kylie Price who's in charge of  
47 the telephones.

1  
2 THE COMMISSIONER: Q. You actually said a moment ago  
3 that you wanted to elaborate. What is it you wanted to --  
4 A. I was going to elaborate by saying they - I assumed,  
5 and this is only my assumption, that they checked the  
6 telephone bills.  
7  
8 THE COMMISSIONER: Are you returning to page 19,  
9 Mr Stoljar? It might be quicker if I ask this question.  
10  
11 Q. You see on page 19 of this transcript there's an  
12 answer at line 36 and essentially by way of correction, in  
13 the course of questioning by Mr Stoljar today, you said:  
14  
15 *He didn't go back to his room. He went to*  
16 *the kitchen area and the organisers area.*  
17  
18 Do you remember saying that?  
19 A. That's correct, yes.  
20  
21 Q. How do you know that when he was out of the room?  
22 A. Because I could hear him in the background, so  
23 I assumed he went to that area because if he was in his  
24 office I couldn't hear him.  
25  
26 Q. How long were these noises coming through?  
27 A. How long was the telephone call, are you asking?  
28  
29 Q. Well, you said you could hear him. What could you  
30 hear? You could hear him on a telephone, could you?  
31 A. Yes. Yes.  
32  
33 MR STOLJAR: Q. Could you hear what he was saying?  
34 A. No, I couldn't hear anything.  
35  
36 MR STOLJAR: I have nothing further, thank you,  
37 Commissioner.  
38  
39 THE COMMISSIONER: Do you have any questions, Mr Crawshaw?  
40  
41 MR CRAWSHAW: Not at this stage, Commissioner.  
42  
43 THE COMMISSIONER: Yes, very well.  
44  
45 THE WITNESS: Excuse me, Commissioner, if you could just  
46 have a look at page 32 and line 23, I say in my statement:  
47



1           *I'm sorry, look, I haven't slept for three*  
2           *days and I'm really unable to focus that*  
3           *well.*  
4

5 Commissioner, you saw that I really was struggling and I'm  
6 really struggling since and that's why mistakes were made.  
7

8 THE COMMISSIONER: Q. You can leave the witness box now,  
9 Ms Raju. It's possible that some legal representative here  
10 may want to ask you questions about the evidence you've  
11 given at a later time. If so, an arrangement will be made  
12 for that to happen.

13 A. Thank you for your time, Commissioner.  
14

15 <THE WITNESS WITHDREW  
16

17 MR STOLJAR: Commissioner, the next witness is Mr Peter  
18 Thomas.  
19

20 <PETER ANDREW FREDERICK THOMAS, sworn: [3.10pm]  
21

22 <EXAMINATION BY MR STOLJAR:  
23

24 MR STOLJAR: Q. Could you tell the Commission your full  
25 name?

26 A. Peter Andrew Frederick Thomas.  
27

28 Q. And you're a resident of New South Wales?  
29

30 A. Yes.  
31

32 Q. Just tell the Commission your position at the CFMEU?  
33

34 A. Assistant support administrator.  
35

36 Q. I will show you a bundle of documents which has been  
37 marked Fitzpatrick MFI-1. If you go to tab 10, you should  
38 be looking at an email that you sent to Ms Mallia on  
39 16 April 2013?

40 A. Yes, that's correct.  
41

42 Q. It attaches a statement and I think you've in fact  
43 signed that statement subsequently?

44 A. Yes, that's right.  
45

46 Q. I will hand you a copy of that statement. I'm going  
47 to give you two versions. In one some names have been  
redacted and I'll just give you a complete copy as well  
just in case you want to check through it.