

Site manager called in cops after organiser's "standover tactics"

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The site manager of a \$30 million apartment construction project in Canberra called in the police after CFMEU officials began "freewheeling" around the site, the Heydon Royal Commission heard today.

Don McInnes said today that CFMEU construction and general division ACT branch lead organiser Halafihi Kivalu tried to apply "standover tactics" because his employer, Victory Homes, would not sign an agreement.

McInnes [told the inquiry](#) that the ACT branch secretary Dean Hall, Kivalu and another union official visited the project in late 2013 and disrupted preparations for a concrete pour, claiming there were safety concerns.

He said WorkCover confirmed the site needed two access points and this was soon rectified.

On another visit, McInnes said Hall refused to show his entry permit, became impatient while waiting for a WorkCover inspector to arrive and began walking around on the scaffold.

"I ended up finding Dean Hall on the deck and told him he was trespassing and upon advice from FWBC (who I had on the phone at the time) I will call the police," McInnes said in his witness statement.

"Dean Hall's response was something to the effect of 'You and your Fair Work' mates can get fucked."

McInnes said he had warned Hall and another official that they were trespassing and called the police, but they "weren't really informed" on the legalities and were reluctant to act. He said that FWBC officer later apologised for advising him to call the police, saying the police were "misinformed".

In earlier evidence, a gyprocker and plasterer, Jian Yu He, gave evidence through an interpreter that he paid Kivalu \$5000 in two payments.

He said that Kivalu initially wanted to be paid \$10,000 but he bargained him down to \$5000.

"We paid, otherwise trouble will come."

The inquiry heard that He was present when two other builders paid Kivalu \$2000 cash in a restaurant, and that the duo had paid the organiser a total of \$10,000.

However, counsel for Kivalu, Andrew Muller, said his client had raised union membership dues with He and that he was mistaken in his evidence.

In other evidence, Rob Rae, a project manager for tiling company MDS, said he had twice paid Kivalu cheques at the request of his boss, Mediwhat Elesawiy, who gave evidence yesterday.

Rae said Elesawiy was vague about the reasons for the payments, which he handed over in a McDonald's fast food outlet. "He basically said. . . it was for the good of the company to win more work and also to avoid any problems on the job."

Yesterday, the inquiry heard that a formwork company, Class 1 Form, paid \$135,000 to Kivalu in 2012 and 2013 (see [Related Article](#)).

A director and manager of the company, Elias Taleb, said the cash payments of either \$10,000 or \$20,000 were made, in order to win contracts in the ACT.

In today's hearing, a formworker employed by Class 1 Form, Tuungafasi Manae, denied writing a note that listed debts totalling about \$80,000 that Taleb allegedly owed to Kivalu.

The Royal Commissioner, Dyson Heydon, asked Manae to write out a list of words which were then handed up to counsel assisting, Richard Scruby.

Scruby asked Manae again if he wrote the note. He replied: "No, that's not my handwriting."

Another witness, David Pattison, confirmed he is Manae's cousin, but denied he had tried to act as a debt collector. "I don't know what I'm doing here," he said.