

 **CFMEU EXONERATED, POLICE AND ENCO HUMILIATED, IN LANDMARK CASE**

May 24, 2019

The Queensland Police Service and construction firm Enco suffered a humiliating court loss in a landmark industrial relations case today.]

Magistrate Wendy Cull today upheld crucial right of entry laws, and questioned the role police sometimes play in what should be industrial relations matters.

CFMEU state secretary Michael Ravbar welcomed the decision to dismiss charges against four union officials (two from the CFMEU) who had been accused of trespass when simply trying to exercise their lawful right of entry to investigate workplace health and safety concerns.

“The failure of this case – which was sparked by the recalcitrance of Enco, one of the dodgiest operators in the industry - illustrates just how desperate sections of the construction industry are to avoid any scrutiny, or take responsibility for their own failings,” Mr Ravbar said.

“What we have here is a case where a cowboy construction company has been trying to use the Queensland Police to run a protection racket for them, and the courts have called them out on it.”

In dismissing the charges Magistrate Wendy Cull said that “police have taken the side of the business owner from the outset”, and that some police conduct was “naïve and concerning”.

Magistrate Cull also said key elements of police evidence were “demonstrably untrue”, and there was a clearly demonstrated lack of understanding of the relevant industrial relations law.

According to Mr Ravbar, “This is a landmark case because it reaffirms the right of a properly authorised union official to exercise his or her right of entry under the Act without fear of bullying, intimidation and legal standover tactics.”

“It also raises questions about the relationship between some building companies and sections of the police service, given the willingness of police to intervene on the side of bad bosses trying to bend the law to suit their own ends.”

“The CFMEU respects the important work of the QPS in protecting our communities, but people have every right to question whether futile and vindictive prosecutions such as this are really the best use of finite police resources.”

“This is the first time a union official has faced trial for trespass in Queensland when exercising his right of entry, and I would like to think it is the last.”

“When it comes to safety we will do whatever is necessary to protect our members.”

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