

Union official Roly Cummins learns appeal outcome after “f***ing dog” incident at Cairns job site

A CFMEU official who screamed “you’re a f***ing dog” three times in a health and safety inspector’s face on a Cairns job site has learned the outcome of his conviction appeal.

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A CONSTRUCTION Forestry Mining and Energy Union official who screamed “you’re a f***ing dog” three times in a health and safety inspector’s face on a Cairns job site has successfully appealed his conviction.

The CFMEU said Roland Cummins, 33, was the first union official to ever be charged with “intimidating” a government safety inspector, and he had been cleared of any wrongdoing.

“This case should never have been before the courts to begin with, and is a gross waste of time and taxpayers’ money,” CFMEU state secretary Michael Ravbar said.

A CFMEU organiser, Mr Cummins was fined \$5000 and ordered to pay \$7200 in costs in the Cairns Magistrates Court on September 3, 2020, for his behaviour at the Cairns Performing Arts Centre construction site on April 4, 2018.



CFMEU organiser Roly Cummins leads a rally outside the Spence St administration building of Cairns Regional Council.
PICTURE: STEWART MCLEAN

The prosecution alleged Mr Cummins intimidated a workplace health and safety inspector, by moving closely towards him and screaming words to the effect of “you’re a f***ing dog”, three times.

In his appeal, Mr Cummins did not deny the “verbal outburst”, but says it was excusable because of the inspector’s conduct immediately before the outburst.

Mr Cummins contended that as he showed an iPad image to the inspector and pointed out deficiencies in the emergency evacuation plan, the inspector moved his arm and pointed his finger close to the CFMEU logo on Mr Cummins’ shirt and aggressively said: “Is that what the CFMEU teaches you? Unsafe work practices?”



Mr Cummins has successfully appealed his conviction. PICTURE: STEWART MCLEAN

Mr Cummins argued he then felt “belittled, embarrassed, and intimidated and responded as he did”.

In deciding to allow Mr Cummins’ appeal and setting aside the earlier orders, District Court Judge Dean Morzone said the reasons for Magistrate Catherine Benson’s decision were “inadequate to support the verdict”.

“It seems to me that the defects in the evidence about the element of intimidation at the original hearing are such that, taken at its highest, a court would have reasonable doubt about intimidation to entitle the appellant to an acquittal,” Judge Morzone wrote.



Rolly Cummins led chants outside the Cairns Regional Council offices in 2018 during a stalemate over wage increases.
PICTURE: STEWART MCLEAN

Judge Morzone decided against remitting the matter for retrial.

Mr Ravbar said Workplace Health and Safety owed an apology, “not only to Mr Cummins and the CFMEU, but to all workers in Queensland”.

“The priority must be delivering justice for the men and women – and their families – injured or killed in workplaces, not tying up the courts with allegations about colourful language and hurt feelings.”