

10 May 2024

Steve Gollschewski
Commissioner
Queensland Police Service

By Email: commissioner@police.qld.gov.au

Dear Commissioner

Re: Right of entry by CFMEU officials at Dutton Park on 3 May 2024

I refer the above and enclose:

1. Memorandum of Understanding dated 20 April 2022 (**MOU**);
2. video dated 3 May 2024 being file number 'V700000_00001620240503124150_0023'
https://www.dropbox.com/scl/fi/fyretbqb89u2x8vzt7car/V700000_00001620240503124150_0023.MP4?rlkey=06eoo0rw20909hv1t925ncgjh&st=71omcxjb&dl=0 which runs for 9 minutes and 26 seconds (**the Video**); and
3. transcript of the video (**the Transcript**).

Unlawful police conduct

At the outset I urge you to watch the Video and/or read the Transcript. They reveal the manner in which representatives of the Queensland Police Service (**QPS**) dealt with an attempted exercise of entry rights by the Union pursuant to s.117 of the *Work Health and Safety Act*. Specifically, they either show the QPS breaching, or coming perilously close to breaching, the following legislative provisions: sections 501 and/or 502 of the *Fair Work Act*; sections 144 and or 145 of the *Work Health and Safety Act* (**the Potential Breaches**).

The Union is currently considering its position in relation to the Potential Breaches. Specifically, the Union is assessing whether it is necessary to commence litigation regarding the Potential Breaches. Your response to this correspondence will have a significant bearing upon that assessment.

Inappropriate police conduct

The MOU is, in effect, embedded within the Queensland Police Service Operational Procedures Manual (**OPM**) at 13.17.3.¹ Although the matters the subject of this correspondence give rise to concern under both the OPM and the MOU, for convenience I will focus on the MOU.

Leaving to one side the debate about whether the QPS acted *unlawfully* on 3 May 2024, I am sure that we can agree that the QPS acted *inappropriately* that day. That is so because the QPS appear to have ignored the following aspects of Part 5 of the MOU:

¹ OPM Issue 99.2 Public Edition | Effective 3 May 2024 | Page 81-82.

1. "notify OIR...promptly";²
2. "in all circumstances...notify OIR of the dispute";³
3. "follow the expert advice of OIR";⁴
4. "undertake relevant enquiries with the WHSQ inspectors";⁵ and
5. limit the actions of the QPS to keeping the peace and giving effect to WHSQ advice.⁶

I am not aware of any, let alone any valid, explanation for the QPS ignoring the MOU.

With respect, had the QPS followed the MOU, the outcome could have been very different. CFMEU officials may have been able to access the workplace in accordance with their legal rights. Workers may have been protected from the unsafe working conditions that the permit holders were concerned about.

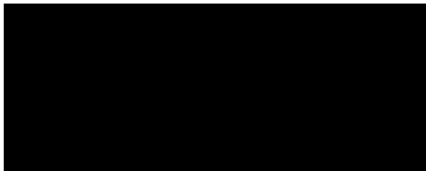
I call on the QPS to confirm, by return correspondence, that:

1. it remains committed to the MOU; and
2. it will take steps to ensure that, in future, its officers will strictly comply with the MOU.

The provision by the QPS of these commitments will ensure that the rights of the CFMEU are not trampled upon and it will ensure that QPS resources are not diverted away from its core business.

I'm happy to meet with you discuss this matter at any time. Alternatively, I can be contacted on the number above. Otherwise, I look forward to your prompt response.

Yours faithfully



Michael Ravbar
Divisional Branch Secretary

² Page 14, first paragraph.

³ Page 15, third paragraph.

⁴ Page 15, fourth paragraph.

⁵ Page 15, fifth paragraph.

⁶ Page 15, sixth paragraph.