



HPL has another High Court win for Unions

Date: Wednesday December 9, 2015

Hall Payne Lawyers are thrilled to confirm another High Court win for Unions.

Regular readers will recall that we have had recent success in the High Court for our union clients, for example in the original jurisdiction of the High Court, concerning the [Newman LNP Government's attempt to decorporatise Queensland Rail by unconstitutional means](#).

On 1 May 2015 a Full Court of the Federal Court of Australia handed down a judgment against our clients the CFMEU and the CEPU in *D,FWBII v CFMEU*[2015] FCAFC 59. In that judgment the Court held, amongst other things, that the principles enunciated by the High Court in *Barbaro v The Queen*[2014] 253 CLR 58, regarding criminal matters, also applied to civil penalty matters under the (now repealed) *Building Construction Industry Improvement Act 2005*(Cth).

Our clients and the Commonwealth sought and obtained special leave to appeal the Full Court of the Federal Court judgment to the High Court. The appeal was heard by a Full Court of the High Court, comprising seven judges in the appellate jurisdiction, on 13 October 2015 at Canberra.

The High Court has today handed down its decision upon the two appeals. The appeals were unanimously allowed by the High Court, in reasons spread across three separate judgments. The judgment of the High Court will ensure that the CFMEU and CEPU's matter before the Federal Court is now dealt with according to law, without the application of *Barbaro v The Queen*[2014] 253 CLR 58.

The judgment of the High Court reinforces our reputation as experienced High Court practitioners, representing our union clients. If you require assistance in relation to an existing or proposed High Court matter, in either the original or appellate jurisdiction, please contact HPL Principal, [Luke Tiley](#) on [1800 659 114](#)

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