



Hall Payne and the Electrical Division of the CEPU win on entry permits

Date: Tuesday July 28, 2015

In January 2015 the Queensland Branch of the Electrical Division of the Communications, Electrical and Plumbing Union, the CEPU (the Union), applied to the Fair Work Commission (the Commission) to renew the right of entry permits of two of its longstanding officials pursuant to the Fair Work Act 2009 (Cth) (the Act). The application was made on the basis that the officials were a fit and proper people to hold permits pursuant to the Act.

The Director of the Fair Work Building Industry Inspectorate (the FWBC) intervened in the matter to make submissions. The FWBC argued that a new permit should not be granted to the officials or alternatively any new permits should be issued subject to certain conditions.

Hall Payne Lawyers (HPL) argued on behalf of the Union that the officials were fit and proper people, had disclosed all relevant matters and had received appropriate training regarding right of entry.

On 20 July 2015 the Commission granted the application, renewing the permits of the officials without the imposition of conditions. The Commission rejected the FWBC's submission that there was no evidence that the ACTU right of entry training was adequate training, pointing out that the training was approved by a delegate of the Commission. The Commission observed that both officials had held right of entry permits for some time, without revocation. The Commission noted that even though both officials had committed some transgressions, these were isolated incidents which did not effect the assessment of their character so as to render them not fit and proper people.

The decision is an important victory for the officials and the Union; it enables the officials to continue to carry out their important duties including by exercising right of entry pursuant to the Act.

If you require any assistance in relation to right of entry please do not hesitate to contact HPL Principals [Luke Tiley](#) or [Charles Massy](#) on (07) 3017 2400.

