



CFMEU retain Right of Entry permit as the Full Bench of the Fair Work Commission rejects appeal

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On 13 April 2015 the Queensland Secretary of the CFMEU Construction retained his right of entry permit, thanks to Hall Payne Lawyers [[see related article](#)].

On 4 May 2015 the Director of the Fair Work Building Industry Inspectorate (FWBC) appealed the decision (the Decision) of the Fair Work Commission to a Full Bench of the Fair Work Commission (the Full Bench). The FWBC alleged 5 errors in the Decision and sought that it be overturned on appeal.

The CFMEU, represented by HPL, defended the appeal. Specifically, before the Full Bench on 8 July 2015, we argued that there were no errors in the Decision and that the FWBC's submissions were exaggerated, unhelpful and offensive. The Full Bench agreed with HPL and the CFMEU.

On 9 October 2015 the Full Bench [dismissed the appeal](#), observing that the appeal process is not intended to provide an avenue for an unsuccessful party to re-run their case or redress deficiencies in the manner in which their case was run at first instance. Further, the Full Bench accepted our submission for the CFMEU, that the FWBC's appeal grounds were riddled with unsubstantiated hyperbole.

As the appeal is dismissed the Secretary continues to hold his right of entry permit. It is hoped that this litigation is now at an end so that the Secretary can continue to carry out his important duties including exercising right of entry pursuant to the *Fair Work Act 2009*(Cth).

If you require any assistance in relation to right of entry please do not hesitate to contact HPL Principal [Luke Tiley](#) (Brisbane) on (07) 3017 2400, HPL Associate [Joseph Kennedy](#)(Sydney) on (02) 8338 8477 or HPL Associate [William Ash](#)(Tasmania) on [\(03\) 6108 9127](#).

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