



HIGH COURT OF AUSTRALIA

18 June 2025

RAVBAR & ANOR v COMMONWEALTH OF AUSTRALIA & ORS
[2025] HCA 25

Today, the High Court unanimously answered the questions of law referred for the opinion of the Full Court to the overall effect that Pt 2A of Ch 11 of the *Fair Work (Registered Organisations) Act 2009* (Cth) ("the FWRO Act"), s 177A of the *Fair Work Act 2009* (Cth), and the *Fair Work (Registered Organisations) (CFMEU Construction and General Division Administration) Determination 2024* ("the Scheme") were not invalid on any of the asserted grounds of invalidity.

The Construction, Forestry and Maritime Employees Union ("the CFMEU") is an organisation of employees registered under the FWRO Act. The registered rules of the CFMEU provide for the existence within the CFMEU of three Divisions, none of which is separately incorporated. The Construction and General Division ("the C&G Division") is one of those Divisions.

On 22 August 2024, the Commonwealth Parliament enacted the *Fair Work (Registered Organisations) Amendment (Administration) Act 2024* (Cth) ("the FWROA Act") which operated to insert Pt 2A of Ch 11 into the FWRO Act and s 177A into the Fair Work Act. Part 2A of Ch 11 of the FWRO Act makes provision for the C&G Division of the CFMEU and each of its branches to be placed under administration. Section 177A of the Fair Work Act, in substance, relevantly provides that a person who ceases to be an officer of the C&G Division or any of its branches as a result of the Scheme must not be, purport to be, or hold out that they are, a bargaining representative of an employee or employer. Immediately following the insertion of Pt 2A of Ch 11 into the FWRO Act by the FWROA Act on 23 August 2024, the administration of the C&G Division of the CFMEU and each of its branches for which Pt 2A makes provision was triggered by the occurrence of two events. The first was the determination of the Scheme by the Attorney-General of the Commonwealth. The second was the appointment by the General Manager of the Fair Work Commission of Mr Mark Irving KC ("the Administrator") to be the administrator of the Scheme. The first of those triggering events could only occur upon the relevant Minister (in this case, the Attorney-General) being "satisfied that, having regard to the Parliament's intention in enacting [the FWRO Act], it [was] in the public interest for the Division and its branches to be placed under administration". During the administration of the C&G Division of the CFMEU and its branches under Pt 2A of Ch 11 of the FWRO Act, which is ongoing, the Administrator has and will continue to have powers of control, management, and disposition of property of the CFMEU previously used solely or predominantly for the purposes of the C&G Division or any of its branches.

The plaintiffs had been the Divisional Branch Secretary and Divisional Branch Assistant Secretary of the Construction and General Queensland-Northern Territory Divisional Branch of the CFMEU until removed from those offices on 23 August 2024 as a result of the Scheme. The plaintiffs contended that Pt 2A of Ch 11 of the FWRO Act, s 177A of the Fair Work Act, and the Scheme are invalid on four bases: (i) that the impugned legislative provisions are unsupported by a head of Commonwealth legislative power; (ii) that the impugned legislative provisions and/or the Scheme infringe the implied freedom of political communication; (iii) that the impugned legislative provisions infringe Ch III of the *Constitution*; and (iv) that the impugned legislative provisions effect an "acquisition of property" within the meaning of s 51(xxxi) of the *Constitution* otherwise than on just terms.

The High Court answered each question of law in the negative.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.