



Upcoming changes to state employment laws in WA

Right of entry changes

Significant changes are being made to state right of entry laws, including a new ‘fit and proper person’ test for union officials to obtain a right of entry permit, similar to what exists under the federal *Fair Work Act 2009*.

These changes to the *Industrial Relations Act 1979* (IR Act) have been introduced by the *Industrial Relations Legislation Amendment Act 2024* and will commence on 31 January 2025.

Changes to right of entry permits

The Western Australian Industrial Relations Commission (WAIRC) will be required to consider the new fit and proper person criteria in the IR Act when deciding whether to issue a right of entry permit. Any existing right of entry authorities issued under the IR Act will expire 12 months after the amendments commence.

Right of entry permits will generally expire three years after they are issued. Currently, there is no expiry date.

There will be capacity for the WAIRC to suspend, revoke or impose conditions on a right of entry permit, taking into account the new fit and proper person criteria. The WAIRC can take action of its own motion, or on application of the Registrar or any other person.

Fit and proper person test

The WAIRC must consider a range of criteria when determining whether a nominated union official is a fit and proper person. This includes whether:

- they have received appropriate training about the rights and responsibilities of an authorised representative;
- they have ever been convicted of an offence against an industrial law;
- they have ever been convicted of an offence against a law of the Commonwealth, a State, a Territory or a foreign country involving:
 - entry onto premises;
 - fraud or dishonesty;
 - the intentional use of violence against another person; or
 - the intentional damage or destruction of property;

- the official, or another person, has ever been ordered to pay a penalty under an industrial law in relation to actions of the official;
- the official has ever had a right of entry permit revoked, suspended or made subject to conditions;
- whether a right of entry for industrial or work health and safety (WHS) purposes the official had under an industrial or WHS law has ever been revoked, suspended or had conditions imposed on it; or
- the official has ever been disqualified from exercising or applying for a right of entry for industrial or WHS purposes under an industrial or WHS law.

State employment laws are changing

This fact sheet is part of a suite of information on the changes to state employment laws that will commence on 31 January 2025. For details on the changes visit www.demirs.wa.gov.au/new-employment-laws.

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