

A work health and safety (WHS) entry permit holder is a union official who has completed an approved training course and holds or will hold an entry permit under the *Fair Work Act 2009 (Cth)* or *Industrial Relations Act 2016* (the IR Act).

Guidance on how the right of entry provisions in the *Work Health and Safety Act 2011* apply can be found in the *Interpretive guideline* (PDF, 601.46 KB) on workplace entry by work health and safety entry permit holders.

Entry to inquire into suspected breaches undefined

A WHS entry permit holder may enter a workplace to inquire into a suspected contravention of the *Work Health and Safety Act 2011* (the WHS Act) during usual working hours to inquire into a breach relating to a relevant worker, if they reasonably suspect one has occurred or is occurring.

An entry permit holder must give a PCBU and the person with management and control of the workplace notice that they have entered the workplace and information about the suspected breach as soon as is reasonably practicable after entering the workplace (unless the notice would defeat the purpose of the entry or cause unreasonable delay in an urgent case - using the *Notice of entry template*). While at the workplace they may:

- inspect any work system, plant, substance, structure or other thing that is relevant to the suspected contravention

- talk to any worker who is entitled to be represented by the union
- consult the PCBU about the suspected breach
- warn anyone they believe is exposed to a serious health or safety risk
- request to look at, and make copies of, records or documents kept at the workplace in hard copy or on a computer, that are directly relevant to the suspected contravention.

Note: Records do not need to be made available if this breaches a law of the Commonwealth or state.

Entry to inspect employee records or information held by another person

When inquiring into a suspected contravention, an entry permit holder can also enter any workplace to inspect or make copies of relevant documents held by a person other than the PCBU. At least 24 hours notice must be given to the PCBU and the person from whom the documents are requested before the proposed entry.

Entry to consult and advise workers

Entry permit holders must give at least 24 hours (but not more than 14 calendar days) notice of the proposed entry to the PCBU and the person with management or control of the workplace when entering a workplace to consult with workers about health and safety matters and to provide advice to workers about those matters (using the [Notice of entry template](#)). They may also warn any person whom the entry

permit holder reasonably believes to be exposed to a serious risk, emanating from an immediate or imminent exposure to a hazard.

Conditions of entry

A WHS entry permit holder who comes into a workplace must have their WHS entry permit and photographic identification available for inspection by any person on request.

While in a workplace the WHS entry permit holder must:

- only enter the area of the workplace where relevant workers carry out their work or any other area that directly affects the health and safety of these workers
- comply with reasonable requests in relation to a work health and safety requirements (e.g. site induction)
- protect the identity of workers by not disclosing their names unless they have given their consent.

Entry permit holders must not enter outside the usual working hours of the workplace or enter any part of the workplace that is used for residential purposes (e.g. a WHS entry permit holder could enter a convenience store where work takes place but not the living quarters of the residence if work is not carried out there).

A PCBU should let security and other point-of-entry staff know when a visit from a WHS entry permit holder is expected.

The Industrial Registrar maintains a publicly accessible register of WHS entry permit holders.

Enquiries to the Queensland Industrial Relations Commission (QIRC) should be directed to the general enquiry number 1300 592 987 (mobile and interstate callers - (07) 3227 8060). [Permit holder information](#) is available via the QIRC website.

Dealing with disputes

An inspector can be called to assist in resolving any disputes concerning right of entry. The inspector can make a determination about whether they are reasonably satisfied that the WHS entry permit holder has a right to enter the workplace and, if so, direct a PCBU to immediately allow the WHS entry permit holder to enter the workplace.

The QIRC may also deal with a dispute on its own initiative or on the application of a PCBU, an entry permit holder, the relevant union, the regulator or another person affected by the exercise of right of entry powers. The QIRC may deal with a dispute in any way it determines, including mediation, conciliation or arbitration. Where an inspector has been appointed to assist in resolving a right of entry dispute, the QIRC may also review a decision made by an inspector about whether a WHS entry permit holder had right of entry. In considering an inspectors decision, the QIRC may either confirm, vary or set aside the inspectors decision.

Prohibitions relating to WHS entry permit holders

A PCBU must not refuse or delay entry of the WHS entry permit holder, or hinder or obstruct a WHS entry permit holder (e.g. not providing access to records the permit holder is entitled to

inspect). Penalties apply for these offences.

At the same time, WHS entry permit holders must not delay, hinder or obstruct any person or disrupt work at the workplace, or act in an improper manner. Permit holders must not disclose unauthorised information collected from the workplace for purposes unrelated to the right of entry.

Revoking WHS entry permits

If it is suspected that a WHS entry permit holder has breached a condition of their permit or has intentionally hindered or obstructed a PCBU at the workplace, an application can be made to have their permit revoked.

This application must be made in writing to the WHS entry permit holder and relevant union, stating the grounds for seeking to have their permit revoked.

The QIRC will advise the WHS entry permit holder of their right to provide reasons for it not to be revoked, and may suspend the WHS entry permit while the application is being considered.

The QIRC can suspend or revoke a permit or impose conditions on it.