



Commonwealth Consolidated Acts

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FAIR WORK ACT 2009 - SECT 513

Considering application

(1) In deciding whether the [official](#) is a fit and proper person, the FWC must take into account the following [permit qualification matters](#) :

(a) whether the [official](#) has received appropriate training about the rights and responsibilities of a [permit holder](#);

(b) whether the [official](#) has ever been convicted of an offence against an [industrial law](#);

(c) whether the [official](#) has ever been convicted of an offence against a law of the [Commonwealth](#), a State, a Territory or a foreign country, involving:

(i) entry onto [premises](#); or

(ii) fraud or dishonesty; or

(iii) intentional use of violence against another person or intentional damage or destruction of property;

(d) whether the [official](#), or any other person, has ever been ordered to pay a [penalty](#) under [this Act](#) or any other [industrial law](#) in relation to [action](#) taken by the [official](#);

(e) whether a permit issued to the [official](#) under this Part, or under a similar law of the [Commonwealth](#) (no matter when in force), has been revoked or suspended or [made](#) subject to conditions;

(f) whether a court, or other person or body, under a [State or Territory industrial law](#) or a [State or Territory OHS law](#), has:

(i) cancelled, suspended or imposed conditions on a right of entry for industrial or occupational health and safety purposes that the [official](#) had under that law; or

(ii) disqualified the [official](#) from exercising, or applying for, a right of entry for industrial or occupational health and safety purposes under that law;

(g) any other matters that the FWC considers relevant.

(2) Despite [paragraph 85ZZH\(c\)](#) of the [Crimes Act 1914](#), Division 3 of Part VIIC of that Act [applies](#) in relation to the disclosure of information to or by, or the taking into account of information by, the FWC for the purpose of making a decision under this Part.

Note: Division 3 of Part VIIC of the [Crimes Act 1914](#) includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.