Western Australia

Industrial Relations (Industrial Agents) Regulations 2026

Compare between:

[19 Aug 2026, 00-b0-00] and [01 Sep 2026, 00-c0-00]

Industrial Relations Act 1979

Industrial Relations (Industrial Agents) Regulations 2026

Part 1 — Preliminary

1. Citation

These regulations are the *Industrial Relations (Industrial Agents) Regulations 2026*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 (other than regulation 3) — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on 1 September 2026.

~~[~~3. ~~Has~~Terms used

In these regulations —

code of conduct means the code of conduct set out in Schedule 1;

Commission's website means a website maintained by, or on behalf of, the Commission;

industrial advocacy services has the meaning given in section 97I of the Act;

industrial agent means a person registered under these regulations as an industrial agent;

industrial magistrate's court's website means the website of the industrial magistrate's court published under the *Industrial*

Magistrate's Court (General Jurisdiction) Regulations 2005 regulation 46(2);

principal industrial agent means an industrial agent registered in the category of principal industrial agent;

principal officer, in relation to a body corporate, means an officer as defined in the *Corporations Act 2001* (Cth) section 9AD;

required experience, knowledge and skill means the experience, knowledge and skill required, under regulation 6, for an individual to be eligible for registration as an industrial agent;

subsidiary industrial agent means an industrial agent registered in the category of subsidiary industrial agent.

Part 2 — Registration

4. Matters that disqualify persons from registration

(1) In this regulation —

insolvent —

(a) in relation to an individual, means that the individual is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or

(b) in relation to a body corporate, means that —

(i) the body corporate is being wound up; or

(ii) a receiver or manager of the property of the body corporate has been appointed, or the body corporate has been placed under administration, under the *Corporations Act 2001* (Cth) or a corresponding previous enactment.

(2) For the purposes of section 97L(3) of the Act, a person is disqualified from being registered as an industrial agent if —

(a) the person is insolvent; or

(b) the person was a principal officer of a body corporate at the time the body corporate became insolvent or the person was a principal officer of a body corporate within the 12 months immediately before the body corporate became insolvent; or

(c) the person is convicted or found guilty of any of the following offences —

(i) an offence against a law of the Commonwealth, a State, a Territory or a foreign country involving fraud or dishonesty;

(ii) an indictable offence against a law of the Commonwealth, a State or a Territory (whether or not ~~come~~the offence is or may be dealt with summarily);

(iii) an offence against a law of a foreign country that would be an indictable offence against a law of the Commonwealth, a State or a Territory if committed in Australia (whether or not the offence could be dealt with summarily if committed in Australia);

(iv) an offence under the *Taxation Administration Act 1953* (Cth);

(v) an offence under the Act;

(vi) an offence under an industrial law as defined in section 49G(1) of the Act;

or

(d) the Full Bench has ordered that the person's registration be cancelled under section 97P(1) of the Act.

5. Categories of industrial agent

(1) Registration of an industrial agent may be in 1 of the following categories —

(a) principal industrial agent;

(b) subsidiary industrial agent.

(2) An individual may be registered in the category of subsidiary industrial agent only if the individual is an employee or principal officer of a principal industrial agent.

6. Required experience, knowledge and skill

An individual must have the following experience, knowledge and skill to be eligible for registration as an industrial agent —

(a) experience in industrial relations;

(b) a high level of written and oral communication skills;

(c) experience in conciliations and hearings in industrial tribunals or courts;

(d) experience in the interpretation and implementation of each of the things referred to in at least 1 of the following subparagraphs —

(i) awards and industrial agreements;

(ii) modern awards and enterprise agreements (as those terms are defined in the *Fair Work Act 2009* (Cth) section 12);

(iii) other instruments similar to the instruments referred to in subparagraphs (i) and (ii) under a law of another State or a Territory;

(e) knowledge of the legislative framework for industrial relations (as provided by legislation of this State, the Commonwealth, another State or a Territory).

7. Application for registration as industrial agent

(1) A person may apply to the Registrar for registration as an industrial agent in a form approved by the Registrar under regulation 23.

(2) A person who carries on a business providing industrial advocacy services who applies for registration under subregulation (1) must apply for registration as an industrial agent in the category of principal industrial agent.

8. Details of approved application form and accompanying documents

(1) The form for an application made under regulation 7(1) must include the following —

(a) the applicant's full name, business address, address for the service of documents and contact details (including an email address);

(b) whether the applicant is applying for registration in the category of principal industrial agent or subsidiary industrial agent;

(c) if the form relates to an applicant that is a body corporate — details of the body corporate, including details of incorporation or registration, registered address and an email address;

(d) if the form relates to an applicant that is an individual — details of the applicant's required experience, knowledge and skill.

(2) The form may require any other information the Registrar considers relevant.

(3) An application made under regulation 7(1) by an individual must be accompanied by the following —

(a) 2 written references, each of which —

(i) is given by an individual (a ***referee***) who is actively involved in industrial relations; and

(ii) is dated no earlier than 3 months before the day on which the application is made; and

(iii) includes how long, and in what capacity, the referee has known the applicant; and

(iv) includes the details of the applicant's required experience, knowledge and skill; and

(v) states that the referee is of the opinion that the applicant has the required experience, knowledge and skill and the reasons for that opinion; and

(vi) confirms that the referee has been given a copy of, and has read, the application;

(b) a document called a National Police Certificate that —

(i) relates to the applicant; and

(ii) is issued by the Australian Federal Police, the Police Force of Western Australia or a police force of another State or a Territory; and

(iii) is dated no earlier than 3 months before the day on which the application is made;

(c) if the applicant is applying for registration in the category of principal industrial agent — evidence that the applicant has, or on registration will have, professional indemnity insurance that complies with regulation 24;

(d) if the applicant is applying for registration in the category of subsidiary industrial agent — evidence that the principal industrial agent in relation to whom the applicant will be registered has, or on registration will have, professional indemnity insurance that complies with regulation 24;

(e) a statutory declaration by the applicant stating that —

(i) they have the required experience, knowledge and skill; and

(ii) the references given by the applicant are not false or misleading; and

(iii) they are not disqualified from being registered as an industrial agent under section 97L(2) of the Act or regulation 4; and

(iv) they have read and understood the code of conduct.

(4) An application made under regulation 7(1) by a body corporate must be accompanied by the following —

(a) evidence that the applicant has, or on registration will have, professional indemnity insurance that complies with regulation 24;

(b) a statutory declaration by a principal officer of the body corporate stating that —

(i) no principal officer of, or person managing or involved in carrying on the business of, the body corporate is disqualified from being registered as an industrial agent under section 97L(2) of the Act or regulation 4; and

(ii) they have read and understood the code of conduct.

9. Publication of details on websites

(1) The Registrar must, within 3 days after an application is made under regulation 7(1), publish the following details about the application on the Commission's website and the industrial magistrate's court's website —

(a) the applicant's name;

(b) the category of industrial agent the applicant is applying for;

(c) the applicant's business address.

(2) The Registrar must publish, on the Commission's website and the industrial magistrate's court's website, information about how to lodge an objection under regulation 10.

(3) The Registrar may publish, on the Commission's website and the industrial magistrate's court's website, any other information the Registrar considers appropriate.

10. Objection to application

(1) A person may lodge a written objection to an application for registration during the period of 7 days beginning on the day on which the details about the application are published under regulation 9(1).

(2) The objection must be made on 1 or more of the following grounds —

(a) the applicant is disqualified from being registered as an industrial agent under section 97L(2) of the Act or regulation 4;

(b) if the applicant is a body corporate — a principal officer of, or person managing or involved in carrying on the business of, the body corporate is disqualified from being registered as an industrial agent under section 97L(2) of the Act or regulation 4;

(c) if the applicant is an individual — the applicant does not have the required experience, knowledge and skill;

(d) the applicant does not meet another requirement for registration.

(3) The objection must include —

(a) the name and address of the person making the objection; and

(b) the grounds of the objection; and

(c) information supporting the objection.

11. Dealing with objections

(1) If an objection to an application for registration is made under regulation 10, the Registrar must —

(a) give a copy of the objection to the applicant; and

(b) give the applicant notice of the time within which, and manner in which, the applicant may respond to the objection.

(2) The applicant's response to the objection must be verified by statutory declaration.

(3) The Registrar must consider the objection, and any response to the objection, in determining whether the applicant meets the requirements for registration as an industrial agent.

12. Powers of Registrar

(1) The Registrar may inquire into matters that are relevant to determining whether to register the applicant as an industrial agent.

(2) The Registrar may request further information from an applicant or any other person for the purposes of determining an application for registration.

(3) Information given to the Registrar in the course of making inquiries under this regulation is confidential and the Registrar must not disclose the information to any person except as required under or in connection with these regulations or any other written law.

13. Registration of applicant as industrial agent

(1) The Registrar must register an individual as an industrial agent if —

(a) the individual has applied for registration as an industrial agent; and

(b) the individual has the required experience, knowledge and skill; and

(c) the individual is not disqualified from being registered as an industrial agent under section 97L(2) of the Act or regulation 4; and

(d) either —

(i) no objection is made under regulation 10 in relation to the application; or

(ii) if an objection is made in relation to the application — the Registrar decides that, despite the objection, the individual complies with paragraphs (a), (b), (c), (e) and (f);

and

(e) either —

(i) if the individual is to be registered in the category of principal industrial agent — the individual has lodged with the Registrar a certificate of currency for professional indemnity insurance that complies with regulation 24; or

(ii) if the individual is to be registered in the category of subsidiary industrial agent — a certificate of currency has been lodged with the

Registrar for professional indemnity insurance of the relevant principal industrial agent that complies with regulation 24 and covers the individual;

and

(f) the relevant registration fee described in Schedule 2, as reduced under regulation 14(2), if applicable, has been paid in relation to the registration.

(2) The Registrar must register a body corporate as an industrial agent if —

(a) the body corporate has applied for registration as a principal industrial agent; and

(b) no principal officer of, or person managing or involved in carrying on the business of, the body corporate is disqualified from being registered as an industrial agent under section 97L(2) of the Act or regulation 4; and

(c) either —

(i) no objection is made under regulation 10 in relation to the application; or

(ii) if an objection is made in relation to the application — the Registrar decides that, despite the objection, the body corporate complies with paragraphs (a), (b), (d) and (e);

and

(d) the body corporate has lodged with the Registrar a certificate of currency for professional indemnity insurance that complies with regulation 24; and

(e) the relevant registration fee described in Schedule 2 has been paid in relation to the registration.

(3) If the Registrar receives an application to register an individual as a subsidiary industrial agent, the Registrar must not register the individual unless the principal industrial agent in relation to the individual is registered.

(4) The Registrar must give an applicant written notice of a decision to register, or to refuse to register, the applicant as an industrial agent.

(5) If the Registrar refuses to register the applicant as an industrial agent, the notice must include reasons for the refusal.

14. Reduction of registration fee for subsidiary industrial agent

(1) This regulation applies if —

(a) an individual applies for registration as a subsidiary industrial agent; and

(b) the application is not lodged together with an application for registration as the principal industrial agent in relation to whom the individual is to be registered; and

(c) the day on which the principal industrial agent's registration ends under regulation 18(1)(a) or 26(7)(c) is less than 12 months after the date of the application.

(2) The Registrar may reduce the registration fee payable under Schedule 2 by 50 per cent.

15. Delay of registration

(1) This regulation applies in relation to an application by a person for registration as an industrial agent.

(2) The Registrar may approve the application but delay registration if —

(a) in the case of an individual —

(i) the matters referred to in regulation 13(1)(a) to (d) are satisfied; but

(ii) the individual has not complied with regulation 13(1)(e) and (f);

or

(b) in the case of a body corporate —

(i) the matters referred to in regulation 13(2)(a) to (c) are satisfied; but

(ii) the body corporate has not complied with regulation 13(2)(d) and (e).

(3) If the Registrar approves an application but delays registration under subregulation (2), the Registrar must, as soon as practicable, give the applicant written notice of —

(a) the approval; and

(b) the requirements with which the applicant must comply before registration; and

(c) the effect of subregulation (5).

(4) An applicant is registered on the day after the day on which the individual complies with regulation 13(1)(e) and (f) or the body corporate complies with regulation 13(2)(d) and (e) (whichever is applicable).

(5) If the individual does not comply with regulation 13(1)(e) and (f) or the body corporate does not comply with regulation 13(2)(d) and (e) (whichever is applicable) within 7 days after the Registrar approves the application, the Registrar is taken to have refused to register the applicant.

16. Conditions of registration

An industrial agent's registration is subject to the following conditions —

(a) the industrial agent complies with the code of conduct;

(b) if there is a change to the industrial agent's insurance — the industrial agent lodges a copy of the certificate of currency for that insurance with the Registrar within 7 days after the day on which the change occurs.

17. Certificate of registration

(1) If the Registrar registers a person as an industrial agent, the Registrar must give a certificate of registration to the person.

(2) A person must not use, provide or display a certificate of registration —

(a) during any period that the registration is suspended; or

(b) if the Registrar has given the person another certificate of registration; or

(c) if the registration is not in effect.

Penalty for this subregulation: a fine of $1 000.

18. Period of registration

(1) An industrial agent's registration ends when 1 of the following occurs —

(a) the period of 2 years beginning on the day on which the industrial agent is registered expires;

(b) if the Full Bench makes an order that the industrial agent's registration be cancelled under section 97P(1) of the Act — the order comes into effect;

(c) the registration ends in accordance with a form lodged under regulation 20;

(d) if the industrial agent is a subsidiary industrial agent —

(i) the person ceases to be a principal officer of, or a person employed by, the principal industrial agent in relation to whom the subsidiary industrial agent is registered; or

(ii) the principal industrial agent in relation to whom the subsidiary industrial agent is a principal officer or employee ceases to be registered as an industrial agent;

(e) if the industrial agent is an individual — the industrial agent dies.

(2) Despite subregulation (1)(a), the registration of a subsidiary industrial agent ends when the registration of the principal industrial agent in relation to whom the subsidiary industrial agent is registered ends under subregulation (1)(a).

(3) A principal industrial agent must notify the Registrar, in a form approved by the Registrar under regulation 23, within 14 days after a subsidiary industrial agent ceases to be a principal officer of, or a person employed by, the principal industrial agent.

19. Continuation of registration

(1) In this regulation —

current registration, in relation to a person who applies for further registration, means —

(a) the registration of the person as an industrial agent under regulation 13 or subregulation (4); or

(b) the person being taken to be an industrial agent under regulation 26(2), (4), (5)(a) or (6);

expiry day, in relation to a current registration, means the day on which the registration ends under regulation 18(1)(a) or 26(7)(c);

further registration, in relation to a person who is registered as an industrial agent, means registration that would again register the person as an industrial agent.

(2) This regulation applies if —

(a) a person who is registered as an industrial agent applies for further registration under regulation 7(1); and

(b) the application is made not less than 30 days before, but not more than 3 months before, the expiry day for the current registration.

(3) If the application is not determined before the expiry day for the current registration, the current registration continues in force until the earliest of the following —

(a) if the application is granted — the further registration takes effect under subregulation (4);

(b) if the application is refused — the person is notified of the refusal;

(c) if regulation 15 applies and the application is taken to be refused under regulation 15(5) — the 7-day period referred to in regulation 15(5) ends;

(d) the current registration ends under regulation 18(1)(b), (c), (d) or (e);

(e) the application is withdrawn.

(4) If the application is granted, the further registration takes effect —

(a) if regulation 15 applies — when the person is registered under regulation 15(4); or

(b) otherwise, immediately after the expiry day for the current registration.

20. Form to end registration

(1) An industrial agent may end the industrial agent's registration by lodging with the Registrar a form approved by the Registrar under regulation 23.

(2) The industrial agent must state in the form whether the registration ends —

(a) on the day on which the form is lodged; or

(b) on a specified future date.

21. Register of industrial agents

(1) The Registrar must keep a register of industrial agents.

(2) In relation to each industrial agent, the Registrar must include in the register the following —

(a) the business details of the industrial agent, including the industrial agent's name, business address, email address and any other contact details the Registrar considers appropriate;

(b) if the industrial agent is a body corporate — details of the body corporate, including details of its registration or incorporation;

(c) if the industrial agent is a principal industrial agent — the name of any subsidiary industrial agent in relation to the principal industrial agent;

(d) the date the registration ends;

(e) if the Full Bench takes disciplinary action in relation to a registered industrial agent under section 97P(1) of the Act — details of the disciplinary action;

(f) whether a certificate of currency for professional indemnity insurance that complies with regulation 24 has been lodged with the Registrar and, if so, the date that the insurance ends;

(g) whether the auditor's certificate required by the code of conduct has been provided to the Registrar by the date required under the code of conduct.

(3) Within 14 days after a change to the information kept in the register in relation to an industrial agent, the industrial agent must inform the Registrar in writing of the change.

(4) The Registrar must update the register as soon as practicable after being informed of the change.

(5) The Registrar may keep the register in any form the Registrar thinks fit, including by keeping the register in parts.

(6) The Registrar must publish the register (as updated from time to time) on —

(a) the Commission's website; and

(b) the industrial magistrate's court's website.

22. Appeal to Full Bench

(1) A person aggrieved by the Registrar's decision to refuse to register that person as an industrial agent under regulation 13 may appeal to the Full Bench within 21 days after receiving notice of the decision.

(2) Subject to this regulation, section 49 of the Act applies to an appeal under this regulation as if the decision appealed against were a decision of the Commission.

Note for this subregulation:

A decision of the Full Bench is subject to appeal to the Court under section 90 of the Act.

23. Registrar may approve forms

The Registrar may approve forms for use under these regulations.

Part 3 — Insurance

24. Insurance

For the purposes of section 97M(1)(a) and (2) of the Act, the requirements are —

(a) the insurance must provide a minimum coverage of $2 million for each claim under the insurance, inclusive of the claimant's costs and defence costs; and

(b) the insurance must cover any civil liability, including professional negligence, incurred in connection with the provision of industrial advocacy services by —

(i) the person; and

(ii) each subsidiary industrial agent in relation to whom the person is the principal industrial agent.

Part 4 — Repeal

25. *Industrial Relations (Industrial Agents) Regulations 1997* repealed

The *Industrial Relations (Industrial Agents) Regulations 1997* are repealed.

Part 5 — Transitional provisions

26. Transitional provisions

(1) In this regulation —

Australian Resources & Energy Employer Association means the body formerly known as the Australian Mines and Metals Association (Incorporated);

commencement day means the day on which the *Industrial Relations Legislation Amendment Act 2024* section 101 comes into operation~~.]~~;

~~*[Parts 2-5 have not come into operation.]*~~

~~*[Schedules 1 and 2 have not come into operation.]*~~

former Act means the Act as in force immediately before commencement day;

repealed regulations means the *Industrial Relations (Industrial Agents) Regulations 1997.*

(2) A person who, immediately before commencement day, was an industrial agent (as defined in regulation 3 of the repealed regulations) is taken to be a principal industrial agent for the purposes of these regulations.

(3) A person taken to be a principal industrial agent under subregulation (2) is taken to comply with regulation 24 if —

(a) immediately before commencement day, the person maintained professional indemnity insurance, or held sufficient moneys or other financial or material resources, in compliance with regulation 7(1) of the repealed regulations; and

(b) the person continues to maintain the professional indemnity insurance or hold the moneys or other financial or material resources described in paragraph (a).

(4) A person who, immediately before commencement day, was an employee of an industrial agent (as defined in regulation 3 of the repealed regulations), and would have been authorised under section 112A(3) of the former Act to perform the functions set out in section 112A(3)(d) and (e) of the former Act, is taken to be a subsidiary industrial agent for the purposes of these regulations.

(5) The Australian Resources & Energy Employer Association is, for the purposes of these regulations —

(a) taken to be a principal industrial agent; and

(b) exempt from section 97M(2) of the Act until the earlier of the following —

(i) the day on which the association is registered under regulation 13;

(ii) the day on which the association's registration ends under regulation 18(1)(b)or (c);

(iii) the day on which the period of 3 months beginning on commencement day ends.

(6) A person who, immediately before commencement day, was an employee or officer of the Australian Resources & Energy Employer Association, and would have been authorised under section 112A(3) of the former Act to perform the functions set out in section 112A(3)(d) and (e) of the former Act, is taken to be a subsidiary industrial agent for the purposes of these regulations.

(7) If a person is taken to be a principal industrial agent or a subsidiary industrial agent under subregulation (2), (4), (5)(a) or (6), the person's registration ends on the earlier of the following —

(a) the day on which the industrial agent is registered under regulation 13;

(b) the day on which the industrial agent's registration ends under regulation 18(1)(b), (c), (d) or (e);

(c) the day on which the period of 3 months beginning on commencement day ends.

(8) A complaint lodged with the Registrar under regulation 12(1) or (2) of the repealed regulations that is not finally dealt with immediately before commencement day is to be dealt with and determined under the repealed regulations as if they had not been repealed.

[Regulation 26 amended: SL 2026/168 r. 4.]

Schedule 1 — Code of conduct

[r. 3]

1. Business integrity and diligence

(1) An industrial agent must not attempt to further a client's matter by unethical or dishonest means.

(2) An industrial agent must treat clients fairly and act in good faith, having regard to a client's position of dependence on the agent and the high degree of trust which a client is entitled to place in the agent.

(3) An industrial agent must be frank and open with a client and others (if the interests of the client allow), and must give a client a candid opinion on a matter in which the agent acts for the client.

(4) An industrial agent must take action that is necessary and reasonably available to protect and advance a client's interests, consistent with the agent's retainer and this code of conduct.

(5) An industrial agent must not give advice to advance an illegal purpose.

2. Breach of code by others

(1) An industrial agent must not knowingly assist or seek to induce another person to breach this code of conduct.

(2) An industrial agent must ensure that any principal officer or employee of the agent does not do or omit to do an act that would be a breach of this code of conduct if done or omitted by the agent.

3. Completing work

(1) An industrial agent must use best endeavours to complete work on behalf of a client within a reasonable time.

(2) If an industrial agent accepts instructions from a client and identifies that the work cannot be done within a reasonable time, the agent must inform the client.

(3) An industrial agent must not take unnecessary steps or do work in a manner that increases costs to a client.

(4) An industrial agent must try to reach a solution by settlement rather than commence or continue proceedings, if it is in the best interests of the client to do so.

4. Record keeping

An industrial agent must keep up-to-date records of matters for which the agent is responsible.

5. Communication with others

(1) An industrial agent must not directly or indirectly communicate with a client of a legal practitioner or another industrial agent, except with the express approval of that legal practitioner or other industrial agent.

(2) An industrial agent must not instruct another person to —

(a) communicate with an opposing party with a view to obtaining admissions contrary to the interests of that party; or

(b) engage in illegal conduct; or

(c) do anything that would be improper for the agent to do themselves.

(3) Subject to subclause (2), an industrial agent may instruct another person to make observations of an opposing party if those observations are directed towards finding evidence that might be tendered at the hearing of a matter.

6. Confidentiality

(1) An industrial agent must not directly or indirectly record, disclose or make use of confidential information without a client's consent except to the extent —

(a) required by law, rule of court or court order; or

(b) necessary for replying to or defending any charge of criminal conduct brought against the agent; or

(c) necessary for responding to an inquiry under section 97O(1) of the Act or a hearing under section 97O(4) of the Act.

(2) An industrial agent must endeavour to establish and maintain a relationship of trust and confidence with each client.

(3) An industrial agent must emphasise to a client that, in order for the agent to serve the client's interests, the client must be honest and open with information, even if the client believes it is embarrassing or harmful.

7. Conflict of interest

(1) An industrial agent must disclose to a client any conflict of interest that the agent has or may have in matters concerning the client.

(2) An industrial agent must not act or continue to act on behalf of a client if to do so would or may give rise to a conflict of interest, unless —

(a) the client has been fully informed of the nature and implications of the conflict; and

(b) the client consents to the agent acting or continuing to act on behalf of the client.

8. Proceedings

(1) An industrial agent must not knowingly deceive or mislead the Commission or a court.

(2) An industrial agent must —

(a) act with courtesy to the Commission or a court; and

(b) avoid unnecessary expense and waste of the Commission's or a court's time; and

(c) on request, inform the Commission or a court of the probable length of the case; and

(d) inform the Commission or a court of the possibility of a settlement, provided the agent can do so without revealing the existence or content of "without prejudice" communications; and

(e) inform the Commission or a court of any development that affects the information already before the Commission or the court, subject to this code of conduct; and

(f) fulfil any undertaking given by them to the Commission or a court.

(3) If an order for discovery is made, an industrial agent must examine all documents within the client's possession, custody or power and ensure that the order is complied with, even if the documents are adverse to the client's interests.

(4) An industrial agent must not put a question in cross-examination that affects the credibility of a witness by attacking the witness's character unless —

(a) the questioning is relevant to the inquiry; and

(b) there are reasonable grounds to do so.

Example for this subclause:

Putting questions to a witness suggesting fraud, misconduct or criminality must be relevant to the facts in issue and not for the sole purpose of attacking the witness's character.

(5) An industrial agent must, during proceedings in the Commission or a court, clearly distinguish between —

(a) statements that are intended to be statements of fact made by the agent; and

(b) statements that are made on the instructions that the agent has received from a client and which depend on the credibility of the client.

9. Advertising

An industrial agent must not engage in promotional conduct or advertising about the agent's skills, experience, fees, or results in a way that is, or is likely to be, misleading or deceptive.

10. Withdrawal

(1) A client may change industrial agent at any time without giving a reason, and the agent must take all reasonable steps to facilitate this change, subject to the satisfaction of any lien the agent might have taken.

(2) If a client engages another industrial agent, that agent must advise the client if they are of the opinion that the conduct of the preceding industrial agent in the matter might constitute grounds for disciplinary action (as defined in section 97P(2) of the Act).

(3) An industrial agent may withdraw from representing a client —

(a) at any time and for any reason, if the withdrawal will not cause significant harm to the client's interests, and the client is informed of the consequences of, and consents to, the withdrawal; or

(b) if the industrial agent reasonably believes that continued engagement in the matter may have an adverse effect on the agent's health; or

(c) if the client breaches a written agreement with the agent regarding fees or expenses; or

(d) if the client makes material misrepresentations about the facts of the matter to the agent; or

(e) if the agent has conflicting or adverse interests to a client in a matter; or

(f) if withdrawal is necessary to avoid the agent breaching this code of conduct; or

(g) for any other good reason.

(4) If an industrial agent withdraws from representing a client, the agent must take reasonable care to avoid foreseeable harm to the client, including by —

(a) giving reasonable notice to the client; and

(b) allowing reasonable time for the engagement of a new industrial agent; and

(c) cooperating with the new industrial agent; and

(d) promptly turning over all papers and property and paying to the client any moneys to which the client is entitled.

11. Fees

(1) An industrial agent must, as soon as possible, inform a client in writing of the agent's costs and the basis for those costs.

(2) During the course of a retainer, an industrial agent must promptly advise the client of circumstances likely to have a substantial effect on the amount, or the basis of calculation, of costs or disbursements.

12. Trust moneys

(1) An industrial agent must not hold, for or on behalf of a client or other party, moneys in trust without the written authorisation of that person.

(2) An industrial agent who receives money for or on behalf of a person must hold the money in trust for that person and must pay or disburse the money as the person directs, subject to the terms of the trust and any lien or lawful claim of the agent.

(3) An industrial agent must deposit the money in a trust account as soon as practicable after receipt.

(4) An industrial agent may withdraw money from the trust account in accordance with an order of the Commission or a court.

(5) An industrial agent must keep detailed accounts of trust money they receive, and of disbursements or other dealings with that money —

(a) to accurately disclose the state of the trust account and dealings with money deposited in the trust account; and

(b) to enable the accounts to be conveniently and properly audited.

13. Trust accounts to be audited

(1) An industrial agent must —

(a) have the agent's trust account audited for each financial year by a chartered accountant at the agent's cost or expense; and

(b) lodge with the Registrar by 31 October in each year a certificate from the auditor which certifies that —

(i) the trust account has been properly kept in the previous financial year; and

(ii) all money received or paid into that account has been properly and lawfully dealt with; and

(iii) persons entitled to the trust money have been paid.

(2) An industrial agent must, within 7 days after a request in writing by an auditor, produce to the auditor all books, documents and accounts that the auditor might require to carry out an audit under this code of conduct.

Schedule 2 — Fees

[r. 13(1)(f) and 13(2)(e)]

Item	Description	Fee
1.	Registration as principal industrial agent	$1 500
2.	Registration as subsidiary industrial agent	$800
3.	Registration as subsidiary industrial agent, if the application for registration is lodged together with application for registration as principal industrial agent	No fee

Notes

This is a compilation of the *Industrial Relations (Industrial Agents) Regulations 2026*~~.~~ and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
Industrial Relations (Industrial Agents) Regulations 2026 ~~Pt. 1 (other than r. 3)~~	SL 2026/155 22 Jul 2026	Pt. 1 (other than r. 3): 22 Jul 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Sep 2026 (see r. 2(b))
Industrial Relations (Industrial Agents) Amendment Regulations 2026	SL 2026/168 19 Aug 2026	r. 1 and 2: 19 Aug 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Sep 2026 (see r. 2(b))

~~Uncommenced provisions table~~

~~To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA legislation website.~~

~~Citation~~	~~Published~~	~~Commencement~~
~~*Industrial Relations (Industrial Agents) Regulations 2026* r. 3, Pt. 2-5 and Sch. 1 and 2~~	~~SL 2026/155 22 Jul 2026~~	~~1 Sep 2026 (see r. 2(b))~~
~~*Industrial Relations (Industrial Agents) Amendment Regulations 2026* r. 3 and 4~~	~~SL 2026/168 19 Aug 2026~~	~~Operative immediately after SL 2026/155 r. 3 comes into operation (see r. 2(b))~~