



# Labour Hire Licence

The Act will commence from 16 April 2018 \*

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# Labour Hire Licence

On 8 September 2017, Queensland's parliament has passed the first regime to the labour hire industry in Australia which is called Labour Hire Licensing Act 2017('the Act').

Industrial Relations Minister Grace Grace said a licensing scheme had become the only option following widespread evidence of roting and exploitation of workers. The Minister also added that the only way to put an end to appalling exploitation is through the introduction of a proper labour hire regulation scheme.

The Acting Governor proclaimed that the Act will commence from 16 April 2018 and it definitely has significant influence upon the interested parties.



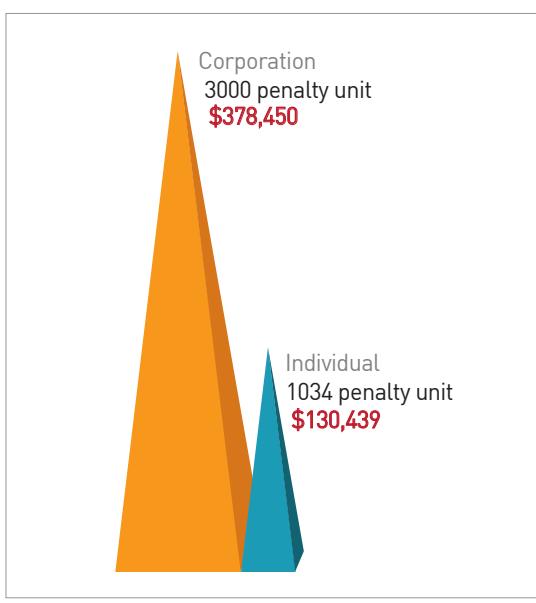
A Labour Provider

## Who needs this licence?

The Act specifically defines a provider as;

A person provides Labour hire services to another person a worker to do work in the course of carrying on a business, regardless of whether or not:

- The worker is an employee of the provider;
- A contract is entered into between the worker and the provider, or between the provider and the person to whom the worker is supplied;
- The worker is supplied by the provider to another person directly or indirectly through 1 or more agents in intermediaries;
- The work done by the worker is under the control of the provider, the person to whom the worker is supplied or another person.



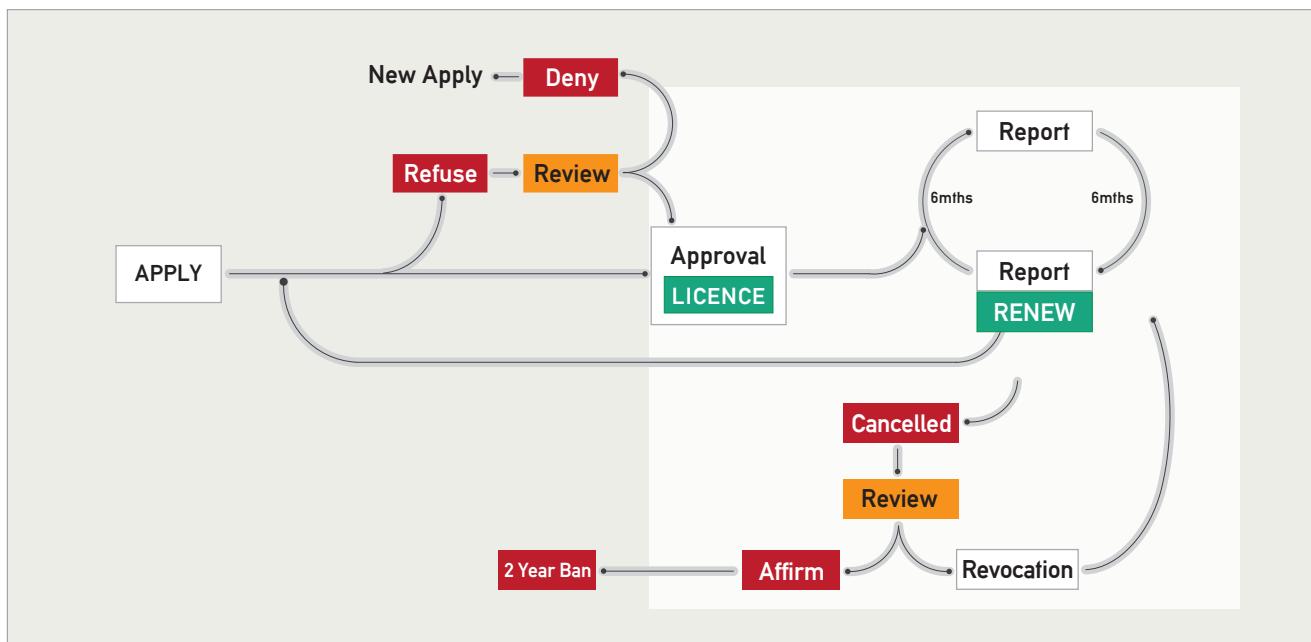
## Why does a provider must have it?

The Act clarifies that severe penalty will impose for the violation of the Act including civil, administrative and criminal sanctions where,

- Providing labour hire services without the license; or
- Entering into an arrangement with a provider who do not have the license.

### Maximum penalty

Individual	1034 penalty unit = \$130,439.10	/ 3 years imprisonment
Corporation	3000 penalty unit	= \$378,450.00



Procedures of Labour Hire Licence

## How can I get a license?

### APPLY

#### 1. Fit and Proper Test

- Identify yourself (your name, address and ABN etc);
- Identify at least one person (who can be you) as a nominated officer who is responsible for the day-to-day operations of the labour hire business;
- Show that the nominated officer or officers including you are fit and proper person to provide labour hire services;
- whether the person has previously held a licence that has been cancelled or suspended
- whether the person has been convicted of an offence against a relevant law or another law that affects the person's suitability to provide labour hire services;
- Show that you can comply with the relevant laws

#### 2. Financial Viability

- Workers can be paid promptly; and
- The business has the capacity to pay other obligations and entitlements such as tax and superannuation.

### APPROVAL

#### 1 year effective period

- Licence is only effect up to 1 year period
- Required to **renew** every year if you want to keep a licence
- Must **report** every 6 months to the chief executive.

### REPORT

#### Report every 6 months

### Refuse/ Cancelled

#### 2 years BAN

- If you miss the renewal period and therefore your license is cancelled, you can not apply for a licence for 2 years after the cancellation.

### Review

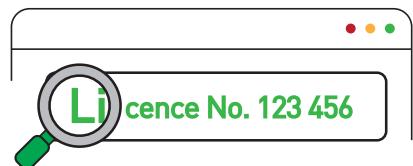
- If an application is refused or a licence is cancelled, our professional lawyers at "Park&Co Lawyers" can protect your right through Review.

## How can the act monitor?

Pursuant to the Act, the providers are obliged to provide a report to the relevant authority every 6 months. The report must contain the followings: -

- Details of Licence Holder;
- The number of workers and where they work;
- A description of the arrangements entered into between the provider and the workers;
  - Details of the type of work carried out by the workers;
- The locations in Queensland where work was carried out by the workers;
- Any additional services to the workers;
  - Information about the provider's compliance with relevant laws for the reporting period;
- To the best of the provider's knowledge, the number of notifiable incidents involving a relevant worker under the Work Health and Safety Act 2011 and Workers' Compensation and Rehabilitation Act 2003; and
- Any other prescribed by regulation.

In addition, Labour Hire Licence Authority website will be open to the public. The website will publish all the license holders in Queensland. Users of labour hire and workers will be able to check that a provider is licensed, lodge complaints and view compliance reports.



## Summary

Labour Hire Licensing scheme is proposed to effectively regulate and monitor labour hire markets. We note that the scheme is backed by stiff penalties and some offenders will be liable for criminal prosecution. From 16 April 2018, labour hire providers will have 60 days to lodge an application for a licence. If an application is made within the 60 day period the obligations and penalties of the Act will not apply until the licence has been granted. We highly recommend the providers to be prepared and to seek appropriate financial and legal advices.



Park & Co Lawyers closely monitored its policy, procedures and regulations since the Labour Hire Licensing Bill 2017 has been passed in Queensland. We are proud to announce that Park & Co Lawyers is one of the first law firms in the country prepared for upcoming legislation.

*"As your lifetime lawyers, our highest priority is to build relationships of trust with our clients"*

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