

LABOUR HIRE LICENSING SCHEMES AROUND AUSTRALIA

Western Australia

- · Nothing yet announced.
- The Employment Agents Act 1976 (WA) which was the subject of review in 2015 created a licensing system for employment agents, but expressly exempts labour hire arrangements.
- We anticipate that the new Western Australian Government will seek to follow other Labor governed states by also introducing a labour hire licensing scheme in due course.

South Australia

- On 30 November 2017 the South Australian Parliament passed the Labour Hire Licensing Bill 2017. It will commence on 1 March 2018 and will have a 6 month transition period post-commencement.
- The legislation establishes a licensing scheme and makes it unlawful to operate as a labour hire provider without a licence and for employers to use unlicensed operators.
- The South Australia scheme differs from the Queensland scheme in a number of key ways including:
- Licences are granted on a permanent basis until 'surrendered or cancelled'; Queensland licenses are granted for 'up to 1 year'.
- 2. The 'fit and proper person' test for license holders is more detailed and is applied to less people than under the proposed Queensland scheme.
- For further detail about the South Australian scheme see HSF Employment Note – Australia: South Australia Labour Hire Licensing Bill Passes.

Northern Territory Nothing yet announced. Scheme commencing 16 April 2018 Scheme commencing 1 March 2018 Scheme commencing 1 March 2018

- On 13 December 2017, the Victorian Government introduced the Labour Hire Licensing Bill 2017 into the Victorian Parliament. The Bill was introduced in response to the 'Victorian Inquiry into the Labour Hire Industry and Insecure Work'.
- Under the proposed legislation, the scheme will apply universally to protect labour hire workers across all sectors and will be overseen by an independent 'Labour Hire Licensing Authority'.
- To obtain a license under the proposed legislation, labour hire providers will be required to pass a "fit and proper person test" and show compliance with workplace and labour hire laws and accommodation standards.
- Under the proposed legislation, offences will apply to providers who operate without a licence and also to hosts who enter into any arrangement for labour services with unlicensed provider.
- For further details about the Victorian scheme see <u>HSF: Employment Note –</u> Australia: Victoria – Labour Hire Licensing Scheme Introduced.

Queensland

- On 8 September 2017 the Queensland Parliament passed the Labour Hire Licensing Bill 2017. It will commence on 16 April 2018 and there will be a 60 day transitional period post-commencement.
- The legislation establishes a licensing scheme and it will be an
 offence (with significant penalties including imprisonment for
 individuals) to provide labour hire services without a licence, to
 enter into arrangements with unlicensed providers, to knowingly
 enter into avoidance arrangements or to fail to report avoidance
 arrangements.
- The scope of the legislation is very broad and captures a range of arrangements not typically thought of as labour hire (e.g. secondments and labour supplies between related entities).
- For further detail about the Queensland scheme see <u>HSF</u>
 Employment Note Australia: Uncertain Times Labour Hire Licensing in Queensland.

New South Wales

Nothing yet announced.

Australian Capital Territory

- Federal Government
- The Coalition Government has publically stated that labour hire licensing is an issue for the states and territories to regulate. The current Labor Opposition however supports the introduction of a compulsory national licensing scheme.

Tasmania

Nothing yet announced.

 The next Federal election is due to be held between 4 August 2018 and 18 May 2019.

- A current inquiry is being held into the extent, nature and consequences of insecure work in the ACT. The reporting date for the inquiry is February 2018.
- UnionsACT have called on the Government to introduce a labour hire licensing scheme.

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