

STATE COMPARISON - Labour hire licensing

	QLD Labour Hire Licensing Act 2017 (Qld)	VIC Victorian Labour Hire Licensing Act 2018 (Vic)	SA Labour Hire Licensing Act 2017 (SA)
When must a labour hire provider be licensed?	16 April 2018	30 October 2019	31 August 2019
What are the eligibility requirements to obtain a license?	<i>Section 15</i> Each applicant and proposed officers must be a fit and proper person and the business to which the application relates is financially viable.	<i>Sections 17(4) and 23</i> The applicant must pass a fit and proper test and demonstrate compliance with legal obligations set out in workplace laws, labour hire laws, and minimum accommodation standards.	<i>Section 17</i> The applicant must be a fit and proper person and has sufficient financial resources for the purpose of properly carrying on the business under the licence.
Who is a provider of labour hire services?	<i>Section 7 (1)</i> In the course of carrying on a business, the person supplies, to another person, a worker to do work. This is broader than VIC and SA subject to the exemptions in the Labour Hire Licensing Regulations 2018 and captures non-traditional labour hire providers.	<i>Section 7(1)</i> In the course of conducting a business, the provider supplies one or more individuals to another person (a host) to perform work in and as part of a business or undertaking of the host; and the individuals are workers for the provider. Providers also include certain recruitment and placement services and contractor management services.	<i>Section 7(1)</i> In the course of conducting a business, the person supplies, to another person, a worker to do work in and as part of the business or commercial undertaking of the other person. Upon the recommencement of the Act, additional exemptions have been incorporated.
How long is a labour hire license valid?	<i>Section 17</i> One year from the day the licence is granted unless suspended or cancelled).	<i>Section 26</i> No later than 3 years after the day it came into force (unless suspended or cancelled).	<i>Section 20(1)</i> Licence remains in force until it is surrendered, cancelled, the licence holder dies or the body corporate is dissolved.
What are the penalties for providing labour hire services without a license?	<i>Section 10(1)</i> <ul style="list-style-type: none"> Up to \$134,989 or 3 years' imprisonment for individuals. Up to \$391,650 for corporations. 	<i>Section 13</i> <ul style="list-style-type: none"> Up to \$128,952 for individuals. Up to \$515,808 for corporations. 	<i>Section 11(1)</i> <ul style="list-style-type: none"> Up to \$140,000 or 3 years imprisonment Up to \$400,000 for corporations.
What are the penalties for using an unlicensed labour hire provider?	<i>Section 11(1)</i> <ul style="list-style-type: none"> Up to \$134,989 or 3 years' imprisonment for individuals. Up to \$391,650 for corporations. 	<i>Section 15</i> <ul style="list-style-type: none"> Up to \$128,952 for individuals. Up to \$515,808 for corporations. 	<i>Section 12</i> <ul style="list-style-type: none"> Up to \$140,000 or 3 years imprisonment Up to \$400,000 for corporations.
What are the reporting requirements?	<i>Section 31</i> The reporting period is every 6 months starting on the day the licence was granted and must be lodged within 28 days of the relevant date.	<i>Section 34</i> The reporting period is every 12 months from the date the licence was granted and must be lodged within 28 days of the relevant date.	<i>Section 20(2), (6)</i> The reporting period is every 12 months with reports to contain the prescribed information.