

Article Information

Authors: Ted Williams, Andrew MacGillivray
Service: Projects & Construction
Sector: Infrastructure

Introduction of the Labour Hire Licensing Requirements in Queensland

A follow-up to our earlier update on the changes to the Labour Hire Industry in Queensland.

Will this affect me and how?

Labour hire providers (**Providers**) will be required to hold a licence to provide labour hire services in Queensland.

To obtain a licence, an Applicant will need to be able to demonstrate that it is a “*fit and proper person*” to provide the services, and that its business is financially viable. A Provider who offers labour hire services without a licence is liable for a fine of up to \$126,044.60 or 3 years imprisonment (if an individual), or \$365,700 (if a corporation).

Who is a provider?

A person is a provider whether or not the:

- The worker is their employee;
- There is a contract between the worker and provider or between the provider and the person to whom the worker is supplied;
- The work is supplied by the provider directly or indirectly (eg. through an agent or intermediary); or
- The worker carried out work under the control of the provider, the person to whom the work is supplied or another.

A person is not a provider merely because it is a:

- Private employment agent under the *Private Employment Agent Act 2005*;
- Contractor carrying out construction work (under the security of payment legislation) and engages subcontractors to carry out work; or
- Person prescribed by the regulations.

A worker is a person who enters into an arrangement with a Provider, where the worker is supplied to do work for another party (the Provider user), and the Provider must pay the worker for that work.

The licence will impose a number of obligations on Providers, including complying with licence conditions, adhering to reporting requirement (including in relation to safety) and nominating an officer of the licence.

The licence may be suspended or cancelled in a number of circumstances. Contravention of a condition of a licence and no longer being a fit and proper person are grounds for cancellation of a licence.

How will this affect users of the Providers?

Entering into an arrangement with a non-licensed Provider or an arrangement to circumvent or avoid an obligation imposed by the Bill will attract the same maximum penalties as those imposed on non-licensed Providers.

Companies who contract with Providers will therefore need to be mindful to ensure that all Providers hold the relevant licence. The proposal is for all licensed Providers to be available on a public register, for companies to ensure compliance.