

South Australia

# Labour Hire Licensing Regulations 2018

under the *Labour Hire Licensing Act 2017*

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## Schedule 1—Fees

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### 1—Short title

These regulations may be cited as the *Labour Hire Licensing Regulations 2018*.

### 2—Commencement

These regulations will come into operation on the day on which the *Labour Hire Licensing Act 2017* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Labour Hire Licensing Act 2017*.

### 4—Fees

The fees specified in Schedule 1 are prescribed for the purposes of the Act.

### 5—Fit and proper person (section 10 of Act)

For the purposes of section 10(2)(a) and (3)(a) of the Act, the following offences are prescribed but only where the person has been found guilty or convicted of the offence within the preceding 10 years:

- (a) an offence against a provision of Part 5 of the *Criminal Law Consolidation Act 1935*;
- (b) an offence against a provision of Part 6B of the *Criminal Law Consolidation Act 1935*;
- (c) an offence against a provision of Part 7 of the *Criminal Law Consolidation Act 1935*;
- (d) an offence against a provision of the *Taxation Administration Act 1996*;
- (e) an offence against the law of—

- (i) the Commonwealth, another State or a Territory; or
- (ii) a place outside Australia,

that is substantially similar to an offence referred to in another paragraph of this subregulation.

## **6—Notification of certain changes in circumstances (section 21 of Act)**

- (1) For the purposes of section 21(2) of the Act, the following matters relating to a licence are prescribed:
  - (a) the name of—
    - (i) the holder of the licence; and
    - (ii) each responsible person for the licence; and
    - (iii) each business involved in the provision of labour hire services under the licence; and
    - (iv) in the case of a licence held by a body corporate—each director of the body corporate;
  - (b) the contact details of—
    - (i) the holder of the licence; and
    - (ii) each responsible person for the licence; and
    - (iii) each business involved in the provision of labour hire services under the licence;
  - (c) the ABN of each business involved in the provision of labour hire services under the licence;
  - (d) the relevant criminal history of—
    - (i) the holder of the licence; and
    - (ii) each responsible person for the licence; and
    - (iii) in the case of a licence held by a body corporate—each director of the body corporate;
  - (e) membership of a prescribed organisation by—
    - (i) the holder of the licence; and
    - (ii) each responsible person for the licence; and
    - (iii) in the case of a licence held by a body corporate—each director of the body corporate;
  - (f) close association with a person who is a member of a prescribed organisation or subject to a control order under the *Serious and Organised Crime (Control) Act 2008* by—
    - (i) the holder of the licence; and
    - (ii) each responsible person for the licence; and
    - (iii) in the case of a licence held by a body corporate—each director of the body corporate;

- (g) the solvency (within the meaning of the *Corporations Act 2001* of the Commonwealth) status of—
  - (i) the holder of the licence; and
  - (ii) in the case of a licence held by a body corporate—each director of the body corporate.

(2) In this regulation—

*close associate* has the same meaning as in section 10 of the Act;

*prescribed organisation* has the same meaning as in section 10 of the Act;

*relevant criminal history* means a finding of guilt or conviction for any offence of a kind prescribed in regulation 5.

### 7—Prescribed law (section 45 of Act)

For the purposes of section 45 of the Act, each corresponding law is prescribed.

### Schedule 1—Fees

1	Application for licence (section 15)	\$550 plus— (a) if the applicant for the licence is a natural person—\$220 (b) if the applicant for the licence is a body corporate—\$1200
2	Periodic fee (section 20(2)(a))	(a) if the holder of the licence is a natural person—\$220 (b) if the holder of the licence is a body corporate—\$1200
3	Application to change responsible person (section 28(2)(b))	\$120
4	On notice of substitute responsible person for limited period (section 29(3))	\$120

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council  
on 6 February 2018

No 28 of 2018

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