

South Australia

# Labour Hire Licensing Regulations 2018

under the *Labour Hire Licensing Act 2017*

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## Legislative history

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### 1—Short title

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

### 3—Interpretation

In these regulations, unless the contrary intention appears—

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

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

For the purposes of section 10(2)(a), (3)(a) and (4)(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.

### **5A—Prescribed requirements for the provision of information to labour hire workers**

- (1) For the purposes of section 18(1)(a) of the Act, a person who provides labour hire services must provide the information determined by the Commissioner to each individual who is a labour hire worker for the person—
  - (a) at the time that the individual becomes a labour hire worker for the person; and
  - (b) in respect of each supply of the labour hire worker to a host to undertake work, before the worker commences the work.
- (2) Information determined by the Commissioner for the purposes of subregulation (1) may vary according to the circumstances to which it is expressed to apply.

### **5B—Periodic fee and report**

- (1) For the purposes of section 20(2) of the Act, the fee must be paid and the report lodged each year following the grant of the licence on or before the last day of the month that is the same month as the month in which the licence was granted.
- (2) For the purposes of the definition of *reporting period* in section 20(6) of the Act, the reporting periods for a licence are—
  - (a) the period from the grant of the licence up to and including the last day of the month that precedes the month in which the first report is due under subregulation (1); and
  - (b) each subsequent period of 12 months.

### **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.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2018	28	<i>Gazette 6.2.2018 p656</i>	1.3.2018: r 2
2018	153	<i>Gazette 21.6.2018 p2419</i>	1.7.2018: r 2
2019	93	<i>Gazette 13.6.2019 p1914</i>	1.7.2019: r 2
2020	109	<i>Gazette 4.6.2020 p2925</i>	1.7.2020: r 2
<b>2020</b>	<b>236</b>	<b><i>Gazette 16.7.2020 p3829</i></b>	<b>20.7.2020: r 2</b>

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2018</i>
<i>r 4</i>	<i>deleted by 109/2020 r 4</i>	<i>1.7.2020</i>
<b>r 5</b>	<b>varied by 236/2020 r 4</b>	<b>20.7.2020</b>
<b>rr 5A and 5B</b>	<b>inserted by 236/2020 r 5</b>	<b>20.7.2020</b>
<i>Sch 1</i>	<i>substituted by 153/2018 r 4</i>	<i>1.7.2018</i>
	<i>substituted by 93/2019 r 4</i>	<i>1.7.2019</i>
	<i>deleted by 109/2020 r 5</i>	<i>1.7.2020</i>

### Historical versions

1.7.2018

1.7.2019

1.7.2020 (electronic only)