



# Analysis of the Labour Hire Licencing Laws - Queensland Government



National Vegetable  
Extension Network

SOUTHERN QUEENSLAND

## How this may affect growers

In round table discussions across Queensland Industrial Relations Minister, The Hon Grace Grace, discussed how the proposed new Labour Hire Licencing Act would affect the Horticulture Industry in Queensland.

The Act has been developed to regulate the labour hire industry in Queensland. It applies to all industries and professions within Queensland, but has largely arisen out of the abuses within the Horticulture Industry.

## Who Does It Apply To?

The Act requires all persons providing labour hire services to register as a labour hirer.

## What Happens If You Don't Comply?

If a Grower uses a labour hire provider who is not registered the Grower faces a penalty of \$378,450 for a company and \$130,439.10 for an individual for each breach.

A person or company that provides labour hire without being licenced is exposed to the same penalty amount.

**Under the Act, a Grower could be classed as a labour hire provider.**

Labour hire businesses include:

1. the traditional understanding of a labour hire business (ie a business employing employees and providing those employees to work on a farm)
2. labour hire arrangements between a corporate group (ie one company employs all staff and hires those employees out to a related company that might own the land)
3. non-traditional labour hire arrangements where a grower might own land in one company (that might be the grower's super fund) and employs staff in another company (the business entity company)
4. traditional hostel/labour hire businesses (ie where backpackers live in a hostel and are employed by that hostel and are hired out to a farm)
5. non-traditional hostel arrangements (ie where backpackers who live in the hostel are simply driven to the farm of their choice to perform work and picked up at the end of the day in exchange for a transport fee)

# Actions to be taken now.

## When Do You Need to Comply By?

The legislation has been passed in Parliament but the commencement date is the 16th April 2018. When it does start, if you think you are a labour hire provider then you have 60 days to register. For more details refer to :  
[www.treasury.qld.gov.au/fair-and-safe-work/industrial-relations/regulation-labour-hire-industry/](http://www.treasury.qld.gov.au/fair-and-safe-work/industrial-relations/regulation-labour-hire-industry/)

## What DO you need to show to get a Licence?

Applications / grants (Licences) can be obtain via the Queensland Governemnt website.

Doucmentation that is required to complete an application can be found within the Act under Part 3 - Licences, Division 1 - Application and grant, section 13 - Application

## What Do I Need To Do Now !

You should have a formal labour hire agreement between your business and the labour hire business you use already.

You should also be regularly checking your labour hire provider is complying with the Fair Work Act, the Superannuation Guarantee Legislation and Work Health and Safety Act.

If you as a grower have a multi-level corporate structure you will need to apply to register as a labour hire provider within 60 days of the legislation being enacted.

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## Any Questions?

If you have any further questions regarding this issue please contact.

Your local Vegnet Industry Development Officer

or your own legal representative or accountant.



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Material utilised in this information sheet was sourced from MRH lawyers Bundaberg dated 20th September 2017 and also the Media release dated 13th September 2017 from Minster for Employment and Industrial Relations, Minister fro Racing and Minister for Multicultural Affiars The Honourable Grace Grace.