



Victoria's Labour Hire Licensing Scheme effective on 29 April 2019

Dear Member,

Victoria's Labour Hire Licensing Scheme will commence on **29 April 2019**. The scheme is a result of the Government's response to the [Victorian Labour Hire Industry and Insecure Work Inquiry](#) conducted in 2016.

What does this mean?

Under the new scheme, providers of Labour Hire services will be required to hold a licence. Those companies who use Labour Hire workers will only be allowed to use licensed providers.

Who is a labour hire worker?

Labour hire workers are individuals who are employed by labour hire providers who then supply these workers to 'host' businesses.

As an example, this may include a situation where Production staff, such as crew, are asked to carry out work on a Production for a Production company (host company) who is not their employer. The crew are employed by a labour hire company. During the period that work is carried out, the crew carry out the work at the host company's premises or a premise that the host company is a resident of e.g. a Theatre. Once the work is carried out, the Production company (host company) pays the Labour hire company for the crews' services. Subsequently, the labour hire company pay their crew employees for the work undertaken for the host company.

What are the requirements for a licence?

In order to obtain a licence, providers must pass a ['fit and proper person test' and declare compliance with workplace laws, labour hire laws and minimum accommodation standards](#).

This includes compliance with the following laws:

- (i) *Occupational Health and Safety Act 2004*
- (ii) *Workplace Injury Rehabilitation and Compensation Act 2013*
- (iii) *Equal Opportunity Act 2010*
- (iv) *Long Service Leave Act 1992*
- (v) *Child Employment Act 2003*
- (vi) *Owner Drivers and Forestry Contractors Act 2005*
- (vii) *Outworkers (Improved Protection) Act 2003*
- (viii) *Public Holidays Act 1993*
- (ix) *Construction Industry Long Service Leave Act 1997*
- (x) *Payroll Tax Act 2007*
- (xi) *Fair Work Act 2009 (Cth)* and the *Fair Work (Registered Organisations) Act 2009 (Cth)*
- (xii) *Independent Contractors Act 2006 (Cth)*

- (xiii) *Safety, Rehabilitation and Compensation Act 1988* (Cth)
- (xiv) *Superannuation Guarantee (Administration) Act 1992* (Cth).

How long will I have to apply for a licence?

Once the scheme commences, providers will have until **29 October 2019** (six months) to create an account online and then apply for a licence. For further information, please click [here](#).

What will happen if I do not comply with the new scheme?

If you provide labour hire services and you fail to apply for a licence within the six-month transition period from 29 April 2019 to 30 October 2019, then from 30 October, you will be prohibited from providing these services.

Labour Hire providers can face significant fines up to \$120,000 if they are a person and more than \$500,000 if they are a company for providing labour hire services without a licence.

In addition, host companies who use unlicensed providers could also face fines of up to \$120,000 if they are a person and over \$500,000 if they are a company.

Who will oversee this scheme?

The Victorian Labour Hire Authority was established in 2018 and is responsible for implementing and monitoring the scheme.

The Authority will have a team of Inspectors who will ensure compliance and enforce the licensing system. Inspectors will have a wide range of powers to ensure compliance including the power to enter and search premises as well as examine and take anything suspected of being connected with a possible contravention.

For further information and resources, please click [here](#).

Please click [here](#) for the *Labour Hire Licensing Act 2018*

Please click [here](#) for the *Labour Hire Licensing Regulations 2018*

For further information: Please contact **Claire Seremetis**, Workplace Relations Advisor on (03) 8614 2000 or via [email](#).



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