

## Legislative Council—Bill No 240

Amendments to be moved by Minister for Employment [2]

Filed 1.11.17

South Australia

### Labour Hire Licensing Bill 2017

#### Amendment No 1 [~~Employment-2~~]

Clause 2, page 3, line 7—

Delete "a day to be fixed by proclamation" and substitute:

1 March 2018

#### Amendment No 2 [~~Employment-2~~]

Clause 6, page 5, lines 35 to 36 [clause 6(1)]—

Delete subclause (1) and substitute:

- (1) A person provides *labour hire services* if, in the course of conducting a business, the person supplies, to another person, a worker to do work in a business or commercial undertaking of the other person.
- (1a) The regulations may prescribe circumstances in which a person does not, despite subsection (1), provide labour hire services for the purposes of this Act.

#### Amendment No 3 [~~Employment-2~~]

Clause 9, page 7, lines 7 to 9 [clause 9(1)(e)]—

Delete paragraph (e) and substitute:

- (e) in the case of a natural person—
  - (i) whether the person has sufficient business knowledge, experience and skills for the purpose of properly carrying on business under the licence; and
  - (ii) whether the person has previously been the director of a body corporate that has previously held a licence under this Act or a corresponding law and whether such a licence was suspended or cancelled;

#### Amendment No 4 [~~Employment-2~~]

Clause 14, page 10, line 31 [clause 14(4)(a)]—

After "cancelled" insert:

under section 21

**Amendment No 5 [Employment-2]—**

Clause 26, page 17, lines 19 to 21 [clause 26(2)]—

Delete subclause (2) and substitute:

- (2) An application under subsection (1) must be accompanied by—
  - (a) the information required by the Commissioner to determine the application;  
and
  - (b) the prescribed fee.

**Amendment No 6 [Employment-2]—**

Clause 27, page 17, line 34 [clause 27(2)]—

After "appointment of a person under subsection (1)" insert:

(but in any case within 7 days)

**Amendment No 7 [Employment-2]—**

Clause 27, page 17, after line 36—

After subclause (2) insert:

- (2a) The holder of a licence must, on providing notice to the Commissioner under subsection (2), pay to the Commissioner the prescribed fee.

**Amendment No 8 [Employment-2]—**

Clause 27, page 17, lines 37 to 38 [clause 27(3)]—

Delete subsection (3) and substitute:

- (3) The Commissioner may cancel the appointment of a person under subsection (1) if satisfied that—
  - (a) the person is not a fit and proper person to be a responsible person; or
  - (b) the licence holder has failed to pay the fee under subsection (2a) in accordance with that subsection.

**Amendment No 9 [Employment-2]—**

Clause 28, page 18, line 20 [clause 28(1)(c)]—

After "27" insert:

or 27A