

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**

- (1) For the purposes of section 10(2)(a) of the Act, the following offences are prescribed:
  - (a) an offence against a provision of Part 5 of the *Criminal Law Consolidation Act 1935* committed within the preceding 10 years;
  - (b) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia committed within the preceding 10 years.
- (2) For the purposes of section 10(3)(a) of the Act, the following offences are prescribed:
  - (a) an offence against a provision of Part 5 of the *Criminal Law Consolidation Act 1935* committed within the preceding 10 years;
  - (b) an offence against a provision of Part 6B of the *Criminal Law Consolidation Act 1935* committed within the preceding 10 years;

- (c) an offence against a provision of Part 7 of the *Criminal Law Consolidation Act 1935* committed within the preceding 10 years;
- (d) an offence against a provision of the *Taxation Administration Act 1996* committed within the preceding 10 years;
- (e) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia committed within the preceding 10 years.

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

- (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 criminal history (including findings of guilt where no conviction is recorded) 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.

### 7—Prescribed law—section 45

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

### Schedule 1—Fees

1	Application for licence (section 15)	\$550
2	Periodic fee (section 20(2)(a)):	
	(a) for the holder of a licence that is a natural person	\$220
	(b) for the holder of a licence that 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

No            of 2018