

## LEGISLATIVE COUNCIL

## LABOUR HIRE LEGISLATION AMENDMENT (LICENSING) BILL 2025

(Amendments and New Clauses to be proposed in Committee by RICHARD WELCH)

## NEW CLAUSE

1. Insert the following New Clause to follow clause 3—

**'3A New section 3A inserted**

After section 3 of the **Labour Hire Licensing Act 2018** insert—

**"3A Interpretation—subcontracting**

To avoid doubt, nothing in this Act is intended to apply to a genuine subcontracting arrangement the character of which is not the supply of labour or the placement of a person to perform labour.".

## NEW CLAUSE

2. Insert the following New Clause before clause 4—

**'3B New section 3B inserted**

Before section 4 of the **Labour Hire Licensing Act 2018** insert—

**"3B Authorised administrative users**

A nominated officer of a licence holder may authorise a person employed or engaged by the licence holder to submit forms and documents to the Authority on behalf of the licence holder.".

3. Clause 4, omit this clause.
4. Clause 5, omit this clause.
5. Clause 6, omit this clause.
6. Clause 9, omit this clause.
7. Clause 10, lines 5 to 34, omit all words and expressions on these lines and insert—

"(1) A person is not a fit and proper person if—

- (a) the person has (within the preceding 10 years) engaged in, directed, encouraged or materially benefited from intimidation, coercion, extortion or other unlawful conduct carried out in connection with obtaining, supplying or controlling labour in the construction, contracting or labour hire sectors; or
- (b) the person has (within the preceding 10 years) been the subject of an adverse finding by—

- (i) a court, regulator or law enforcement agency; or
  - (ii) an anti-corruption authority or taskforce; or
  - (iii) the Australian Building and Construction Commission; or
  - (iv) Fair Work Australia or the Fair Work Ombudsman; or
  - (v) a royal commission—
- that relates to—
- (vii) intimidation, coercion, violence, corruption, or unlawful industrial conduct; or
  - (viii) criminal infiltration of the construction, contracting or labour hire sector; or
- (c) the person—
- (i) acts under the direction of or is significantly influenced by; or
  - (ii) has (within the preceding 3 years) received payments, goods, services or other benefits from—
- another person who or body that—
- (iii) operates in the construction, contracting, civil works or labour hire sectors; and
  - (iv) has a history of engaging in intimidation, coercion, extortion or other unlawful conduct; or
- (d) the person has (within the preceding 10 years) acted in concert with, or for the benefit of, a person who or body that—
- (i) is operating in the construction, contracting or labour-hire sectors; and
  - (ii) has been publicly identified by a law enforcement agency as being associated with coercion, extortion, serious violence, unlawful industrial conduct or other unlawful activity; or
- (e) the person or a body corporate of which the person was an officer has (within the preceding 10 years)—
- (i) been found by a court, tribunal or regulator to have contravened a workplace law, a labour hire industry law or a minimum accommodation standard; or
  - (ii) been entered into an enforceable undertaking (however described) in respect of an alleged contravention of a workplace law, a labour hire industry law or a minimum accommodation standard; or
- (f) the person is a member or an affiliate of a Part 5C organisation.
- (2) For the purposes of subsection (1), the Authority may have regard to—
- (a) findings, intelligence assessments or public statements of—
    - (i) Victoria Police; or

- (ii) the Australian Criminal Intelligence Commission; or
- (iii) a prescribed law-enforcement body; and

(b) any other matter that the Authority considers relevant."

8. Clause 10, page 9, lines 1 to 32, omit all words and expressions on these lines.
9. Clause 10, page 10, lines 1 to 7, omit all words and expressions on these lines.
10. Clause 11, lines 24 to 26, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".
11. Clause 11, after line 28 insert—
 

"(1AA) In addition, an application must also include a declaration that the applicant undertakes to take all reasonable steps and precautions to ensure that any individual supplied for labour is of good character and not a member or an affiliate of a Part 5C organisation within the meaning of the **Criminal Organisations Control Act 2012**".
12. Clause 12, lines 6 and 7, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".
13. Clause 14, lines 21 and 22, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".
14. Clause 16, lines 13 to 16, omit all words and expressions on these lines.
15. Clause 17, lines 27 and 28, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".
16. Clause 18, lines 5 and 6, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".
17. Clause 19, lines 13 and 14, omit "has complied, is complying and will continue to comply" and insert "has not in the previous 5 years materially failed to comply, is complying and has systems in place to support continued compliance".
18. Clause 20, page 16, lines 4 and 5, omit ", or is considering whether to exercise,".

#### NEW CLAUSE

19. Insert the following New Clause to follow clause 28—

#### **'28A Review of Act**

After section 113(3) of the **Labour Hire Licensing Act 2018** insert—

"(4) The Minister must review the operation of the amendments made by the **Labour Hire Legislation Amendment (Licensing) Act 2025** to

determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

- (5) The review is to be undertaken as soon as possible after the period of 2 years after the day on which **Labour Hire Legislation Amendment (Licensing) Act 2025** receives the Royal Assent.
- (6) The Minister must cause a report on the outcome of the review to be laid before each House of Parliament as soon as practicable after the review is completed.".'.