

# Application guide for Queensland labour hire licence

This guide helps you to prepare your online application for a Queensland labour hire licence. It does not form part of your application.

The Labour Hire Licensing Queensland website (the website) provides all the necessary information on the application process under the *Labour Hire Licensing Act 2017*.

## Register for an online account

To apply for a licence, you will need to register for an online account through the Labour Hire Licensing Queensland portal (the portal).

To create an online account you must be the applicant or an authorised administrative user. For an authorised administrative user, a signed copy of *Form 1 – Authorisation of administrative user* must be retained and produced if required by the Office of Industrial Relations.

## Your businesses profile

You will need to create a profile for the labour hire business you represent. You will be able to access the portal at any time to view your profile, application, licence and payments. The portal will also provide updates on the status of your licence application and if you are granted a licence, a copy of the licence.

The portal is your one-stop-shop for making an application, notifying changes of circumstances, submitting six-monthly reports and annual licence renewal.

You must also report a change in circumstance within 14 days of the change occurring. A change in circumstance includes:

- a change to answers on a fit and proper person test
- a change to your name, business name or contact details
- beginning to provide accommodation or supplying workers who hold visas.

The website provides further details about changes that must be reported.

## Completing your licence application

The application process involves eight steps to collect information that relates to your:

1. entity type
2. business
3. people
4. fit and proper test
5. financial viability
6. compliance
7. work health and safety
8. application fee.

The application can be saved and reviewed prior to submission.

Review these documents before completing your application:

- *Form 1 – Authorisation of administrative user*
- *Form 4 – Fit and proper person declaration.*

Copies of these documents can be found on the website.

Please note: If you disclose any information relating to your history of compliance the Chief Executive may request further information from you to assist in deciding whether to grant you a licence.

You will also need to review information that applicants who are individuals and executive officers of corporations need to provide at application (see page 5 of this guide).

For further assistance in making your application please phone 1300 576 088.

# Application checklist

This checklist will step you through the information requirements for completing the application process.

## 1 & 2. Entity and contacts

Item	Information required	Tick
Entity type	An application for a labour hire licence can be made by four different types of entities. The ABN that you entered at the registration stage will determine if the application is for a: <ul style="list-style-type: none"> <li>• sole trader</li> <li>• partnership</li> <li>• corporation</li> <li>• other (the business trades through any other entity. Examples include discretionary or fixed trusts, incorporated or unincorporated associations, co-operatives, funds and schemes).</li> </ul>	<input type="checkbox"/>
ABN	Your ABN can be found on letters sent to you by the Australian Government's Australian business register (ABR). Your ABN can also be found by searching the name you registered your business under at <a href="http://abr.business.gov.au">abr.business.gov.au</a> .	<input type="checkbox"/>
Entity name	The entity name you record in your application must match the name that appears on the ABR.	<input type="checkbox"/>
Primary trading name/ business name	This is the primary trading or business name of the entity you wish to licence.	<input type="checkbox"/>
Other licences	You will be asked to identify if the business has been granted a licence or accreditation. These licences and accreditations include: <ul style="list-style-type: none"> <li>• Cleaning Accountability Framework (CAF)</li> <li>• iSafe Licence – Association of Professional Staffing Companies Australia (APSCO)</li> <li>• Legal Practitioner (Queensland Practising Certificate)</li> <li>• Qassure – Industry Accreditation for ICT Suppliers</li> <li>• Queensland Building and Construction Industry (QBCC) Licence – Category 1-7 (\$600,001 + revenue)</li> <li>• StaffSure Accreditation – Recruitment &amp; Consultant Services Association (RCSA)</li> <li>• Registered Training Organisation (RTO)</li> <li>• South Australian Labour Hire Licence</li> <li>• Victorian Labour Hire Licence.</li> </ul> These licences and accreditations may be considered in assessing your fitness and propriety, financial viability or compliance with relevant laws.	<input type="checkbox"/>
Contacts (email)	The email address you record in your application should be your business email address and will be the primary method of communication.	<input type="checkbox"/>
Contacts (telephone/mobile)	Your application must include at least one telephone contact number. Your business must be reasonably available by this number.	<input type="checkbox"/>
Contacts (business address)	The business address you include in your application should be the address you operate your business from and must be a physical address (not a PO Box). This address is recorded on the publicly available register of licences.	<input type="checkbox"/>
Contacts (postal address)	You can also include a postal address in your application if you would like to receive letters and notices from the Labour Hire Licensing Compliance Unit. This can be different from your business address and can be a PO Box.	<input type="checkbox"/>

## 3. Business

Item	Information required	Tick
Services provided (accommodation)	If your business provides accommodation to workers you supply, you will need to declare and report on the provision of that accommodation and any fees charged. You are also required to declare if you are aware that accommodation is provided to workers you supply.	<input type="checkbox"/>
Services provided (meals)	If your business provides meals to workers as part of their employment with your business, you will need to declare the provision of meals. You will also need to declare if you charge workers a fee for meals.	<input type="checkbox"/>
Services provided (transport)	If your business provides transport services (e.g. transporting workers to and from work during work hours) you will need to declare the provision of transport and any fees charged.	<input type="checkbox"/>
Services provided (job finding services)	If your business provides job finding services to workers you supply, you will need to declare this. You will also need to declare if you charge the worker a fee for this service.	<input type="checkbox"/>
Services provided (other services)	If your business provides any other services to workers you supply, you will need to declare this service. Other services include: <ul style="list-style-type: none"> <li>• assistance with visa or immigration queries or applications</li> <li>• any training your workers may require</li> <li>• booking medical examinations and work-related drug and/or alcohol testing.</li> </ul> You must also declare if you charge a fee for these services.	<input type="checkbox"/>

Item	Information required	Tick
Industries	You will need to select the relevant industry for each client business to which you supply workers, rather than what the worker does. If you provide workers for more than one industry, you must select all industries that apply.	<input type="checkbox"/>
Locations	You will need to select the locations your workers currently work in by selecting a town, city (local government authority) or region.	<input type="checkbox"/>

#### 4. People

Item	Information required	Tick
Applicants, executive officers and nominated officers	You will need to state the name of each applicant as their name appears on official documents (e.g. driver licence). Include the middle name(s) of each individual.	<input type="checkbox"/>
	For partnerships, the name of each partner must be named. For companies, the full company name as registered with Australian Securities and Investments Commission (ASIC) must be used. For trusts or other unincorporated entities, name each trustee or member involved. You will be contacted to provide your Deed of Trust after your application is lodged.	<input type="checkbox"/>
	Include the full names and contact details of proposed nominated officers. You may have more than one if you wish. An applicant can also be a nominated officer.	<input type="checkbox"/>
	If your application relates to a corporation, include the full names of each executive officer. The definition of executive officer is broad and includes the directors or members of a corporation's governing body.	<input type="checkbox"/>
	Provide your date of birth if you are an applicant who is an individual.	<input type="checkbox"/>

#### 5. Fit and proper

Item	Information required	Tick
Fit and proper test	<p>You must ensure that each applicant, nominated officer and executive officer (if applicable) complete a copy of the <i>Form 4 – Fit and proper person declaration</i>.</p> <p>The granting of a labour hire licence is dependent on the determination of each applicant, nominated officer and executive officer (if applicable) as a fit and proper person to provide labour hire services. This is decided by the Chief Executive based on the information you provide.</p> <p>The <i>Fit and proper person declaration</i> provides further guidance about the information needed to complete the fit and proper person component of the application.</p> <p>Please note that when you are completing the fit and proper person test in the online application, if one paper declaration has a 'no' answer you must answer 'no' for that question on the online application. Once each paper declaration is completed it may be useful to collate them before answering the fit and proper questions in the online application.</p> <p>If you disclose any information that fails a question on the fit and proper person test the Chief Executive may request further information from you to assist in deciding whether to grant you a licence. After receiving this information the Chief Executive may decide to grant the licence, including granting with conditions.</p>	<input type="checkbox"/>

#### 6. Financial viability

Item	Information required	Tick
Financial viability	To demonstrate the financial viability of your labour hire business, you will be required to nominate six documents (at least four must be from the primary documents list).	<input type="checkbox"/>
	Labour hire businesses that have been operating for less than 12 months will be required to nominate different documents as they might not have an established history of trading.	
	The website provides a detailed list of the financial documents for both existing and new businesses. You must be able to provide copies of the documents you mention in this application if asked by the Office of Industrial Relations.	
	You must declare if the applicant (including nominated officers and executive officers if applicable) operated another labour hire business within the five years before this application.	<input type="checkbox"/>
	If the applicant is a corporation you must provide information about whether a related body corporate has executed a deed of company arrangements, been the subject of a winding up, or been the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the <i>Corporations Act 2001</i> (Cth).	<input type="checkbox"/>
	If the applicant is an individual you must disclose if a close associate has been an insolvent under the <i>Corporations Act 2001</i> (Cth).	<input type="checkbox"/>

## 7. Compliance

Item	Information required	Tick
Compliance	During the application you will be asked to declare if the applicant (including executive officers and nominated officers where applicable) have complied with specific relevant laws. These questions will require information about:	
	<ul style="list-style-type: none"> <li>being convicted of an offence, subject to an enforceable undertaking, or issued a compliance or infringement notice under the <i>Fair Work Act 2009</i> (Cth) in the last five years</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>being convicted of an offence or issued an infringement notice under the <i>Migration Act 1958</i> (Cth) in the last five years</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if an applicant, executive officer or nominated officer holds a visa</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if workers who have a visa are supplied by the business, the type of visa and the number of workers supplied</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if the applicant is an approved employer for the seasonal worker program</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if an applicant, executive officer or nominated officer has been convicted of an offence against an anti-discrimination law</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if an applicant, executive officer or nominated officer has been the subject of a complaint alleging sexual harassment under an anti-discrimination law</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>payments for long service leave under the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> (Qld) or <i>Contract Cleaning Industry (Portable Long Service Leave) Act 2005</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>conviction of an offence against:               <ul style="list-style-type: none"> <li><i>Fire and Emergency Services Act 2009</i> (Qld)</li> <li><i>Residential Tenancies and Rooming Accommodation Act 2008</i> (Qld)</li> <li><i>Residential Services (Accreditation) Act 2002</i> (Qld)</li> <li>any law or by-law of a local council in relation to accommodation</li> <li>corresponding state, territory or Commonwealth laws</li> </ul> </li> </ul>	<input type="checkbox"/>
	If you provide visa workers you may be requested to provide further information after you submit your application. There is also a list of information requirements that applicants who are individuals and executive officers of corporations must disclose when completing this section of the application. This can be found on page 5 of this guide. If you have multiple applicants or executive officers circulate this list to the relevant people before starting your application.	<input type="checkbox"/>

## 8. Compliance with work health and safety

Item	Information required	Tick
Compliance with work health and safety	You will need to disclose in your application information about how well you comply with the safety laws that relate to the parts of the labour hire industry that you operate in. The application asks for information on the following laws:	
	<ul style="list-style-type: none"> <li><i>Work Health and Safety Act 2011</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Electrical Safety Act 2002</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Safety in Recreational Water Activities Act 2011</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Coal Mining Safety and Health Act 1999</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Explosives Act 1999</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Heavy Vehicle National Law Act 2012</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Mining and Quarrying Safety and Health Act 1999</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Radiation Safety Act 1999</i> (Qld)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li><i>Maritime Safety Act 2013</i> (Cth)</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>corresponding state, territory or Commonwealth laws</li> </ul>	<input type="checkbox"/>
	You must also declare:	
	<ul style="list-style-type: none"> <li>if any applicant has been convicted of any offence, or has been subject to any enforceable undertakings under the safety laws in the last five years</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if the applicant has been issued a provisional improvement notice (PIN) by a health and safety representative</li> </ul>	<input type="checkbox"/>

Item	Information required	Tick
	<ul style="list-style-type: none"> <li>if any applicant has been convicted of an offence against workers' compensation laws. You will also be required to indicate what type of workers' compensation insurance policy you have and what your policy number is.</li> </ul>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>if your workplace has a work health and safety committee.</li> </ul>	<input type="checkbox"/>
	There is a list of information requirements at the end of this document that applicants who are individuals and executive officers of corporation must disclose when completing this section of the application. If you have multiple applicants or executive officers circulate this information to the relevant people before starting your application.	

## 9. Application fee

Item	Information required	Tick
Application fee	<p>An application fee needs to be paid at the time of lodging your application by either a Visa or MasterCard.</p> <p>The application fee is dependent on:</p> <ul style="list-style-type: none"> <li>your business' total amount of wages paid in Queensland for the previous financial year (for businesses operating 12 months or more)</li> <li>your business' projected/estimated wages payable in Queensland for the first 12 months of operation (for businesses operating less than 12 months)</li> </ul> <p>The fee that applies is based on the following levels of wage/salary expense (as of 1 July 2020):</p> <p><b>\$1,040 — for wage/salary expenses less than \$1.5 million expense</b></p> <p><b>\$3,121 — for wage/salary expenses from \$1.5 million to less than \$5 million expense</b></p> <p><b>\$5,200 — for wage/salary expenses of \$5 million or more.</b></p>	<input type="checkbox"/>

## Additional information

### Requests for further information

You may be required to provide additional further information so that the Chief Executive is better informed to make a decision on your licence.

### User authorisation

You can be an administrative user for the applicant. This means you will be authorised to access and amend the information for the applicant when required. If you wish to authorise another person you will need to print and complete *Form 1 - Authorisation of administrative user*. You will need to retain this form and provide to the Chief Executive if requested.

You are also able to authorise other people to have 'view-only' access to the applicant's information. This person will be a general user. You might like to consider doing this for your nominated officers.

### Information that applicants who are individuals and executive officers of corporations need to provide at application

An applicant who is an individual or an executive officer of a corporation needs to declare additional information for a related person.

If the applicant is an individual the related person is a corporation of which that person is, or has been, an executive officer previously.

For executive officers of a corporation who are applying for a licence, the related person is any other corporation that they are, or have previously been an executive officer of.

The below information is required:

- In the past five years has a related person been convicted of an offence under a relevant law (see relevant laws)?
- In the past five years has a related person been convicted of, or issued an infringement notice under, the *Migration Act 1958* (Cth)?
- In the past five years has a related person been convicted of an offence, or issued an infringement notice, under the *Fair Work Act 2009* (Cth)?
- In the past five years has a related person been convicted of an offence against the safety laws (see website for list of safety laws)?
- In the past five years has a related person had a work health and safety undertaking accepted under the *Work Health and Safety Act 2011* (or an undertaking under a similar law of another state or the Commonwealth)?