

Labour Hire Licensing Act 2017

# When a licence is required

## Examples

Occupation	YES, Licence required ✓	NO, Licence not required ✗
Nursing	<p>A hospital phones a nursing temp agency and asks for 5 nurses to work for 2 weeks. The temp agency pays the nurses' wages and invoices the hospital.</p> <p>These nurses are working as part of the hospital staff but are being paid (in part or in full) by the agency. Therefore the agency is providing a labour hire service and would need to be licensed.</p>	<p>A business asks a corporate health service to provide flu vaccinations to their staff. The corporate health service sends a nurse for 2 days to provide the service and continues to pay the nurses wages. When all the required staff have been vaccinated the health service invoices the business.</p> <p>The corporate health service is not a labour hire provider as the nurses are working under their direction and are providing a vaccination service to this business.</p>
Fruit pickers	<p>A fruit grower needs 30 fruit pickers for the next 4 months. The grower contacts a recruitment agency who selects 30 suitable people from the database. The grower will pay the recruitment agency. The fruit pickers' wages and part of their accommodation will be paid by the recruitment agency.</p> <p>A Labour Hire Licence is required in this instance as the recruitment agency is in the business of sourcing workers and not in the specific business of fruit picking. In addition, the recruitment agency are responsible for payment of the worker's wages and part of their accommodation.</p>	<p>A grower contacts a recruitment agency to find 2 additional fruit pickers. The agency refers 2 pickers. The grower pays the agency for finding the pickers, however the grower pays the pickers their wages.</p> <p>The recruitment agency is paid for their services, but the ongoing relationship between the grower and pickers is business to employee. The agency is no longer involved.</p> <p>OR</p> <p>The grower contacts a company, which is in the business of picking, and requests that all his grapes are picked by the end of March. It becomes the responsibility of that company to organise and pay their employees to ensure the grapes are picked by the end of March for the grower.</p> <p>The grower pays the company for providing the service. This is a business to business relationship.</p>
Auditor/ Accountant	<p>In preparing for the busy tax period, an accounting firm contacts a recruitment agency that has a database of specialist tax agents and accountants. The recruitment agency provides 3 tax agents to work full-time at the accounting firm for 4 months. The tax agents' wages are paid by the recruiting agency.</p>	<p>A senior auditor at an accounting firm is requested by name to audit the financial records of a hotel each year.</p> <p>OR</p> <p>An accounting firm is engaged by a business to audit and complete a financial assessment of their operations.</p> <p>The firm is providing a service to the business and is not a labour hire provider.</p>

<p>Building industry</p>	<p>A construction company needs a plumber to work full-time for 6 months on new apartments being built. The construction company contacts a plumbing business. The business agrees to provide a plumber who will continue to be paid by the plumbing business, and the business will invoice the construction company.</p> <p>The construction company has engaged someone through the plumbing business who is working in and as part of the construction company's business, while still being employed and paid by the plumbing business providing them.</p>	<p>A construction company asks a plumbing business to assess and complete plumbing work on one of their building sites. They send a plumber who does the assessment and the plumbing business, provides a report to the construction company. The plumbing company, using its plumbers, is subsequently engaged to perform the work.</p> <p>The construction company has engaged another business for a service; initially to assess and subsequently to perform the work.</p>
<p>Translator</p>	<p>Ming's translating business needs someone who can provide translation services for 6 weeks while a staff member is on holiday. They contact Joe's translating business to ask for assistance. A staff member from Joe's translating business is sent to Ming's translating business for 6 weeks. The worker continues to be paid by Joe. Ming pays Joe for providing him a translator.</p> <p>Joe has provided Ming with a labour hire service and needs to be licenced.</p>	<p>You have a meeting coming up with a non-English speaking client. You contact a translation business and book an interpreter to provide a translation service for the 2 hour meeting.</p>
<p>First aid officer</p>	<p>A first aid officer at a swimming pool has broken his leg and will be off work for a month. The swim centre calls a temp agency and asks for someone to start the following day. The temp agency pays the first aid officer's wage and invoices the aquatic centre.</p>	<p>The organiser of an athletics carnival arranges for a team of first aid officers to work at the event. The organiser contacts a company to discuss requirements for the carnival. The company recommends 4 first aid officers for the carnival and the organiser agrees to this.</p> <p>The company is providing a first aid service to the carnival.</p>
<p>IT professional</p>	<p>A large retailer contacts an IT recruitment agency, requesting full-time IT support for a big project. An IT consultant is provided to the retailer for 6 months. The consultant is paid by the recruitment agency and the retailer pays the recruitment agency directly.</p> <p>These IT consultants are part of the retailer's work force for the 6 month contract and therefore the recruitment agency would need to be licensed.</p>	<p>A law firm contacts an IT company about setting up their IT systems. After several discussions, the IT company is contracted to set up the law firms systems. The IT company uses its own IT consultants for 2 weeks. The IT company invoices the law firm at the conclusion of the work.</p> <p>These IT consultants are providing a specific service to the law firm under the direction of the IT company, as IT company employees.</p>

### For further information

Contact Consumer and Business Services

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