



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

Labour Hire Licensing Regulations 2018

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Labour Hire Licensing Regulations 2018 (the proposed Regulations).

The reason for the proposed Regulations, to be made under the **Labour Hire Licensing Act 2018** (the Act), is to prescribe certain matters necessary for the effective implementation and operation of the Act.

The objectives to be achieved as stated in the RIS include a minimisation of regulatory burden in certain circumstances and the protection of workers from exploitation.

The objectives as stated in the proposed Regulations are to:

- (a) prescribe persons who are not workers for the purposes of the Act;
- (b) prescribe the circumstances in which an individual is taken to perform work as part of a business or undertaking;
- (c) prescribe the circumstances in which a business or undertaking is taken to be a business or undertaking of a host;
- (d) prescribe requirements for an application and renewal of a labour hire service licence;
- (e) prescribe the application, renewal and annual fees for a labour hire licence;
- (f) prescribe conditions of a labour hire licence;
- (g) prescribe requirements for a holder of a labour hire licence;
- (h) prescribe the form of a notice to comply and an embargo notice;
- (i) prescribe infringement offences and infringement penalties for those offences;
- (j) prescribe laws and schemes which may be relied upon by the Labour Hire Licensing Authority; and
- (k) to provide for other matters.

The RIS describes key elements of the proposed Regulations, the rationale of those Regulations and the impact that they are likely to have on the community. The RIS discusses the potential costs and cost savings in implementing the proposed Regulations, the relationship between the proposed Regulations and the objectives of the Act and considers some alternative regulatory approaches. The RIS examined information provision, self-regulation, guidelines and a greater reliance on licence conditions as alternatives to the proposed Regulations. However, the RIS concluded that the proposed Regulations were the most effective option to achieve and implement the aforementioned objectives.

Copies of the RIS and the proposed Regulations may be obtained from the Department of Economic Development, Jobs, Transport and Resources website at <https://economicdevelopment.vic.gov.au/what-we-do/industrial-relations/victorian-labour-hire-licensing-scheme> or by mail. Requests for mailed copies of the RIS and proposed Regulations may be made by telephone on (03) 9651 9780 or via mail to Director, Private Sector and Compliance, Industrial Relations Victoria, Department of Economic Development, Jobs, Transport and Resources, GPO Box 4509, Melbourne, Victoria 3001.

SPECIAL

Public comments are invited on the RIS and the proposed Regulations.

Comments must be received no later than 5 pm on Wednesday 5 September 2018, via email to: irv.info@ecodev.vic.gov.au. Emails should include the subject line 'Labour Hire Licensing Regulations 2018 Comments'.

All submissions will be treated as public documents and may be published on the DEDJTR website unless the submission clearly indicates the submission is confidential.

HON. NATALIE HUTCHINS MP
Minister for Industrial Relations

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