

Labour Hire Licensing Act 2017

Explanatory notes for Subordinate Legislation 2017 No. 224

made under the

Labour Hire Licensing Act 2017

General Outline

Short title

Proclamation commencing the *Labour Hire Licensing Act 2017* (LHL Act).

Authorising law

Section 2 of the LHL Act.

Policy objectives and the reasons for them

Section 2 of the LHL Act provides that it will commence on a day to be fixed by proclamation.

The main purposes of the LHL Act are to protect workers from exploitation by providers of labour hire services and promote the integrity of the labour hire industry. The main purposes are primarily achieved by establishing a licensing scheme to regulate the provision of labour hire services.

The policy objective of matters contained in the LHL Act are provided for in the Explanatory Notes accompanying the Labour Hire Licensing Bill 2017. The policy objective of this Proclamation is to commence all provisions of the LHL Act on 16 April 2018.

Achievement of policy objectives

The policy objectives of the Proclamation of the LHL Act will be achieved by commencement of the Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the LHL Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objectives of other legislation.

Benefits and costs of implementation

As indicated in the Explanatory Notes that accompanied the Labour Hire Licensing Bill 2017, it is considered that the cost to Government of the scheme will be low. The Explanatory notes also estimated the operational costs for the scheme, including compliance costs.

It also proposes to harness existing government resources as much as possible to establish the licensing system.

The Explanatory Notes that accompanied the Labour Hire Licensing Bill 2017 also identified that an appeal of a licensing decision made by the chief executive will be heard in the Queensland Civil and Administrative Tribunal (QCAT). While the number of appeals that might be made is unknown, the potential for additional costs associated with hearing appeals at QCAT is acknowledged. These costs are not considered to be significant.

Consistency with fundamental legislative principles

Issues in relation to the LHL Act which may infringe fundamental legislative principles were raised in the Explanatory Notes accompanying the Labour Hire Licensing Bill 2017. The Proclamation raises no issues with regard to fundamental legislative principles.

Consultation

Extensive consultation occurred with all relevant stakeholders in the preparation of the LHL Act and prior to its passage. This consultation included the anticipated commencement of the scheme in the first half of 2018 by Proclamation and the transitional period.

The Office of Best Practice Regulation within the Queensland Productivity Commission was consulted on the LHL Act. A Decision Regulatory Impact Statement was published. Under the Queensland Government Guide to Better Regulation, Queensland Treasury self-assessed the Proclamation as falling within the agency-assessed exclusion category (g), 'regulatory proposals that are of a machinery nature'.