

Labour Hire Licensing Coverage Comparison

A person is a labour hire provider (**provider**) if, in the course of conducting a business...

How	Qld	SA	Vic
• ...the person supplies a worker to another person (user) to do work...	Yes	Yes	Yes
... in and as part of the user's business...	No	Yes	Yes
...in and as part of the user's <u>commercial</u> undertaking...	No	Yes	No
...in and as part of <u>any</u> undertaking of the user	No	No	Yes
• ...being a business of providing recruitment or placement services , the person recruits one or more workers for, or places one or more workers with a user to perform work in and as part of the user's business or undertaking AND procures or provides accommodation for the workers	No	No	Yes
• ...being a business of providing contractor management services , the person recruits one or more individuals for, or places one or more individuals with a user to perform work in and as part of the user's business or undertaking.	No	No	Yes

...regardless of ...

Circumstance	Qld	SA	Vic
...whether the worker is an employee of the provider	Yes	Yes	c.f. ⁱ
...whether there is a contract between worker and provider	Yes	Yes	c.f. ⁱⁱ
...whether there is a contract between provider and user	Yes	Yes	Yes
...whether the worker is supplied to a user directly or through intermediaries	Yes	Yes	Yes
...whether the work done by the worker is under the control of the provider, the user or another person	Yes	Yes	Yes

But excludes a person who is...

Circumstance	Qld	SA	Vic
...merely a private employment (placement) agent.	Yes	Yes	No
...merely a building contractor who engages subcontractors to do building work...	Yes	Yes	No
...a registered group training organization that supplies apprentices or trainees to do work for users	No	Yes	No
... prescribed by regulations.	Yes	Yes	Yes

An individual is a **worker** for the provider if ...

Condition	Qld	SA	Vic
...he or she enters into an arrangement (in force*) with the provider under which...	Yes	Yes	Yes*
<ul style="list-style-type: none"> • ...the provider (supplies or*) may supply the individual to a user to do work ... 	Yes	Yes	Yes*
<ul style="list-style-type: none"> • ...AND the provider is obliged to pay the individual, in whole or part, for... 	Yes	Yes	Yes
<ul style="list-style-type: none"> ○ ...the work... 	Yes	Yes	No
<ul style="list-style-type: none"> ○ ...the performance of the work... 	No	No	Yes
<ul style="list-style-type: none"> • ...the provider recruits the individual for, or places the individual with, one or more users to perform work, being users who are obliged to pay the individual (in whole or part) for the performance of the work by the individual... 	No	No	Yes

<ul style="list-style-type: none"> ...the provider recruits the individual as an independent contractor for one or more users to perform work, AND manages the contract performance by the independent contractor... 	No	No	Yes
...whether directly or indirectly through one or more intermediaries.	No	No	Yes

...regardless of whether...

Circumstance	Qld	SA	Vic
... the individual is an employee of the provider...	c.f.	c.f.	Yes
... a contract has been entered into between the individual and the provider...	c.f.	c.f.	Yes
...the individual is an apprentice...	Yes	Yes	Yes
... the individual is a trainee under a training contract.	Yes	Yes	Yes
<ul style="list-style-type: none"> with a GTO under the training legislation... 	Yes	c.f.	c.f.
<ul style="list-style-type: none"> with a Principal Employer Organisation under the training legislation... 	Yes	c.f.	c.f.
<ul style="list-style-type: none"> with an employer under the training legislation. 	c.f.	Yes	c.f.

^{i i} But see circumstances regardless of which an individual will still be considered to be a worker.

^{ii ii} But see circumstances regardless of which an individual will still be considered to be a worker.