



Committee Secretary
Finance and Administration Committee
Parliament House
George Street
Brisbane Qld 4000

19 June 2017

Dear Committee Members,

On behalf of WorkPac, please accept our submission with respect to the proposed Labour Hire Licensing Bill 2017.

By way of background information, WorkPac is a privately owned Australian business, which operates predominantly in the labour hire industry and has been in operation for over 20 years. WorkPac operates nationally and has a network of over 40 business centre locations throughout the country, with a strong focus on regional locations. Within the state of Queensland, WorkPac is a significant employer in our own right, employing over 5,000 people and contributing substantially to the Queensland economy through both revenue and also through state government taxes such as payroll tax.

With respect to the proposed Labour Hire Licensing Bill 2017, as a relatively large operator within the labour hire industry within Queensland, we are not adverse to a legislated licensing scheme which aims to protect workers from exploitation and to ensure minimum standards are applied to companies operating in the industry.

However, while the Bill and the corresponding explanatory notes set out the guiding policy objectives, as a company that will be required to comply with the Bill (and corresponding regulation), the Bill and explanatory notes do not provide sufficient details on the specifics of how the Bill will be put into practice. In particular, how the "Chief Executive" will discharge their powers afforded within the Bill in terms of decision making and transparency on how such decisions will be made.

The Bill grants the Chief Executive the exclusive right to grant an application for a licence only if the Chief Executive is satisfied that the applicant must meet both a "fit and proper person test" and that the business is financially viable. However, neither the Bill nor the explanatory notes provide the necessary detail on what specific criteria the Chief Executive must consider or apply in making this decision on the granting of a licence. In the absence of any such criteria, how can the potential applicants for a licence or the Chief Executive know on what basis a decision to grant a licence or otherwise will be determined? Consequently, how do legitimate, compliant companies currently operating in the industry have any certainty that their business operations (and consequently their existing employees) will not be significantly impacted through the introduction of this legislation?

Part 8 of the Bill provides for a review and appeal process for a decision of the Chief Executive. Division 1 (93-97), sets out the particulars for an interested party to apply for a review of a decision by the Chief Executive. Again, in relation to this process, neither the Bill nor the explanatory notes sets out any specific details on what grounds such an application can be made (or the criteria for assessing such an application), other than it is for the Chief Executive to determine. We acknowledge the right of appeal to a decision being through QCAT, however (again) in the absence of an established transparent criteria for decision making, how would a person lodging an appeal or QCAT themselves know on what grounds to consider a decision?

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Additionally, according to clause 94 (2) (ii), an interested party has 28 days from when they “otherwise become aware of a decision”. In practical terms, how would the Chief Executive determine when this had occurred other than taking the parties word for it on face value? Through this provision, in practice a licensee could be subject to an unlimited number of appeals by any number of interested parties throughout the one year period of the licence. In our view, the test at 94 (2) (ii) should be removed as it is too open for abuse and is also superfluous given the Chief Executive’s power to extend the period as provided in 94 (3).

In summary, while the Bill provides an overall framework for a labour licencing scheme, there is very little detail on the specifics of how the scheme will apply in practice. The Bill provides the appointed Chief Executive with an over-arching complete discretion on who is or isn’t approved for a licence, with little to no evidence of criteria for doing so.

Regards

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On behalf of the WorkPac Group