Draft for comment

South Australia

Labour Hire Licensing (Scope of Act) Amendment Bill 2025

A BILL FOR

An Act to amend the *Labour Hire Licensing Act 2017*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Labour Hire Licensing (Scope of Act) Amendment Act 2025*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Labour Hire Licensing Act 2017*

3—Amendment of section 6—Interpretation

(1) Section 6, definition of ***aquatic animal***—delete the definition

(2) Section 6, definition of ***cleaning work***—delete the definition

(3) Section 6, definition of ***fishing***—delete the definition

(4) Section 6, definition of ***horticultural processing work***—delete the definition

(5) Section 6, definition of ***meat***—deleted the definition

(6) Section 6, definition of ***meat processing work***—delete the definition

(7) Section 6, definition of ***prescribed work***—delete the definition

(8) Section 6—after the definition of ***relevant law*** insert:

remuneration has the same meaning as in the *Fair Work Act 1994*;

(9) Section 6, definition of ***seafood***—delete the definition

(10) Section 6, definition of ***seafood processing work***—delete the definition

(11) Section 6, definition of ***trolley work***—delete the definition

4—Amendment of section 7—Meaning of *labour hire services*

(1) Section 7(2)(b)—delete paragraph (b)

(2) Section 7(3)—after paragraph (b) insert:

; or

(c) an individual supplied by the person to undertake work is an employee of the person; or

(d) a contract is entered into between the worker and the person, or between the person and the host.

5—Amendment of section 8—Meaning of *labour hire worker*

Section 8(2)(b)—delete paragraph (b) and substitute:

(b) the individual is an employee of the other person, where the other person is 1 of a group of entities that carry on business as a group, and the employee does work for another entity in that group; or

(c) the individual is a public sector employee within the meaning of the *Public Sector Act 2009* who is seconded, transferred, provided or made available to do work for another person or entity pursuant to an Act; or

(d) the other person is a body corporate that has not more than 2 directors and the individual, being a director or senior manager of the body corporate, is the only individual who is supplied by the body corporate to undertake work for another person; or

(e) the individual's annual remuneration is equal to or more than the amount of the high income threshold (within the meaning of the *Fair Work Act 2009* of the Commonwealth) and the individual's employment is not subject to or covered by a modern award or enterprise agreement under that Act; or

(f) the individual is, or is of a class of person, prescribed by the regulations.

6—Amendment of section 20—Duration of licence, periodic fee and report

Section 20(6), definition of ***prescribed information***, (d)—delete "prescribed"