

# Labour Hire Licensing (Exempt Workers) Declaration 2021 (No 1)\*

Disallowable instrument DI2021–82

made under the

*Labour Hire Licensing Act 2020*, section 8(2) (Meaning of worker)

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## 1 Name of instrument

This instrument is the *Labour Hire Licensing (Exempt Workers) Declaration 2021 (No 1)*.

## 2 Commencement

This instrument commences on commencement of the *Labour Hire Licensing Act 2020*, section 3.

## 3 Class of persons to whom this determination applies

The following classes of people are determined not to be workers for the purposes of the *Labour Hire Licensing Act 2020*:

- a) a public servant;
- b) a person whose annual wages are equal to or more than the amount of the high income threshold under section 333 of the *Fair Work Act 2009* (Cwlth), and whose employment is not subject to or covered by a modern award or enterprise agreement under the *Fair Work Act 2009* (Cwlth);
- c) an in-house employee, including an in-house employee who is seconded on a temporary basis on one or more occasions;
- d) an employee of an entity, that is one of a group of entities that carry on business as a group, to the extent the employee does work for another entity in that group;
- e) a person who is employed as a director or senior manager of a corporation, where the corporation has not more than two directors and that person is the only person who is supplied by the corporation to undertake work for another person.

\*Name amended under Legislation Act, s 60

#### 4. Definitions

***Corporation*** – see the *Corporations Act 2001* (Cwlth) section 57A

***Director*** - see the *Corporations Act 2001* (Cwlth) section 9

***In-house employee***, of a provider, means a person who:

- a) is engaged as an employee by the provider on a regular and systematic basis; and
- b) has a reasonable expectation the employment with the provider will continue; and
- c) primarily performs work for the provider other than as a worker supplied to another person to work for the other person

***Senior manager*** - see the *Corporations Act 2001* (Cwlth) section 9

Mick Gentleman MLA  
Minister for Industrial Relations and Workplace Safety

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