

Labour Hire Licence (Exempt Workers) Declaration 2021 (No 1)

Disallowable instrument DI2021-82

made under the

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

EXPLANATORY STATEMENT

Section 8(2) of the *Labour Hire Licensing Act 2020* (the Act) allows the Minister to determine that a person is, or is not, a worker for the purposes of the Act.

This instrument describes the classes of persons that are not included in the definition of *worker* for the purposes of the Act. Specifically, this instrument excludes the following:

- a. *High income earners* – workers who earn an annualised income of more than the high income threshold in the *Fair Work Act 2009* (Cth) and are not covered by an award or agreement;
- b. *Seconded/in-house workers* – who are employed under genuine secondment arrangements, engaged on a temporary basis for the provider and not engaged on a supply basis;
- c. *Public servants*;
- d. *Small body corporates supplying only a director* – directors of small body corporates with no more than two directors and who supply one director;
- e. *Internal labour hire arrangements* – where the only workers supplied are within a single recognisable business.

For the purposes of the Act, the classes of persons in this instrument are not regarded as a worker to which a labour hire service may relate. However, providers will still require a licence under the Act if they provide labour hire services in relation to workers that are not exempt.