

# Application guide and checklist – Organisation

## What is the application guide?

This application guide is structured as a 'checklist' that will help you to collect the information you need to complete the application. At the end of the guide there is also a Document List that sets out all the documents you may need to attach to the application.

This guide contains hyperlinks to information on the Labour Hire Licensing Authority (the Authority) website for your convenience, but if you are using a printed version of this form you can find all the information at: <https://labourhireauthority.vic.gov.au/>. External links are provided in full.

## Which application guide should I use?

There are two types of applications, an 'individual' application and an 'organisation' application. This application guide covers the organisation application, which is for businesses structured as anything other than a sole trader. You can view guidance about different entity types in the [Glossary](#) under 'entity types'.

## Who can complete the application on behalf of the organisation?

The application form must be completed by a [nominated officer](#). A [nominated officer](#) must be a natural person who is responsible for the day-to-day conducting of the business to which the licence relates. a [Nominated officers](#) are required to be available to the Authority during hours when labour hire services, or accommodation or transport associated with those labour hire services are being provided under the licence.

## How to complete the application

These are the steps to completing the application process:

1. Create an account — create an online account and select the relevant application type (organisation)
2. Eligibility to apply — check that the [applicant](#) is eligible to make an application
3. Application basis — indicate whether the [applicant](#) is an existing labour hire services business or new labour hire services business
4. Nominated officer details — provide your personal details, criminal history check information and consents
5. Organisation details — provide the [applicant's](#) business details
6. Relevant persons — provide information about [relevant persons](#)
7. Employment — provide information about the [applicant's](#) arrangements with workers
8. Accommodation and transport - indicate whether any [relevant person provides or procures](#) accommodation or transport
9. Review submission — review the information you provided in the application form and ensure it is correct
10. Declarations — read through and make declarations relevant to the application
11. Pay and submit — lodge the application and pay the application fee.

You can save and close the application at any stage, allowing you to resume the application later.

## Questions?

If you still have questions after reading this application guide, you can find further information on the Authority's [website](#), or you can contact us by telephone on 1300 545 200 or by email to [enquiries@labourhireauthority.vic.gov.au](mailto:enquiries@labourhireauthority.vic.gov.au).

## Application checklist for an 'organisation' application

Item	Information required	Tick
<b>1. Create an account</b>		
Account holder details	As a <b>nominated officer</b> making an application on behalf of an organisation, you will manage the organisation's Labour Hire Licensing Online (LHLO) account. To create a LHLO account, enter your email address and set a password, and provide details like your name, date of birth and contact details.	<input type="checkbox"/>
<b>Tip:</b> Make sure the information you enter is complete and correct, because the system will use it to pre-fill parts of the application form.		
Application type	After creating your LHLO account you will be taken to the LHLO 'dashboard', which you use to manage the application and licence. If the organisation is structured as anything other than a sole trader, you should select 'apply for a labour hire licence—organisation' to start the application.	<input type="checkbox"/>
<p><b>Tip:</b> An organisation can be a <b>body corporate</b> (also known as an incorporated organisation) or an unincorporated organisation.</p> <ul style="list-style-type: none"> <li>For unincorporated organisations, although the application is made in the name of the organisation, and with the organisation's details, because the organisation is not recognised as having a separate legal identity, the application, and if successful, the licence, is taken to be held jointly by all of the persons who comprise the organisation.</li> <li>For organisations that are <b>bodies corporate</b>, the <b>applicant</b>, and if successful, the licence holder, is the organisation itself, as it has a separate legal identity.</li> </ul> <p>For more information about different business structures, see the <b>Glossary</b> at 'entity types'.</p>		
<b>2. Eligibility to apply</b>		
Ineligible due to cancellation — two years	<p>This section will step you through the eligibility assessment, and based on the information you provide, will indicate whether the organisation appears to be eligible to apply for a licence.</p> <p>The organisation cannot make a valid application if, in the last two years, the organisation held a labour hire licence that was cancelled, unless</p> <ul style="list-style-type: none"> <li>the organisation requested the cancellation, or</li> <li>the organisation is a corporation that has been genuinely sold since the cancellation occurred, and: <ul style="list-style-type: none"> <li>none of the previous shareholders involved in the corporation at the time of the cancellation are current shareholders, and</li> <li>no person who had a beneficial interest in the corporation at the time of the cancellation currently has a beneficial interest in the corporation, and</li> <li>no person who, at the time of the cancellation, was in a position to control or influence the affairs of the corporation is currently in such a position.</li> </ul> </li> </ul>	<input type="checkbox"/>
Ineligible due to refusal — three months	<p>The organisation cannot make a valid application if, in the last three months, the organisation made an application for a labour hire licence that was:</p> <ul style="list-style-type: none"> <li>refused, or</li> <li>if the application was refused, and the organisation appealed or sought review of the decision but the original decision to refuse was upheld, within three months of that decision</li> </ul> <p>unless :</p>	<input type="checkbox"/>

	<ul style="list-style-type: none"> <li>the organisation is a corporation that has been genuinely sold since the refusal occurred, and: <ul style="list-style-type: none"> <li>none of the previous shareholders involved in the corporation at the time of the refusal are current shareholders, and</li> <li>no person who had a beneficial interest in the corporation at the time of the refusal currently has a beneficial interest in the corporation, and</li> <li>no person who, at the time of the refusal, was in a position to control or influence the affairs of the corporation, is currently in such a position.</li> </ul> </li> </ul>	
Age	If the organisation is not a body corporate and all of the persons comprising the organisation are under 18 years of age, you should contact the Authority to discuss the organisation's circumstances.	<input type="checkbox"/>
<p><b>Tip:</b> If, based on the answers you give to the above eligibility questions, you receive a message on screen that the organisation is unable to make a valid application for a labour hire licence at this time, but you would like to discuss your circumstances, you can contact the Authority by phone or email.</p>		
<p><b>3. Application basis</b></p>		
Basis of application	<p>Here you will need to indicate whether the organisation is:</p> <ul style="list-style-type: none"> <li>currently conducting a labour hire services business in Victoria — that is, the organisation is an existing labour hire services business, or</li> <li>intending to conduct a labour hire services business in Victoria, but it is not yet in operation – that is, the organisation is a new labour hire services business.</li> </ul>	<input type="checkbox"/>
<p><b>Tip:</b> In answering this question, if the organisation has provided labour hire services in the past, even where the organisation is not primarily a labour hire services business, you should select 'existing'. If the organisation is a new business, or the organisation is an existing business but has never provided labour hire services in Victoria before, but intends to in future, you should select 'new'.</p>		
<p><b>4. Your details</b></p>		
Personal details	This part of the application is about you, as a <a href="#">relevant person</a> in relation to the organisation. You will need to provide your details including your full name, residential address, place of birth and role or position in the business.	<input type="checkbox"/>
Criminal history check information	<p>The Authority conducts criminal history checks on all <a href="#">relevant persons</a>. To allow us to do this, you will need to complete an informed consent form, tell us about driver and firearm licences you hold, declare your contact with <a href="#">vulnerable groups</a> and provide <a href="#">certified copies</a> of documents which prove your identity. See the Document List for details.</p> <p>We will also ask if you have ever been involved in another labour hire services business as a <a href="#">relevant person</a>, and if you have, to provide the name and ABN or ACN or ARBN of that business.</p>	<input type="checkbox"/>
Additional consents	<p>The Authority asks for your consent to collect and handle your information. Before answering these questions, don't forget to read the:</p> <ul style="list-style-type: none"> <li><a href="#">Labour Hire Licensing Authority Privacy Policy</a></li> <li><a href="#">Labour Hire Licensing Authority Website Privacy Statement.</a></li> </ul>	<input type="checkbox"/>
Fit and proper person requirements	<p>The Authority conducts a fit and proper person assessment for each <a href="#">relevant person</a>. For this purpose, you will need to answer the following questions about whether you, or a <a href="#">body corporate</a> of which you were an <a href="#">officer</a>, have in the last:</p> <p>(a) ten years, been found guilty of an <a href="#">indictable offence against the person</a>, or an <a href="#">offence involving fraud, dishonesty or drug trafficking</a> that was</p>	<input type="checkbox"/>

	<p>punishable by three months or more imprisonment (or equivalent offence committed outside Victoria)</p> <p>(b) five years, been found by a court, tribunal or regulator, to have contravened a <a href="#">workplace law</a>, <a href="#">labour hire industry law</a> or <a href="#">minimum accommodation standard</a></p> <p>(c) five years, entered into a <a href="#">deed of agreement</a> or given an <a href="#">enforceable undertaking</a> in connection with an alleged contravention of a <a href="#">workplace law</a>, <a href="#">labour hire industry law</a> or <a href="#">minimum accommodation standard</a></p> <p>(d) five years, been <a href="#">insolvent</a>, or been an <a href="#">externally administered</a> company under the <i>Corporations Act 2001</i> (Cth)</p> <p>(e) five years, held a licence under a <a href="#">labour hire industry law</a> that was cancelled, suspended or revoked (other than where requested by the licence holder)</p> <p>(f) five years, been disqualified from managing corporations under Part 2D.6 of the <i>Corporations Act 2001</i> (Cth)</p> <p>(g) five years, received a Director Penalty Notice in respect of unpaid superannuation guarantee amounts.</p>	
<p><b>Tip 1:</b> You will have an opportunity to provide an explanation to the Authority if you have had compliance difficulties. The Authority understands that compliance difficulties occur from time to time and disclosing prior events of non-compliance may not result in refusal of the licence application.</p> <p><b>Tip 2:</b> If you have answered yes to any of these questions, you will be asked for more information and where possible to provide documentary evidence. See Document List for details.</p>		
<p>5. Organisation details</p>		
<p>Organisation type</p>	<p>In this part of the application you will be asked for business details about the organisation. First, you will need to specify the organisation’s structure. We have listed the options below, and you can find guidance about these structures in the <a href="#">Glossary</a> under ‘entity types’.</p> <p>Bodies corporate/incorporated organisations</p> <ul style="list-style-type: none"> <li>• Proprietary companies</li> <li>• Public companies</li> <li>• Incorporated associations</li> <li>• Co-operatives</li> <li>• Corporations formed by Royal Charter (also known as ‘chartered corporations’)</li> <li>• Corporations created by a special act of Parliament</li> <li>• Corporations sole</li> </ul> <p>Unincorporated organisations</p> <ul style="list-style-type: none"> <li>• Partnerships (including limited partnerships)</li> <li>• Unincorporated joint ventures</li> <li>• Syndicates</li> <li>• Trusts</li> <li>• Unincorporated associations</li> </ul>	<input type="checkbox"/>
<p><b>Tip 1:</b> If you are not sure how the business is structured, you may be able to check using the following:</p> <ul style="list-style-type: none"> <li>• the Australian Business Register is available to search at: <a href="https://abr.business.gov.au/">https://abr.business.gov.au/</a></li> <li>• the Australian Securities and Investments Commission’s business register is available to search at: <a href="https://connectonline.asic.gov.au/RegistrySearch/">https://connectonline.asic.gov.au/RegistrySearch/</a></li> </ul> <p><b>Tip 2:</b> If your organisation is structured as a group, but provides labour hire services to a host outside the group, you will need to licence each entity that supplies workers outside the group on a labour hire basis.</p>		
<p>Accountant details</p>	<p>If the organisation has an accountant, you will need to provide the name and a business phone number for the accountant.</p>	<input type="checkbox"/>

Other labour hire licences	Here you will be asked whether the organisation holds a labour hire licence from another Australian jurisdiction and, if so, to provide details.	<input type="checkbox"/>
GTO's, apprentices and trainees	In this part of the application you are asked whether the organisation is recognised as a Group Training Organisation (GTO) with the Victorian Registration and Qualifications Authority (VRQA), and whether it employs apprentices or trainees.	<input type="checkbox"/>
Organisation information	In this part of the application you will need to provide a range of information about the organisation, including the ABN, ACN or ARBN, the organisation's full legal name and a business phone number. Where relevant, you will also be asked to attach copies of documents evidencing the organisation's incorporation or registration (see the Document List for details). Unincorporated associations are asked to upload a copy of the rules under which the association operates, and you may need to upload proof of agency or trust if applicable.	<input type="checkbox"/>
Industry	Under Industry, you will need to specify the industries into which the organisation is, or will be, supplying workers (up to eight industries). In particular, the Authority asks if the organisation supplies workers into the contract cleaning industry, horticultural industry or meat and/or poultry processing industry. You will be given a drop-down menu with a list of industries to choose from. You should choose the industry classifications that best fit your circumstances.	<input type="checkbox"/>
Business contact details	Here you will need to list the organisation's business address, postal address (if different from its business address) and business phone number.	<input type="checkbox"/>
<p><b>Tip:</b> If the organisation has more than one business you will need to provide the business address for each business.</p>		
Registration with the ATO	Here you will need to state if the organisation is registered with the Australian Tax Office (ATO) for Goods and Services Tax (GST), Pay As You Go withholding tax (PAYG) and Fringe Benefits Tax (FBT).	<input type="checkbox"/>
<p><b>Tip 1:</b> If the organisation is not required to be registered for these arrangements, it will still be able to apply for a licence, however the Authority may require you to provide further information.  <b>Tip 2:</b> Further information is available on the ATO website, linked below:  GST - <a href="https://www.ato.gov.au/business/gst/">https://www.ato.gov.au/business/gst/</a>  PAYG withholding - <a href="https://www.ato.gov.au/business/payg-withholding/">https://www.ato.gov.au/business/payg-withholding/</a>  FBT - <a href="https://www.ato.gov.au/General/Fringe-benefits-tax-(fbt)/">https://www.ato.gov.au/General/Fringe-benefits-tax-(fbt)/</a></p>		
Annual Turnover	In this part of the application you will need to state the business's <u>annual turnover</u> for the last financial year (if the organisation did not trade in the last financial year, enter \$0), and provide evidence of this (see Document List below). If you are unable to provide these documents because the business is new, or the organisation is exempt from preparing these documents for some reason, you can select this as an option. Please be aware that the Authority may contact you for further information if this applies to you. You will also need to state whether the organisation makes, or intends to make, any payments to workers in cash, and whether the organisation deducts, or intends to deduct, any amounts from worker payments in relation to accommodation, transport or meals.	<input type="checkbox"/>
Business plan (for new labour hire service businesses only)	For a new labour hire services business, you will need to state whether the organisation has a business plan that sets out how the organisation will comply with the legal obligations set out in section 23 of the <i>Labour Hire Licensing Act 2018</i> . If possible, this business plan should be attached.	<input type="checkbox"/>
<p><b>Tip:</b> If the organisation does not have a business plan, this will not prevent it from applying for a labour hire licence, but you will have to tick 'no' to the relevant declaration at the end of the application and the</p>		

Authority may require you to provide further information about the systems you have in place to ensure compliance with laws that apply to your business.

#### 6. Relevant persons

Identify relevant persons	<p>In this part of the application you will need to provide the details of all '<a href="#">relevant persons</a>' involved in the business. <a href="#">Relevant person</a> has a specific meaning under the legislation and it is very important you understand who is considered to be a .</p> <p>If the organisation is structured as a partnership or an unincorporated association, there is some additional guidance in the <a href="#">Glossary</a> about who in a partnership arrangement is considered a <a href="#">relevant person</a>.</p>	<input type="checkbox"/>
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**Tip:** Each [relevant person](#) you nominate will be sent an email with a link to an online form that will ask them to provide their personal details, criminal history check information and to complete the consents and fit and proper person questions. If the [relevant person](#) does not receive this email, make sure you have recorded their email correctly, and that they have checked their junk folder. All [relevant persons](#) will need to complete and save their information before the application can be submitted.

#### 7. Employment

WorkCover	<p>This part of the application asks about the organisation's arrangements with its workers. You will need to state whether the organisation is registered with WorkSafe Victoria for WorkCover, and if so, attach a copy of the organisation's Certificate of Currency.</p>	<input type="checkbox"/>
Number of workers supplied in the last 12 months	<p>If the organisation is conducting an existing labour hire services business, you will need to provide the total number of labour hire workers supplied in the last 12 months, and of those, how many were:</p> <ul style="list-style-type: none"> <li>• employees</li> <li>• independent contractors, or</li> <li>• have worked as both.</li> </ul> <p>If the organisation is a new business, you will need to provide projected numbers for the next twelve months, should the organisation be granted a licence.</p>	<input type="checkbox"/>
Industrial instruments	<p>If the organisation is conducting an existing labour hire services business, you will need to provide details of the industrial instrument that determined the terms and conditions of the employment or engagement of the workers that the organisation supplied on a labour hire basis in the last 12 months. If the organisation employs workers under piecework agreements, you will need to attach a copy of the piecework agreements in force at the time of the application.</p> <p>If the organisation is conducting a new labour hire services business, you will need to detail the industrial instruments the organisation intends to use.</p>	<input type="checkbox"/>

**Tip:** Industrial instruments could include, for example, awards, enterprise bargaining agreements, piecework agreements and contracts that apply to independent contractors.

Visas	<p>If the organisation is conducting an existing labour hire services business, you will need to state whether any of the workers supplied in the last 12 months held temporary work visas, and the number of workers for each kind of visa.</p> <p>If the organisation is conducting a new labour hire services business, you will need to provide projected numbers for the next 12 months, should the organisation be granted a licence.</p>	<input type="checkbox"/>
Hosts	<p>You will need to provide details of the individuals or organisations to whom the organisation provides, or intends to provide, labour, including the host's name, their ABN or ACN or ARBN and the address where the work will be performed (if available).</p>	<input type="checkbox"/>

<p><b>Tip:</b> If there are more than five host addresses, you will need to fill out and upload an address spreadsheet. The address spreadsheet is downloadable from within the application form.</p>		
Compliance history – each relevant person	<p>You will be asked, for each <u>relevant person</u> or a <u>body corporate</u> of which they are an <u>officer</u>, whether to your knowledge:</p> <ul style="list-style-type: none"> <li>there are currently any investigations or proceedings on foot in relation to an alleged contravention by or with the involvement of a <u>relevant person</u> of a <u>labour hire industry law</u>; a <u>workplace law</u>; or <u>minimum accommodation standards</u></li> <li>in the last 12 months, the <u>relevant person</u> has been required to notify a regulator of an incident under a law relating to occupational health and safety</li> <li>in the last 12 months, the <u>relevant person</u> has been the subject of a claim for compensation or damages under workers' compensation laws.</li> </ul> <p>Make sure you make all necessary and reasonable inquiries so that you can answer these questions accurately.</p>	<input type="checkbox"/>
<p>8. Accommodation and transport</p>		
Procuring or providing accommodation or transport	<p>You will need to state whether any <u>relevant person</u> is currently, or is intending to, <u>procure or provide</u> accommodation or transport to workers in connection with the labour hire service. If you answer yes, you will need to state the address of any such accommodation.</p>	<input type="checkbox"/>
<p><b>Tip:</b> If there are more than five addresses, you will need to fill out and upload an address spreadsheet. The address spreadsheet is downloadable from within the application form.</p>		
<p>9. Review submission</p>		
Review information	<p>Here you can review the information you have provided in the application to ensure it is accurate and complete.</p>	<input type="checkbox"/>
<p>10. Declarations</p>		
Declarations accompanying application	<p>In this part, you must carefully read through the declarations and understand what they mean before making the declarations. This includes declarations that to your knowledge, each <u>relevant person</u> in relation to the application is fit and proper, and that the organisation complies with its legal obligations set out in section 23 of the <i>Labour Hire Licensing Act 2018</i>.</p>	<input type="checkbox"/>
<p><b>Tip 1</b> Under section 87 of the <i>Labour Hire Licensing Act 2018</i> it is an offence to give to the Authority information that is believed to be false or misleading in a material particular, or to produce a document that you know to be false or misleading (without indicating the respect in which it is false or misleading, and if practicable providing the correct information.) Knowingly providing false or misleading information is subject to significant penalties.</p> <p>It is important that you are satisfied the information you have included in the application is true and correct before you make the declarations.</p> <p><b>Tip 2:</b> Under section 17 of the <i>Labour Hire Licensing Act 2018</i> it is a requirement that an application be accompanied by declarations and consents. An application that is not accompanied by the necessary declarations and consents may be refused by the Authority.</p>		
<p>11. Pay and submit</p>		
Application fee	<p>An application fee is payable at the time the application is submitted. Payment can be made by Visa or Mastercard. The amounts set out in the fee links below are correct as at 1 July 2018 but are subject to change in future financial years.</p>	<input type="checkbox"/>
<p><b>Tip:</b> The application fee charged is dependent on the organisation's <u>annual turnover</u> in the previous financial year for existing labour hire businesses, or if the business is a new business, the projected <u>annual turnover</u> of the business in this financial year and in the next financial year (as an average). If the application is successful, the organisation will also pay an annual licensing fee. You can find more information about fees here: <a href="https://labourhireauthority.vic.gov.au/provider/fees">https://labourhireauthority.vic.gov.au/provider/fees</a>.</p>		

## Document List for an ‘organisation’ application

Item number	Document	Tick
Identity documents	<p><u>Certified copies</u> of proof of identity documents for each <u>relevant person</u>:</p> <ul style="list-style-type: none"> <li>• one <u>Commencement of Identity Document</u></li> <li>• one <u>Primary Use in the Community Document</u></li> <li>• two <u>Secondary Use in the Community Documents</u></li> <li>• photo identification (if not otherwise provided)</li> <li>• proof of previous names (if applicable).</li> </ul>	<input type="checkbox"/>
Informed consent form	Informed consent form — available for download within the application form.	<input type="checkbox"/>
Documents relevant to ‘fit and proper person’ assessment	A copy of any written judgment or order relating to you, or a body corporate of which you were an officer, in the last 10 years being found guilty of an indictable offence against the person, or an offence involving fraud, dishonesty or drug trafficking that was punishable by three months or more imprisonment, or an offence that if committed in Victoria would constitute the same offence. Also for any related appeal.	<input type="checkbox"/>
	A copy of any written judgment or order relating to you, or a body corporate of which you were an officer, in the last five years being found to have contravened a <u>workplace law</u> , <u>labour hire industry law</u> , or <u>minimum accommodation standards</u> .	<input type="checkbox"/>
	A copy of any <u>enforceable undertaking</u> or <u>deed of agreement</u> you, or a body corporate of which you were an officer, entered into in the last five years in connection with an alleged contravention of a <u>workplace law</u> , <u>labour hire industry law</u> , or <u>minimum accommodation standards</u> .	<input type="checkbox"/>
	A copy of any winding up order, order appointing an administrator or other relevant instrument related to the <u>insolvency</u> or <u>external administration</u> relating to you, or a body corporate of which you were an officer, in the last five years.	<input type="checkbox"/>
	A copy of any decision or correspondence notifying you of a compliance action (such as cancellation, suspension or revocation of a licence held under a <u>labour hire industry law</u> ), and the reasons for the compliance action, if relevant.	<input type="checkbox"/>
Other labour hire licence (if relevant)	A copy of the organisation’s non-Victorian labour hire licence.	<input type="checkbox"/>
Certificate of registration or registration and organisation rules	<p>If the organisation is a <u>body corporate</u>:</p> <ul style="list-style-type: none"> <li>• a copy of the Certificate of Incorporation (or Certificate of Registration).</li> </ul> <p>If the organisation is an unincorporated association (see ‘entity types’ in the <u>Glossary</u>) —</p> <ul style="list-style-type: none"> <li>• Certificate of Registration as a registrable Australian body with the Australian Securities and Investment Commission (ASIC) (if applicable) or the relevant certificate of registration issued by the authority that administers the organisation (if applicable)</li> <li>• a copy of the rules under which the association operates</li> <li>• if you or the organisation as applicant are an agent or trustee of the unincorporated association, proof of the agency or trust.</li> </ul>	<input type="checkbox"/>

BAS and tax documents	<ol style="list-style-type: none"> <li>1) A copy of the organisation's Business Activity Statements (BAS) for the previous four quarters</li> <li>2) the page of the organisation's latest tax return that summarises the calculation of total income under 'calculation of total profit and loss'</li> <li>3) if the organisation is exempt from lodging BAS, a copy of the organisation's tax records showing the income from the business in the last financial year.</li> </ol>	<input type="checkbox"/>
Business plan (if relevant)	Business plan – only if the organisation is conducting a new labour hire services business.	<input type="checkbox"/>
WorkCover certificate	WorkCover Certificate of Currency	<input type="checkbox"/>
Piecework agreements (if relevant)	Copies of any piecework agreements.	<input type="checkbox"/>
Host details	If the organisation is providing workers to more than five hosts, 'Address spreadsheet' of host addresses — available to download from within the application form.	<input type="checkbox"/>
Accommodation or transport	If the organisation is providing or procuring accommodation at more than five addresses, 'Address spreadsheet' of accommodation addresses — available to download within the application form.	<input type="checkbox"/>