

Application guide and checklist – Individual

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 individual application, which is for businesses structured as a sole trader. You can also view guidance about different entity types in the [Glossary](#) under ‘entity types’.

Who can complete the application on behalf of the business?

The application form must be completed by a [nominated officer](#). In the case of a sole trader, the [nominated officer](#) must be the individual named as the sole trader. [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 your application

These are the steps to completing the application process:

1. Create an account — create an online account and select the relevant application type (individual)
2. Eligibility to apply — check that you are eligible to make an application
3. Application basis — indicate whether your business is an existing labour hire services business, or a new labour hire services business
4. Your details — provide your personal details, criminal history check information and consents
5. Sole trader details — provide details of your business
6. Relevant persons — provide information about [relevant persons](#)
7. Employment — provide information about your arrangements with your 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 your 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

Application checklist for an 'individual' application

Item	Information required	Tick
1. Create an account		
Account holder details	As a nominated officer , you will manage your business'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"/>
Tip: 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 your application and licence. If you are operating your business as a sole trader, you should select 'apply for a labour hire licence — individual' to start the application.	<input type="checkbox"/>
2. Eligibility to apply		
Ineligible due to cancellation (two years) or refusal (three months)	This section will step you through the eligibility assessment, and based on the information you provide, will indicate whether you appear to be eligible to apply for a licence. You cannot make a valid application if: <ul style="list-style-type: none"> in the last two years, you held a labour hire licence that was cancelled (unless you requested the cancellation), or you made an application for a labour hire licence that was: <ul style="list-style-type: none"> refused within the last three months, or refused, and then you appealed or sought review of the decision, but the original decision to refuse was upheld, within three months of that second decision. 	<input type="checkbox"/>
Age	If you are under 18 years of age, you should contact the Authority to discuss your circumstances.	<input type="checkbox"/>
Tip: If, based on the answers you give to the above eligibility questions, you receive a message on screen that you are 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.		
3. Application basis		
Basis of application	Here you will need to indicate whether you are: <ul style="list-style-type: none"> currently conducting a labour hire services business in Victoria – that is, you have an existing labour hire services business, or you intend to conduct a labour hire services business in Victoria, but it is not yet in operation – that is, it is a new labour hire services business. 	<input type="checkbox"/>
Tip: In answering this question, if you have provided labour hire services through your current business in the past, even where your business is not primarily a labour hire services business, you should select 'existing'. If you have a new business, or you have an existing business but you have never provided labour hire services in Victoria before, but intend to in future, you should select 'new'.		
4. Your details		
Personal details	This part of the application is about you, as a relevant person in relation to the business. 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 and consent	The Authority conducts criminal history checks on all relevant persons . 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 vulnerable	<input type="checkbox"/>

	<p><u>groups</u> and provide <u>certified copies</u> 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 <u>relevant person</u>, and, if you have, to provide the name and ABN or ACN or ARBN of that business.</p>	
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"> • <u>Labour Hire Licensing Authority Privacy Policy</u>, and • <u>Labour Hire Licensing Authority Website Privacy Statement</u>. 	<input type="checkbox"/>
Fit and proper person requirements	<p>The Authority conducts a fit and proper person assessment for each <u>relevant person</u>. For this purpose, you will need to answer the following questions about whether you, or a <u>body corporate</u> of which you were an <u>officer</u>, have in the last:</p> <p>(a) ten years, been found guilty of an <u>indictable offence against the person</u>, or an <u>offence involving fraud, dishonesty or drug trafficking</u> that was 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 <u>workplace law, labour hire industry law</u> or <u>minimum accommodation standard</u></p> <p>(c) five years, entered into a <u>deed of agreement</u> or given an <u>enforceable undertaking</u> in connection with an alleged contravention of a <u>workplace law, labour hire industry law</u> or <u>minimum accommodation standard</u></p> <p>(d) five years, been <u>insolvent</u>, or been an <u>externally administered</u> company under the <i>Corporations Act 2001</i> (Cth)</p> <p>(e) five years, held a licence under a <u>labour hire industry law</u> 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>	<input type="checkbox"/>
<p>Tip 1: 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>Tip 2: 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. Sole trader details</p>		
Sole trader details	<p>In this part of the application you will be asked for details about your business. You will need to list your ABN, your business name(s) that you are or will be using and the details of your accountant (if you have one).</p>	<input type="checkbox"/>
<p>Tip: For sole traders, your business name is the name as you registered it when you applied for your ABN, and any other business names you have registered or trade under. You can find your entity names, trading names and registered business names using ABN lookup, available here: https://abr.business.gov.au</p>		
Other labour hire licences	<p>Here you will be asked whether you hold a labour hire licence from another Australian jurisdiction and, if so, to provide details.</p>	<input type="checkbox"/>
<p>Tip: For information about Mutual Recognition go to the Authority's <u>website</u>.</p>		
GTOs, apprentices and trainees	<p>In this part of the application you are asked whether your business is recognised as a Group Training Organisation (GTO) with the Victorian Registration and Qualifications Authority (VRQA), and whether you employ apprentices or trainees.</p>	<input type="checkbox"/>

Industry	Under Industry, you will need to specify the industries into which you are, or will be, supplying workers (up to eight industries). In particular, the Authority asks if you supply 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 your business address, postal address (if different from your business address) and business phone number.	<input type="checkbox"/>
Tip: If you have more than one business you will need to provide the business address for each business.		
Registration with the ATO	Here you will need to state if you are 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>Tip 1: If you are not required to be registered for these arrangements, this will not prevent you from being granted a labour hire licence, however the Authority may require you to provide further information.</p> <p>Tip 2: Further information is available on the ATO website, linked below: GST — https://www.ato.gov.au/business/gst/ PAYG withholding — https://www.ato.gov.au/business/payg-withholding/ FBT — https://www.ato.gov.au/General/Fringe-benefits-tax-(fbt)/</p>		
Annual Turnover	In this part of the application you will need to state the business's annual turnover for the last financial year (if the business did not trade in the last financial year, enter \$0), and provide evidence of this (see the Document List below). If you are unable to provide these documents because the business has not traded, or you are exempt from preparing these documents for some reason, you can select this as an option, however the Authority may contact you for further information. You will also need to state whether your business makes, or intends to make, any payments to workers in cash, and whether you deduct, or intend 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 you have a business plan that sets out how you will comply with the legal obligations set out in section 23 of the <i>Labour Hire Licensing Act 2018</i> . If possible, the business plan should be attached.	<input type="checkbox"/>
Tip: If you do not have a business plan, this will not prevent you 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 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	In this part of the application you will need to declare whether there is any other person involved in your business who could be considered to be a 'relevant person' . For a sole trader, any person who participates in making decisions about the business that affect the whole or a substantial part of the business, is considered a relevant person and will need to be included in this section. However, you should not include external professional advisors like your accountant or solicitor.	<input type="checkbox"/>
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 address 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	This part of the application asks about your arrangements with your workers. You will need to state whether you are registered with WorkSafe Victoria for WorkCover, and if so, attach a copy of your Certificate of Currency.	<input type="checkbox"/>
<p>Tip: If you do not have a copy, you can request another Certificate of Currency here: https://www.worksafe.vic.gov.au/request-certificate-currency-your-workcover-insurance</p>		
Number of workers supplied in previous 12 months	<p>If you are an existing labour hire services business, you will need to provide details of the total number of labour hire workers that you supplied in the last 12 months, and of those, how many were:</p> <ul style="list-style-type: none"> employees independent contractors, or have worked as both. <p>If you are a new business, you will need to provide projected numbers for the next 12 months, if you are granted a licence.</p>	<input type="checkbox"/>
Industrial instruments	<p>If you are an existing labour hire services business, you will need to provide details of the industrial instrument(s) that determined the terms and conditions of the employment or engagement of the workers that you supplied on a labour hire basis in the last 12 months. If the organisation employs any 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 you are a new business, you will need to detail the industrial instruments you intend to use.</p>	<input type="checkbox"/>
<p>Tip: Industrial instruments could include, for example, things like awards, enterprise bargaining agreements, piecework agreements and contracts that apply to independent contractors.</p>		
Visas	<p>If you are an existing labour hire services business, you will need to state whether the workers you supplied in the last 12 months held temporary work visas, and the number of workers for each kind of visa.</p> <p>If you are a new business, you will need to provide projected numbers for the next 12 months, if you are granted a licence.</p>	<input type="checkbox"/>
Hosts	You will need to provide details of the individuals or organisations to whom you provide or intend 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).	<input type="checkbox"/>
<p>Tip: 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 relevant person or a body corporate of which they are an officer, whether to your knowledge:</p> <ul style="list-style-type: none"> there are currently any investigations or proceedings on foot in relation to an alleged contravention by or with the involvement of the relevant person of a labour hire industry law, a workplace law or minimum accommodation standards in the last 12 months, the relevant person has been required to notify a regulator of an incident under a law relating to occupational health and safety in the last 12 months, the relevant person has been the subject of a claim for compensation or damages under workers' compensation laws. <p>Make sure you make all necessary and reasonable inquiries so that you can answer these questions accurately.</p>	<input type="checkbox"/>

8. Accommodation and transport		
Procuring or providing accommodation or transport	You will need to state whether any relevant person is currently, or is intending to, procure or provide 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.	<input type="checkbox"/>
<p>Tip: 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>		
9. Review submission		
Review information	Here you can review the information you have provided in the application to ensure it is accurate and complete.	<input type="checkbox"/>
10. Declarations		
Declarations accompanying application	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 relevant person in relation to the application is fit and proper, and that you (as the licence applicant) comply with the legal obligations set out in section 23 of the <i>Labour Hire Licensing Act 2018</i> .	<input type="checkbox"/>
<p>Tip 1: 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>Tip 2: 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>		
11. Pay and submit		
Application fee	An application fee is payable at the time your application is submitted. Payment can be made by Visa or Mastercard. The amounts set out in the fees link below are correct as at 1 July 2018 but are subject to change in future financial years.	<input type="checkbox"/>
<p>Tip: The application fee charged is dependent on the business's annual turnover in the previous financial year for existing labour hire businesses, or if the business is a new business, the business's projected annual turnover in this financial year and in the next financial year (as an average). If the application is successful, you will also pay an annual licensing fee. You can find more information about fees here: https://labourhireauthority.vic.gov.au/provider/fees.</p>		

Document List for an 'individual' 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"> one <u>Commencement of Identity Document</u> one <u>Primary Use in the Community Document</u> two <u>Secondary Use in the Community Documents</u> photo identification (if not otherwise provided) proof of previous names (if applicable). 	<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 your non-Victorian labour hire licence, if any.	<input type="checkbox"/>
BAS and tax documents	<ol style="list-style-type: none"> 1) A copy of your Business Activity Statements (BAS) for the previous four quarters 2) The page of your latest tax return that summarises the calculation of total income under 'calculation of total profit and loss', or 3) If you are exempt from lodging BAS, a copy of your tax records showing the income from the business in the last financial year. 	<input type="checkbox"/>
Business plan (if relevant)	Business plan – only if you are 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 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 providing or procuring accommodation at more than five addresses, 'Address spreadsheet' of accommodation addresses – available to download within the application form.	<input type="checkbox"/>