

## Attachment 5: Reporting

**Table 1: Reporting requirements in other licensing schemes**

Licensing scheme	Model
Gangmasters Licensing Authority (United Kingdom)	<p>A licence holder must record, as soon as reasonably practicable, the following details relating to each labour user:</p> <ul style="list-style-type: none"> <li>- the date terms are agreed between the licence holder and labour user;</li> <li>- the labour user's name and address, and location of the place of work if different;</li> <li>- details of the position(s) the labour user seeks to fill;</li> <li>- the duration or likely duration of the work;</li> <li>- any training, experience or qualifications and any authorisation to undertake particular work;</li> <li>- the terms offered in respect of the position the labour user seeks to fill;</li> <li>- a copy of the terms between the licence holder and the labour user, and any document recording any variation;</li> <li>- the names of workers supplied;</li> <li>- the details of each resulting engagement and date from which it takes effect;</li> <li>- dates of requests by the licence holder for fees or other payment from the labour user and of receipt of such fees or other payments, and copies of statements or invoices;</li> <li>- the date terms are agreed between the licence holder and the worker;</li> <li>- the worker's name, address and, if under 22, date of birth;</li> <li>- any terms which apply or will apply between the licence holder and the worker, and any document recording any variation;</li> <li>- any relevant details of the worker's training, experience or qualifications and any authorisation to undertake particular work (and copies of any relevant documentary evidence obtained by the licence holder);</li> <li>- details of any requirements specified by the worker in relation to taking up employment;</li> <li>- the names of labour users or sub-contractors / other labour providers to whom the worker is supplied;</li> <li>- details of any resulting engagement and the date from which it takes effect;</li> <li>- the date any contract was terminated, where applicable; and</li> <li>- where payments are made by a worker, other than those legally required, there is evidence of the worker's written consent.</li> </ul> <p>Records must be kept for at least one year.</p>
Queensland Building and Construction Commission (QBCC)	<p>QBCC requires Builders and Contractors with a business revenue over \$600,000 to submit a report from an accountant annually. If maximum revenue in the financial year is up to \$600,000, a business can declare that it will not exceed \$200,000 where they have net tangible assets of \$12,000 (not available to builders) or \$600,000 where the person will have net tangible assets of \$36,000.</p>
Recruitment and Consulting Services Authority	<p>The audit assurance program confirms the existence and strength of an Employment Service Provider's systems and processes and, evaluates those processes through evidence and documentation to demonstrate how a business operates and deals with workers and clients alike.</p>

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**Table 2: Reporting requirements proposed in response to Issues Paper**

Submitted by:	Proposed reporting requirements
<p>Queensland Council of Unions</p> <p>National Union of Workers</p>	<p>Submitted that quarterly report should be provided on:</p> <ul style="list-style-type: none"> <li>- compliance with workplace laws;</li> <li>- number of employees engaged;</li> <li>- number of employees from non-English speaking backgrounds;</li> <li>- number of employees engaged through work visa arrangements;</li> <li>- where employees are placed;</li> <li>- evidence of payment to superannuation funds;</li> <li>- information of payment of WorkCover premiums;</li> <li>- relevant industrial instruments that govern employee entitlements; including copies of employment contracts;</li> <li>- training records;</li> <li>- ATO documents;</li> <li>- number of incidents and injuries sustained.</li> </ul> <p>Suggested that reports be made public and that any changes be reported immediately. The NUW also submitted that the LHP should report information change within 21 days of any changes.</p>
<p>Apprentice Employment Network</p>	<p>A Financial Report similar to that required by ASIC should be provided.</p>
<p>Residential Tenancies Authority</p>	<p>Implied that the report be provided annually and that it contain notifiable incidents, major consultation with workers on workplace conditions and accommodation, compliance with notices issued under the relevant Acts or Regulations, training and instructions provided, evidence of information provided on work rights and responsibilities and evidence of maintaining a register of name and addresses of workers' accommodation.</p>
<p>Anti-Discrimination Commission Queensland</p>	<p>Supported the Gangmasters Licensing Authority model (see Table 1).</p>
<p>Australasian Meat Industry Employee's Union</p>	<p>Supports the QCU submission. Noted further that matters which are relevant to the question of whether the labour hire provider is a fit and proper person to hold a licence should be reported as soon as practicable after they occur.</p>
<p>Independent Education Union of Australia Qld and NT Branch</p>	<p>Strongly support recommendations made by QCU.</p>
<p>AiGroup</p>	<p>Any regular reporting requirements should not impose an unreasonable red tape burden on labour hire providers.</p>
<p>Queensland Law Society</p>	<p>The current reporting obligations should be monitored and enforced such as those relating to workplace health and safety and employee entitlements. Submitted that, labour hire operators should be required to report on; compliance with industrial laws,</p>

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	including workplace health and safety, capacity to meet employee entitlements and occupational injury and illness. Much of this data is already required to be provided.
Australian Manufacturing Workers' Union Qld & NT	LHPs should provide evidence of compliance with statutory obligations, name of the host employer/s and locations where employees are placed, evidence of superannuation payments and payment of WorkCover premiums made, details of relevant industrial instruments including copies of any contracts, enterprise agreements etc., evidence of required training, ATO documents and number of incidents and injuries sustained. The reporting should occur on a quarterly basis and updated relevant reportable information should be provided within 21 days of any changes.
Maurice Blackburn Lawyers	<p>Operators to report on:</p> <ul style="list-style-type: none"> <li>- compliance with industrial laws, including work, health and safety laws;</li> <li>- the number of employees engaged by them;</li> <li>- the number of employees from non-English speaking backgrounds;</li> <li>- the number of employees engaged through work visa arrangements;</li> <li>- where employees are placed (host employer);</li> <li>- capacity to meet employee entitlements;</li> <li>- occupational injury and illness, including numbers of ill and injured workers, measures taken to ensure rehabilitation and return to work;</li> <li>- information regarding payments to Superannuation funds;</li> <li>- information of payment of Workcover premiums, including industry breakdown;</li> <li>- relevant industrial instruments that govern employee entitlements engaged by the labour hire operator, i.e. provide copies of any contracts, enterprise agreements (including those of the host employer if they include "site rates"), awards or piece rate agreements that they pay under;</li> <li>- training records, including workplace rights training; and,</li> <li>- ATO documents.</li> </ul> <p>This information should be made available to the public via the 'online portal'. Labour hire operator to bear the onus of updating the information with 21 days of any changes.</p>
Local Government Association of Queensland	Proposed that care should be taken not to impose additional red-tape obligations on companies.
Dr Elsa Underhill	LHPs to maintain and make available employment related records such as hosts with whom workers were placed, payroll slips, hourly rates of pay, hours worked, visa status, prosecutions for breaches of employment related legislation. The report should be provided every 6 months. The statements would be completed as part of their normal business operations, and would not impose an additional burden on the organisation. Suggested that they identify the industries and occupations into which their workers are placed, their lost time injury rate and the extent to which their workforce has received OHS training. This information could guide Workplace Health and Safety Queensland in developing OHS priority practice, and in communicating industry/occupation specific information to the providers. Licensees would need to report on major changes to business structures, and changes in ownership/control when they occur.
Queensland Horticulture Council	Considered that a 3 <sup>rd</sup> party audited system such as the RCSA certification has much more value than a report generated by the company in question.

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Electrical Trades Union	Supports the matters raised by the QCU, AMWU and NUW submissions.
United Voice	Proposed that failing to self-report could include loss of licence and/or the imposition of financial penalties. Effectiveness of a licensing body will largely depend on how well it is informed. Overemphasis on information provided by the licence holder's themselves may lead to manipulation. Suggest that to counter potential manipulation, a system for reporting breaches past and present is desirable.
Lockyer Valley Regional Council	<p>Provision of an independently audited annual report would need to include at a minimum;</p> <ul style="list-style-type: none"> <li>• evidence and verification that an applicant is still a 'fit and proper person';</li> <li>• declaration of any change of business structure / name / partners etc;</li> <li>• evidence of official accounting package and compliance with accepted financial accounting standards;</li> <li>• evidence of Insurance – Business and Public Liability;</li> <li>• evidence of Workers Compensation coverage for the entire period of operation for the given year for the number of workers employed;</li> <li>• verified copy of company letter of offer given to each employee indicating the employer, employee, Workers Compensation, which farm/worksite they are working on, and who to contact in certain situations;</li> <li>• declaration of where employees are sourced from and where they are accommodated;</li> <li>• OH&amp;S;</li> <li>• verification of compliance with all employment legislation;</li> <li>• evidence of compliance with all relevant taxation and superannuation legislation;</li> <li>• confirmation from Department of Immigration and Border Protection (DIBP) as evidence of compliance for second year visa sign offs; and</li> <li>• in instances where transport to and from the worksite is provided to workers by the contractor: <ul style="list-style-type: none"> <li>○ evidence of vehicle registrations and insurances and compliance under the relevant transport authorities' legislation including log book verification of registered drivers;</li> <li>○ declaration of cost of transport charged to employees and a copy of the agreement used for employees to agree to this deduction.</li> </ul> </li> </ul>
CFMEU	<p>Reporting requirements should be as follows:</p> <ul style="list-style-type: none"> <li>- contractual arrangements with the host employer(s);</li> <li>- industrial arrangements, eg enterprise agreements and/or contracts of employment;</li> <li>- any visa requirements or restrictions on employees;</li> <li>- WorkCover premiums and statistics, including injury and rehabilitation figures;</li> <li>- training records;</li> <li>- WH&amp;S compliance information, eg improvement notices;</li> <li>- superannuation payments;</li> <li>- leave accrual figures.; and</li> <li>- any other statutory reporting obligations.</li> </ul>

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	The report should be provided to the compliance unit on a quarterly basis. Providers should also be required to report any changes to the above within 28 days of the change occurring.
Master Builders Queensland	Notes that the QBCC require Builders and Contractors with a business revenue over \$600,000 to submit a report from an accountant annually.
Association of Professional Staffing Companies	On boarding of workers is an expectation of all recognised APSCo Australia members. Companies are expected to have staff participate in regular updates including but not limited to: legislative and statutory requirements; employment law (in particular EEO and Discrimination); WHS obligations as a PCBU; workers' compensation and insurance responsibilities; contract agreements and minimum entitlements including Modern Awards where applicable; immigration; privacy and data security; superannuation and taxation obligations. Submitted that these could form the basis of any regular reporting and online education program – supported by the Associations in the sector or through the regulators own services and/or CCIQ.