

# TERMS OF REFERENCE

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## Labour Hire Licensing Advisory Committee

### Terms of Reference

#### 1. Purpose/Legislative Mandate

The Labour Hire Licensing Advisory Committee (the Committee) is established under section 19 of the *Labour Hire Licencing Act 2020* (the Act).

The Minister for Industrial Relations and Workplace Safety is the portfolio Minister.

The objects of the Labour Hire Licensing Scheme are to:

- A) protect workers from exploitation by providers of labour hire services; and
- B) ensure labour hire service providers meet their workplace obligations and responsibilities to the workers they supply; and
- C) promote the integrity of the labour hire services industry; and
- D) promote responsible practices in the labour hire services industry.

The Committee will provide advice to the Minister about the objects of the Scheme, and the administration of the Act.

#### 2. Scope and Functions

In accordance with section 20 of the Act, the Committee has the following functions:

- (a) To advise the Minister about –
  - (i) Matters relating to the operation of the Act; and
  - (ii) If required by the Minister – anything else in relation to labour hire services;
- (b) Any other function given to the committee under the Act.

Additional matters may include, but are not limited to, providing advice to the Commissioner and the Minister about:

- a) supporting research and educational programs to enable licensees comply with the Scheme requirements; and
- b) supporting awareness campaigns promoting the understanding of and compliance with the Act

### **3. Committee Membership**

The Committee is made up of seven (7) Members:

- three Members appointed by the Minister after consultation with the people or bodies that the Minister considers represent the interests of employees; and
- three Members appointed by the Minister after consultation with the people or bodies that the Minister considers represent the interests of employers; and
- one ex-officio Member, the Labour Hire Licence Commissioner.

### **4. Acting Members**

The Minister may appoint a person to act as a Committee Member during a Member vacancy or during a period when a relevant Member is absent from duty or when the Member cannot for any reason exercise functions of the position. The Minister may appoint an Acting Member whether or not an appointment has previously been made to the position.

Acting Members are appointed following the same process for appointing Members to the Committee and are able to act as a Member if they are appointed under the same provisions as the vacant or absent Member.

Acting Members will be invited to attend Committee meeting to ensure maximum representation of Members at all meetings should a Member be unable to attend or achieve quorum as necessary.

### **5. Terms and Conditions of Appointment**

Committee Members are appointed for a term of three years. A Member may be re-appointed if they are still eligible for that position. However, a person who has been served as a Member for six consecutive years may not be eligible for re-appointment.

### **6. Chair**

The Minister must appoint a chair of the Committee from Members appointed under section 21(1) of the Act. The authority to appoint the Chair allows consideration by the Minister of all Members including the ex-officio member noting that the Commissioner is appointed for the purposes of the Committee under section 21(1) of the Act.

### **7. Quorum and Voting**

Before the Committee can conduct business, a quorum is required. A quorum of the Committee is constituted by five appointed Members, so long as there are:

two Members from each category of appointed Members (section 21 (b) and (c) of the Act);

- one of the Members in each category must not be an acting Member; and
- the ex-officio Member, being the Commissioner, is present.

At each meeting of the Committee, each appointed Member, except the Commissioner, has a vote on each question to be resolved. Each question put to a meeting is resolved by a majority of the voting Members present. The Chair does not hold a deciding vote power (casting vote).

The Commissioner is a non-voting Member.

## **8. Administration**

The Workplace Safety and Industrial Relations Group, CMTEDD will provide Secretariat support to the Committee.

The Secretariat will be responsible for scheduling all meetings and accurately recording and distributing the minutes of all meetings.

The Committee may publish its considerations as the committee considers appropriate; the Secretariat will, following each meeting, confirm with the Committee as to the matters for publication.

## **9. Meetings**

Two meetings of the Committee are scheduled each year.

The Chair is responsible for calling meetings of the Committee. At least five days' notice must be given in writing of the meeting, stating the date, time and place of the meeting and the matters to be considered.

If the Chair receives a written request from four Committee Members to hold a meeting, a meeting must be called but must note that a quorum is required before a meeting can be held.

Additional meetings may also be held to progress specific matters. Meetings will be scheduled during normal working hours.

## **10. Minutes**

Minutes will be made of each meeting and retained for a period of not less than ten years, in line with the Whole of Government Records Disposal Schedules.

The minutes will record agreed resolutions and actions of the meetings.

Draft minutes of each meeting will be endorsed by the Chair and distributed to Members as soon as possible after each meeting for comment.

Approval of the most recent draft minutes will be considered out-of-session following a meeting of the Committee within a reasonable time.

Should a meeting occur without a quorum present, the minutes will be taken as a record of the discussion of Members present. As no resolution can be made without a quorum present, the minutes will be circulated to Members for noting.

## **11. Communique**

For each meeting of the Committee, a communique from the Chair of the Committee will be circulated to Members for comment before being published on the Workplace Safety and Industrial Relations Group, CMTEDD website.

## **12. Confidentiality and Sensitive Matters**

Some matters may hold sensitivity and need to be treated as confidential. Members are expected to respect the confidentiality of discussions. Information provided to and comments made at meetings should not be disclosed to third parties without the consent of all Committee Members. This restriction does not apply to Members disclosing information on a need-to-know basis within their organisations for the purposes of the Committee's work and to inform Members positions on issues for discussion at meetings.

Where Members are in doubt as to whether information is confidential, they should assume that it is and seek the guidance of the Chair before disclosing that information to the public.

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