

**Retention and Disposal Authority for Records of Labour Hire
Regulation Functions**

Authority number: PROS 25/03



**Public Record
Office Victoria**



PROS 25/03

**Retention and Disposal
Authority for Records of
Labour Hire Regulation
Functions**

Issued Date: 22/04/2025

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INTRODUCTION

Context

Labour Hire Licensing Authority Context Description

The Labour Hire Authority (LHA) is the business name of the Labour Hire Licensing Authority.

The Labour Hire Authority is an independent statutory body created by the *Labour Hire Licensing Act 2018* (Vic) (LHL Act). Its lead Department is the Department of Treasury and Finance.

The Victorian Government established the LHA in 2019 in response to the Victorian Inquiry into the Labour Hire Industry and Insecure Work. The Inquiry uncovered widespread abuse and exploitation of labour hire workers across Victoria.

The Labour Hire Authority is responsible for licensing labour hire providers and undertaking education, enforcement and compliance activity.

LHA has the following functions:

- to administer the scheme for granting licences under the LHL Act
- to promote, monitor and enforce compliance with the LHL Act and the regulations
- to investigate compliance with the LHL Act and the regulations
- to maintain the Register
- to develop and publish Codes of Practice in relation to the LHL Act.
- to provide advice and to report to the Minister on a Code of Practice or any other matter referred to the Authority by the Minister
- to engage in, promote and coordinate the sharing of information with other government agencies and bodies, including agencies and bodies of the government of the Commonwealth or another State or a Territory, to achieve the objects of the LHL Act
- to conduct, procure and support research into the labour hire industry
- to disseminate information about the duties, rights and obligations of persons under the LHL Act and the regulations
- to establish advisory committees to provide advice or information to the Authority regarding the performance of its functions
- any other function conferred on the Authority by the LHL Act or any other Act.

The LHA collaborates with many agencies to share information and jointly address non-compliant (including criminal) behaviour in the labour hire and related industries, including:

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- Australian Tax Office
- Australian Border Force
- Victoria Police, and police forces in other jurisdictions where cross-border issues arise
- Australian Criminal Intelligence Commission
- Victorian Registration & Qualification Authority
- AUSTRAC (Commonwealth agency tasked with prevention, detection, and responding to financial crime such as money laundering).

The LHA liaises with many agencies, organisations and industry representative bodies to ensure workers, employers and hirers understand their rights, responsibilities and obligations, including:

- Industry associations e.g. Victorian Farmers Federation, Australian Hotels Association, Australian Meat Industry Council etc.
- Employer Associations e.g. Victorian Chamber of Commerce and Industry, Business Council of Australia etc.
- Trade Unions
- Workers Support groups e.g. Federation of Community Legal Centres, Migrant Workers Centre etc.

The LHA also liaises with many Government agencies which have oversight of industries or sectors in which the use of labour hire arrangements is common, or who have overlapping/complementary regulatory responsibilities, including:

- Agriculture Victoria
- Department of Jobs, Skills, Industry and Regions
- Wage Inspectorate Victoria
- Victorian Equal Opportunity & Human Rights Commission
- WorkSafe
- PrimeSafe
- Fair Work Ombudsman.

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Scope	This RDA authorises disposal of records created by the Labour Hire Licensing Authority (operating as Labour Hire Authority).
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Status	Issued by Keeper
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Issue Date	22/04/2025
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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard - *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

PROS 22/04 Disposal Standard authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies
- periodic backups of records, information, data, software and settings for recovery in case of technical failure and/or catastrophe and are duplicate copies of official business records/data that is held elsewhere on a managed system.

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Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent records must be managed and transferred in accordance with PROV Standards.

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Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Labour Hire Authority . This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

Justine Heazlewood, Keeper of Public Records

Date of Issue: 22/04/2025

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No	Function/Description	Status	Disposal Action
1.0	<p>Licensing Management</p> <p>The function of managing the licensing scheme for labour hire entities in Victoria.</p> <p>Includes the licensing of individuals or organisations (collectively known as entities) under Victorian labour hire legislation and the registration of individuals licensed in other jurisdictions who have applied to be registered under mutual recognition legislation.</p> <p>Labour hire entities are providers who supply individuals to perform work for a host business, and are obliged to pay the individual for the performance of the work.</p> <p>Examples of labour hire providers include:</p> <ul style="list-style-type: none"> • recruitment and placement service entities where accommodation is also provided to the placed workers by the entity • contractor management service entities where the contractor's payroll and / or performance management is also performed by the entity • businesses who supply cleaners for commercial premises • businesses who supply workers in the horticultural industry (often to perform seasonal work) e.g. to work as fruit or vegetable pickers / packers, harvest hands, etc. • businesses who supply workers to a meat processing / manufacturing establishment, or to a poultry processing establishment. <p>Licensing management includes:</p> <ul style="list-style-type: none"> • processes for the receipt of applications and supporting documentation • assessment of applicants, including background checks / assessment of 'fit and proper' status and a history of compliance with legal obligations • recommendations from other functional areas (e.g. business intelligence or compliance management) on whether an application should be approved or not, or whether any conditions should be imposed on the licence 		

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Licensing Management

	<ul style="list-style-type: none"> processes to receive and consider objections against a particular application for licensing decisions to grant or refuse a licence application mutual recognition (there is provision under the Act to register licensed interstate providers for approval to trade in Victoria rather than require a full application process - also known as mutual recognition. Once registered the provider is treated in an identical manner to a Victorian licensed labour hire entity) renewals processes to manage the exclusion of an entity from holding, or being granted a licence for a period of time following compliance enforcement action customer enquiries and problem reporting services for applicants and licensees, as well as the broader public to lodge enquiries about or problems with the licence application and renewal process, unlicensed providers, other regulatory processes managed by the agency, or services delivered by the agency e.g. a complaint about an officer's handling of a regulatory process. <p>The renewal process may vary from the initial application process by:</p> <ul style="list-style-type: none"> using a condensed application process that updates details previously supplied updating background checks / assessment of 'fit and proper' status and compliance with legal obligations a review of compliance history to ascertain if the entity has complied with the Act/s, or promptly addressed / rectified any areas of non-compliance once identified a review of conditions on the licence, including those arising from disciplinary and / or enforcement action. 		
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Licensing Management

	<p>Also includes appeals against or reviews of a refusal to grant or renew a licence, or against conditions placed on a licence.</p> <p>Includes requests to cancel a licence voluntarily by an entity no longer wishing to provide labour hire services, and the processing of cancellations, suspensions and other enforcement activity against a licence.</p> <p>Includes reviews of annual reporting, conditions and other elements of licence compliance required to be met in order to be eligible to remain licensed.</p> <p>See <i>Labour Hire Regulation Functions 2.Compliance Management</i> for complaints that are referred internally for investigation under compliance management processes</p> <p>See <i>Labour Hire Regulation Functions 3.Regulatory Responsibilities Management</i> for records of the establishment and maintenance of a public register of licensed entities</p> <p>See <i>PROS 22/07 RDA for Records of the Identity Verification Function</i> for records of proof of identity collected for the purposes of identity verification</p> <p>See <i>PROS 07/01 RDA for Records of Common Administrative Functions</i> for records of enquiries and complaints regarding agency services or officers that do not become part of a licensed entity's licensing or compliance history</p>		
1.1	<p>Records of Continuing Value</p> <p>Records of continuing value documenting the licensing management function, including approved and issued:</p> <ul style="list-style-type: none"> • licensing requirements • criteria for determining the suitability of an applicant • criteria for the application of conditions or limits to a licence • reports to Parliament or the portfolio Minister, including reports concerning changes to the 	Permanent	Retain as State Archives, Transfer to PROV

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Licensing Management

	licensing requirements, criteria, the history of a particular licensed entity, or characteristics of a category/class of licence etc.		
1.2	<p>Long-term Records</p> <p>Records of long-term administrative value documenting the licensing function. Includes:</p> <ul style="list-style-type: none"> summary records of licensed entities (may also be known as a register) records of a decision to refuse/reject an application (records of a decision do not include all the detailed records of the relevant application and supporting information but may include or summarise those elements of the application that were crucial in forming the decision. See class 1.3 for detailed records of these decisions) records of a decision to suspend, cancel, refuse to renew or place conditions on an existing licence. 	Temporary	Destroy 75 years after date first application submitted.
1.3	<p>Short-term Records</p> <p>Short-term records documenting and supporting the licensing function.</p> <p>Includes evidence supporting applications and renewals such as:</p> <ul style="list-style-type: none"> personal identification and contact details records of an applicant's business or company registration results from police and other personal background checks director's financial and personal probity checks (corporate applicants) records of an applicant's background and experience in providing labour hire services (includes information about services provided in the previous licensing period (if applicable), and estimates for the coming licence period) information about the workers an applicant intends to provide as hired labour, including the 	Temporary	Destroy 10 years after action completed.

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Licensing Management

	<p>terms and conditions under which they will be employed and any work visa details that may apply</p> <ul style="list-style-type: none"> • whether there is an intention to provide worker transport or accommodation services • details of registration with tax and OH&S regulatory authorities e.g. ATO and WorkSafe • declarations regarding adherence to relevant legislation • insurance records • records of licences held in other jurisdictions • proof of payment • any other documentation required by the Authority as part of the application, or for the purposes of ongoing <p>Also includes:</p> <ul style="list-style-type: none"> • objections received in relation to an application made for a licence • annual submission of reports on licensed activity • records of the cancellation by request of a licence • withdrawn applications and unsuccessful applications • reviews of decisions to grant/not grant, or impose conditions on a licence. 		
1.4	<p>Security and Background Checks</p> <p>Records of security and other background checks carried out on applicants or licensed entities that are subject to separate specific retention instruction under a check service provider agreement.</p>	Temporary	Destroy in accordance with service provider agreement

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Compliance Management

2.0	<p>Compliance Management</p> <p>The function of managing compliance in the labour hire industry, including ensuring:</p> <ul style="list-style-type: none"> the requirements of relevant legislation, standards, and other mandatory frameworks are met conditions of licensing are adhered to relevant persons retain 'fit and proper' status for further licensing appropriate action is taken where required to reduce or remove the risk of future non-compliance by an entity. <p>Compliance management processes and outcomes include:</p> <ul style="list-style-type: none"> receipt and management of reported problems compliance audits and activities, including proactive compliance campaigns investigations, including the show cause process enforcement action including warnings, referrals, infringement notices, licence conditions, notices to comply, licence suspension or cancellation, criminal or civil penalty proceedings monitoring licence conditions e.g. as a result of a complaint investigation an entity may be required to undertake additional training; engage an independent auditor or subject matter expert to review or improve an area of their business; or rectify an omission or error such as incorrect wage payments, substandard accommodation or travel arrangements. business intelligence gathering i.e. to enable the identification of potential risks to workers or hosts, the community, or the broader labour hire industry by collating information from disparate sources about an entity and its performance, activity and associations. 		
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Compliance Management

	<p>Information regarding current compliance management processes being undertaken and their outcome may be made available to the public for the purposes of seeking input to identify instances of non-compliance, and/or awareness for those intending to utilise the services of a labour hire provider.</p> <p>Includes the reporting of problems via the online problem reporting service, or directly to officers when they are liaising with industry participants or out in the field.</p>		
2.1	<p>Records of Continuing Value</p> <p>Records of continuing value which document the compliance management function, including approved and issued:</p> <ul style="list-style-type: none"> reports containing intelligence and other analysis across the labour hire industry compiled to provide strategic advice on a compliance issue or risk and provided to the Labour Hire Licensing Commissioner compliance program plans which set out the case selection criteria, the compliance risks that the plan addresses, and any other key instructions for carrying out compliance and enforcement activities under the plan summary reports on the outcome of compliance campaigns. 	Permanent	Retain as State Archives, Transfer to PROV
2.2	<p>Long-term records</p> <p>Long-term records of compliance management, including:</p> <ul style="list-style-type: none"> summary information or registers of compliance management activity undertaken, including those made available for public access records of compliance management activities including reports recommending compliance action compliance actions arising as outcomes of prosecuting contraventions of the Act, including providing labour hire while unlicensed. 	Temporary	Destroy 75 years after date of first contact.

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Compliance Management

2.3	<p>Short-term records</p> <p>Records of short-term value documenting the compliance management function, including:</p> <ul style="list-style-type: none"> correspondence with licensed entities concerning submission of compulsory annual reports on labour hire activities includes queries concerning incomplete reports, missing attachments, reports not received etc. compliance and enforcement action documentation, including administration and documentation of the audit or investigation process, any documentation lodged by the licensed entity in respect of or to respond to queries raised during an investigation, analysis, decisions and resulting activity such serving a notice, applying an infringement or penalty etc. Also includes administrative action taken for contraventions of the Act reviews of decisions, including preparation for and presentation at external tribunal intelligence assessment of licensed entities, applicants, or persons of interest connected with licensed entities. Assessments relate to the behaviour of particular licensed entities (activities undertaken, modes of operating, contacts and associations maintained etc.), and the risks that may ensue (connection to criminal activity, vulnerability of the workers to exploitation etc.) intelligence assessments, investigations, and enforcement actions against entities who are suspected of, or confirmed to be, operating a labour hire business without a licence. 	Temporary	Destroy 10 years after action completed.
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Regulatory Responsibilities Management

3.0	<p>Regulatory Responsibilities Management</p> <p>The function of managing the authority's regulatory responsibilities (excluding licensing and compliance management functions), including:</p> <ul style="list-style-type: none"> • management of the public register of licensed entities • establishing, reviewing and communicating the scheme for granting licences, compliance framework and related matters • to promote and educate entities on licensing and compliance requirements, including changes and updates to labour hire licensing and other relevant legislation • to educate and inform industry participants and the general public about the duties, rights and obligations of persons under the labour hire licensing and other relevant legislation • establishing, engaging in, and coordinating information sharing with other government agencies in order to support the authority's objectives • to conduct, procure and support research into the labour hire industry <p>See PROS 16/06 RDA for Records of the Standard Setting and Organisational Performance Monitoring Functions 1.Development of Standards and Codes for records of the development, publication and reporting on Codes of Practice for the labour hire industry</p> <p>See PROS 07/01 RDA for Records of Common Administrative Functions for records of establishing and administering Advisory Committees</p> <p>See PROS 16/02 RDA for Records of the Non-Accredited Training Function for records of seminars and other education programs delivered by the agency to the industry and its participants</p>		
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Regulatory Responsibilities Management

3.1	<p>Records of Continuing Value</p> <p>Records of continuing value documenting the regulatory responsibilities management function, including approved and issued:</p> <ul style="list-style-type: none"> • public register management plan setting out what will appear on the register e.g. what licensed entity details, what details of compliance action, when entries will be added/removed etc. • licensing scheme i.e. setting out eligibility criteria, application requirements, fee schedule, exemption categories etc. • compliance frameworks i.e. setting out how and when compliance is monitored, tiers of response and escalation processes, triggers for referral to other agencies etc. • high-level master communication strategies for releasing and promoting licensing scheme and compliance framework information to the industry and the general public 	Permanent	Retain as State Archives, Transfer to PROV
3.2	<p>Medium-term records</p> <p>Records of medium-term value documenting the regulatory responsibilities management function, including:</p> <ul style="list-style-type: none"> • final internal and external research reports that cover labour hire and related topics of interest in response to a particular event, case, trend, or are based on a request from an industry sector • annual or periodic industry education and engagement plans that aim to ensure industry participants are familiar with legislative requirements and are up to date with any changes in the legislation, or the agency's approach to licensing or compliance management • business intelligence strategies or equivalent that document the approach the agency will take to research the background and connections of licensed entities, recognise and pursue evidence of wrongdoing, and to internally report or refer concerns externally. Includes overviews of the information held by external government 	Temporary	Destroy 25 years after action completed.

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Regulatory Responsibilities Management

	agencies required to perform the duties set out in labour hire legislation, whether information sharing arrangements are in place to gain access to that information, how and when these are renewed, and any obligations or conditions in place to govern these arrangements etc.		
3.3	<p>Short-term records</p> <p>Short-term records of the regulatory responsibilities management function, including:</p> <ul style="list-style-type: none"> records of updates and changes to be made to the content of the public register e.g. additions, updates or removal of licensee details detailed documentation of consultation, research and review processes, and other input leading to the formulation of licensing schemes, compliance frameworks, communication plans, industry education and engagement plans, and business intelligence strategies records of research conducted including data and information collected and compiled, methodology or analysis mechanisms used, and interim research reports written for review by external parties prior to finalisation and approval of the research report. Also includes feedback responses received and change decisions made to form the final approved research report. 	Temporary	Destroy 10 years after action completed.