



Employment Agents Bill 2026

June 2026 Update

This update provides an overview of key feedback received from stakeholders during the public consultation process on the *Employment Agents Bill 2026*, and amendments the government has made in response to that feedback.

The employment agent industry is currently regulated by the *Employment Agents Registration Act 1993* and the *Employment Agents Regulations 2024*.

Employment agents carrying on business in South Australia must be licenced and can only carry out their business at a registered premises. Employment agents that operate externally to South Australia (nationally and internationally) have expressed concern that the current Act is onerous, outdated, does not reflect the needs of the modern labour market, and does not account for technological advancements.

The Bill and draft Regulations have been developed following extensive research into the regulation of the employment agency industry in other jurisdictions to identify the best model for South Australia.

The framework developed adopts the approach Queensland has adopted in the *Private Employment Agents Act 2005* (Qld), which establishes the *Private Employment Agents (Code of Conduct) Regulations 2015* (Qld).

The benefit of the Queensland approach, and the reason it is considered the best model to reform the employment agent industry in South Australia, is that it establishes a framework that promotes ethical conduct and the provision of high-quality placement and recruitment services from employment agents, whilst also providing for regulatory monitoring and enforcement for breaches of the code of conduct.

By adopting the Queensland approach, we have addressed industry concerns by removing the licensing regime and the requirement for employment agents to operate from a physical premises in South Australia, as well as other associated requirements.

With the removal of the licensing system, the Bill establishes an inspectorate scheme and provides the South Australian Employment Tribunal (**SAET**) constituted as the South Australian Employment Court with the power to grant an injunction restraining a person from engaging in certain conduct, including from acting as an employment agent. An injunction may be ordered where an employment agent has contravened or been in some way involved in a contravention of a provision of the Bill, Code of Conduct or other specified law or been convicted of a serious offence, has knowingly employed someone who has committed such conduct, or where an agent has failed to comply with court orders in relation to the repayment of fees.

Any reported breach of the Bill or the Regulations will be investigated by SafeWork SA and referred to the SAET depending on the outcome of the investigation. SafeWork SA will allocate any reported breaches to existing inspectors who are already appointed as such under the *Fair Work Act 1994*.

Stakeholder feedback provided broad support of the Bill and Regulations. The feedback welcomed the modernisation of the system regulating employment agents, particularly the removal of the licensing scheme and the requirement to maintain a premises in South Australia.

Employment Agents Regulations 2026

The draft Regulations were released for public consultation together with the draft Bill. The draft Regulations establish a Code of Conduct that prescribes a mandatory framework of legally enforceable standards of behaviour and promotes ethical conduct by employment agents in their dealings with people seeking work and others they may interact with in the course of their business. Existing protections for both employers and workers will be maintained.

While the *Employment Agents Registration Act 1993* regulates employment agents' standard of behaviour by virtue of its licensing system, requiring an applicant to meet a "fit and proper person" test, the new Code of Conduct will create express duties and responsibilities for employment agents. These include that employment agents must:

- act honestly, fairly and professionally;
- exercise reasonable skill, care and diligence;
- represent a work seeker in an ethical and professional way;
- ensure a work seeker's right to maximise the work seeker's potential for career development is preserved; and
- take prescribed measures to keep work seekers informed.

The Code of Conduct identifies requirements and restrictions in relation to the charging of fees by employment agents, which remain largely consistent with those under the current scheme. New provisions will be included in relation to overseas work seekers, as well as the use and retention of information held by an employment agent.

Penalties for non-compliance will be increased under the draft Regulations to a maximum penalty of \$5,000 or an expiation fee of \$315. In addition, an employment agent who breaches the Code of Conduct may face proceedings for the charge of an offence or an injunction being brought against them.

Stakeholder feedback identified that the Bill and draft Regulations contained a regulation requiring employment agents to display information at their business premises, which was inconsistent with the removal of the requirement for employment agents to maintain a physical presence in South Australia. That regulation has now been removed with consequential amendments made to subsequent regulations.

While some stakeholders provided other suggested amendments to the Regulations, broadly aimed at reducing the regulatory burden on employment agents, no further changes to the Bill or Regulations have been made at this stage. The Regulations have been drafted based on the equivalent regulations in Queensland, which were identified as appropriately balancing the need to modernise the industry's regulation and maintaining protections for workers.