

Appendix 4

Correspondence from DEWR

Correspondence from FairWear



Australian Government
**Department of Employment and
Workplace Relations**

National Office

GPO Box 9879 CANBERRA ACT 2601

Senator the Hon Judith Troeth
Chair of the Senate Employment, Workplace
Relations and Education Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Troeth

I am writing to follow up on our discussion with the Committee on 17 August 2006 with the representatives of FairWear and the Textile, Clothing and Footwear Union of Australia (TCFUA) regarding the treatment of contract outworkers in the Independent Contractors Bill 2006 (the IC Bill) and the Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006 (the Amendments Bill).

These discussions took place with the approval of the Minister, and with the primary purpose of ensuring that the bills achieved the Government's objective to preserve existing protections for outworkers under State and Territory laws, thus reflecting the approach taken in the Work Choices legislation, and doing so in a manner which is consistent with the Government's broader policies with respect to independent contracting. The Government had also agreed to the Department discussing with the TCFUA and FairWear the detail of draft amendments to make the preservation of existing State outworker laws as clear and effective as possible.

I am pleased to be able to advise you that the Department has now finalised draft amendments in consultation with FairWear and the TCFUA. These amendments are attached.

I am confident that these proposed amendments achieve the Government's policy in relation to the protection of outworkers without compromising the overall intention of the legislation. I note, however, that these proposed amendments are yet to go through final internal Government approval processes.

I would be pleased if you could circulate this information among the other members of the Senate Employment, Workplace Relations and Education Committee (the Committee). However, I would appreciate it if the text of the amendments could remain confidential at this stage, given the formal approval processes are yet to occur.

The attached document sets out each of the key issues we have discussed with the Committee in response to the TCFUA and FairWear concerns.

I would be pleased to provide you with further information if it would assist the Committee in its deliberations.

I have copied this letter to the TCFUA and FairWear for their information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. James', written in a cursive style.

Natalie James
Chief Counsel (a/g)
Workplace Relations Legal Group
24 August 2006



Senator Judith Troeth
Chairperson
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

By email transmission: c/o John Carter, Secretary, john.carter@aph.gov.au

24 August 2006

Dear Senator,

Inquiry into the provisions of the *Independent Contractors Bill 2006* and the *Workplace Relations Amendment Legislation (Independent Contractors) Bill 2006*

We write to inform you, and other members of the Committee, of the outcome of discussions between representatives of the Department of Employment and Workplace Relations and members of FairWear and the TCFUA regarding protections for outworkers in the Bills which are the subject of this inquiry.

Firstly, we would like to sincerely thank you, and the Committee, for encouraging and facilitating these discussions. This committee has a long history of advocating for protections for outworkers, which we, and the outworkers we represent, greatly appreciate.

Secondly, we are pleased to report that as a result of the discussions, a joint position has been reached with DEWR regarding the desirability of a number of amendments to the Bills, to be complemented by clarification of the government's intention through the accompanying Supplementary Explanatory Memorandum and relevant parliamentary speeches. We believe these measures will go a significant way to addressing FairWear's concerns about the impact of the Bills on outworkers.

We have been provided with a copy of a letter, summary of issues, and confidential draft amendments sent by DEWR to the Committee today. We confirm our support for the draft amendments provided to the Committee. We have set out some additional comments in relation to each of the issues canvassed in DEWR's correspondence, including where differences remain, in the attached document. We hope this clarifies our position.

We understand that DEWR will communicate with us in the coming days and weeks regarding the confirmation of the proposed amendments and the content of the supplementary explanatory memorandum and relevant parliamentary speeches.

Again, we wish to thank the Committee for its support for outworkers and for helping to address the exploitation they experience on a daily basis.

Yours faithfully,

Debbie Carstens
FairWear
(02) 9789 9062
fairwear@awatw.org.au

Kath Fawcett
TCFUA
(03) 9639 2955
kfawcett@tcfvic.org.au