

2 August 2006

Mr John Carter
Secretary
Senate Employment, Workplace Relations and Education Committee
Parliament House
CANBERRA ACT 2600

**RE: SENATE INQUIRY INTO PROPOSED INDEPENDENT
CONTRACTORS BILL AND WORKPLACE RELATIONS
LEGISLATION AMENDMENT (INDEPENDENT CONTRACTORS)
BILL 2006**

Dear John

I write with respect to the current Senate Inquiry into the Independent Contractors Bill 2006 and the Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006.

ACCER does not seek to appear before the Senate Committee on this occasion. However, it does seek to make some points of principle to the Committee. Our interest in this Inquiry follows recent discussions with the FairWear Campaign about the potential impact of the proposed legislation on outworkers.

The circumstance of outworkers is not a new issue in the current debate about employment. Indeed, it was one of the issues discussed before the November 2005 Senate Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005 when we gave our evidence.

Since that time, together with the FairWear Campaign, ACCER has met with the Minister for Employment and Workplace Relations on 27 April regarding outworkers and independent contractors.

ACCER is concerned that any legislation preserves the employment status of outworkers as “employees” and that the associated protections for outworkers in State laws must be maintained under any new legislation. Any ambiguities in the proposed legislation that would defeat these outcomes should be seriously examined and rectified.

As you will be aware from our previous representations, we are most concerned that the vulnerable in our society are not exposed to exploitation or put in a position of disadvantage. In this context, the responsibility of government is to ensure that there

is a proper balance between respective legal rights, especially when bargaining positions are not equal.

Workers, regardless of their employment status, cannot be treated as commodities. The terms of engagement cannot be left to the laws of the marketplace. They must be based on justice and equity. Workers must be paid a wage and have working conditions that allow them to live a truly human life and to fulfil their personal, family and community obligations. There must be a proper balance in the relationship between employers and workers.

Thank you for your consideration of these matters.

Yours sincerely

JOHN RYAN
Executive Officer