



Department of Innovation, Industry and Regional Development

Industrial Relations Victoria

Ref No DC05/57

FILE No:
DGC:
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Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Mr Gregson

HOMEWORKERS CODE OF PRACTICE COMMITTEE INC APPLICATIONS FOR AUTHORISATION – DRAFT DETERMINATION

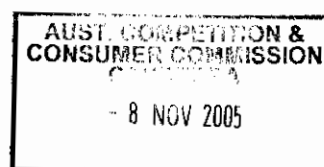
Thank you for your letter dated 26 October 2005 in relation to the application for authorisation of the Homeworkers Code of Practice Committee Inc.

The Victorian Government supports the Australian Competition and Consumer Commission's draft determination which proposes to grant authorisation for a period of five years.

As noted in our submission to you (Ref No DC05/32), the Victorian Government passed the *Outworkers (Improved Protection) Act 2003* (the Act), which came into force on 1 November 2003.

Paragraph 2.12 (the first dot point) of the draft determination, refers to the Act deeming all outworkers to be employees. This statement does not accurately reflect the provisions of the legislation. It is suggested that the paragraph be amended as follows:

In Victoria, the *Outworkers (Improved Protection) Act 2003* has been enacted. The Act defines outworkers to be employees for the purposes of occupational health and safety, public holidays and long service leave. The Act was amended in 2005 to ensure that all outworkers receive the minimum entitlements contained in relevant federal awards. The Act established the Ethical Clothing Trades Council, which advises the Victorian Government on issues relating to the clothing industry. It also established mechanisms for investigation and enforcement by Government Information Services Officers and authorised officers of the union (TCFUA Victorian Branch).



Should any additional information be required, please contact Melissa Donald on 03 9651 9541 or via email on melissa.donald@ird.vic.gov.au.

I look forward to receiving the final determination on this matter in due course.

Yours sincerely



BRIAN CORNEY
Director – Private Sector

3/11/05