



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

GPO Box 9879 CANBERRA ACT 2601

Mr Scott Gregson
General Manager, Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Mr Gregson

I refer to your letter of 10 April 2007 in which you sought comment or submissions in relation to the application by the Construction Material Producers Association Inc (A91047) (CMPA) for authorisation (including interim authorisation) to produce standard form contracts for use by its members.

Thank you for the opportunity to comment on this application. As the application involves contracts between suppliers and owner-drivers, I wish to draw the attention of the Commission to the *Independent Contractors Act 2006* (IC Act), which came into effect on 1 March 2007. This legislation recognises and protects the position of independent contractors to enter into arrangements outside of the framework of workplace relations legislation and regulation.

Generally speaking, the IC Act overrides state and territory laws which seek to limit the ability for genuine independent contractors to enter into commercial contracts or seek to cover independent contractors by workplace relations regulation.

The IC Act, however, does not override the Victorian *Owner Drivers and Forestry Contractors Act 2005* and New South Wales legislation of a similar nature. In doing this the Government considered that retaining the status quo for owner-drivers in these two states was appropriate at this stage, but announced that a review would be undertaken of this type of owner-driver regulation during 2007.

I trust that this information provides useful context for this stage of the interim authorisation process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Finn Pratt'.

Finn Pratt
Deputy Secretary

26 April 2007