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The Parliament of the
Commonwealth of Australia

THE SENATE

Independent Contractors Bill 2006

(Government)

- (1) Clause 7, page 6 (line 30) to page 7 (line 3), omit paragraph (1)(c), substitute:
- (c) without limiting paragraphs (a) and (b)—expressly provide for a court, commission or tribunal to do any of the following in relation to a services contract on an unfairness ground:
 - (i) make an order or determination (however described) setting aside, or declaring to be void or otherwise unenforceable, all or part of the contract;
 - (ii) make an order or determination (however described) amending or varying all or part of the contract.
- [unfair contracts laws]***
- (2) Clause 7, page 7 (lines 10 to 14), omit paragraph (2)(a), substitute:
- (a) a law of a State or Territory, to the extent that the law deals with matters relating to outworkers (including entry of a representative of a trade union to premises for a purpose connected with outworkers), other than matters mentioned in paragraph (1)(c); or
- [outworker laws]***
- (3) Clause 7, page 7 (line 21), at the end of subparagraph (2)(b)(ii), add “or”.
- [owner driver laws]***
- (4) Clause 7, page 7 (lines 22 and 23), omit subparagraph (2)(b)(iii).
- [owner driver laws]***
- (5) Clause 8, page 8 (line 32), omit “rights”, substitute “protection”.
- [exclusion of certain State and Territory laws]***
- (6) Clause 12, page 10 (after line 28), at the end of the clause, add:
- (3) In reviewing a services contract, the Court must only have regard to:
 - (a) the terms of the contract when it was made; and

(b) to the extent that this Part allows the Court to consider other matters—other matters as existing at the time when the contract was made.

(4) For the purposes of this Part, *services contract* includes a contract to vary a services contract.

Note: The effect of subsection (4) is that a contract to vary a services contract can be reviewed under this Part, as the contract to vary will itself be a services contract.

[unfairness at time contract made]

(7) Clause 14, page 11 (lines 23 to 26), omit the definition of *other review proceedings*, substitute:

other review proceedings means proceedings in relation to a services contract:

- (a) under a provision of a law of a State or Territory that makes provision as mentioned in paragraph 7(1)(c) and is not affected by the exclusion provisions; or
- (b) under a provision of a law of the Commonwealth, or of a State or Territory, that is specified in regulations made for the purposes of this paragraph.

[review of services contracts]

(8) Clause 15, page 12 (lines 11 to 16), omit subclause (2).

[review of services contracts]

(9) Clause 15, page 12 (lines 26 and 27), omit subclause (5).

[review of services contracts]

(10) Part 4, clauses 18 to 30, page 15 (line 2) to page 27 (line 26), to be opposed.

[TCF outworkers]