



Independent Contractors Regulations 2007

Select Legislative Instrument 2007 No. 23 as amended

made under the

Independent Contractors Act 2006

This compilation was prepared on 20 August 2011
taking into account amendments up to SLI 2011 No. 155

The text of any of those amendments not in force
on that date is appended in the Notes section

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1 Name of Regulations [see Note 1]

These Regulations are the *Independent Contractors Regulations 2007*.

2 Commencement

These Regulations commence on 1 March 2007.

3 Interpretation

Act means the *Independent Contractors Act 2006*.

4 Saving of various State and Territory laws

For paragraph 7 (2) (c) of the Act, the laws of a State or Territory that are mentioned in the table are specified.

Item	Law	Specific provisions (if any)
<i>New South Wales</i>		
101	<i>Building and Construction Industry Security of Payment Act 1999</i>	
102	<i>Health Services Act 1997</i>	Parts 1 to 4 of Chapter 8, and the Dictionary at the end of the Act.
<i>Victoria</i>		
201	Building and Construction Industry Security of Payment Act 2002	
<i>Queensland</i>		
301	<i>Building and Construction Industry Payments Act 2004</i>	
302	<i>Queensland Building Services Authority Act 1991</i>	

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Item	Law	Specific provisions (if any)
Western Australia		
401	<i>Construction Contracts Act 2004</i>	
402	<i>Owner-Drivers (Contracts and Disputes) Act 2007</i>	
Tasmania		
601	<i>Building and Construction Industry Security of Payment Act 2009</i>	
Australian Capital Territory		
701	<i>Building and Construction Industry (Security of Payment) Act 2009</i>	
Northern Territory		
801	<i>Construction Contracts (Security of Payments) Act</i>	

Note Under subsection 7 (1) of the Act, the rights, entitlements, obligations and liabilities of a party to a services contract are not affected by a law of a State or Territory to the extent that the law would otherwise do one or more of the things specified in that subsection.

However, subsection 7 (2) of the Act provides that subsection 7 (1) does not apply in relation to various State and Territory laws, including laws specified in regulations made for the purposes of paragraph 7 (2) (c) of the Act, to the extent that the law is so specified.

5 Time limit on applications for review of services contracts — prescribed circumstances (time limit for applications)

- (1) For section 13 of the Act, and subject to subregulation (2), a circumstance in which an application must not be made under subsection 12 (1) of the Act is that the time limit for making an application of that kind has expired.

- (2) However, if a person satisfies the Court that there are exceptional circumstances justifying the making of the application:
- (a) subregulation (1) does not apply; and
 - (b) the Court may, on application by the person, allow an application under subsection 12 (1) of the Act to be made at any time after the time limit expires.
- (3) The time limit expires after a period of 12 months starting on the date on which a services contract ends.

6 Limitation on applications for review of services contracts — other proceedings in progress

For paragraph (b) of the definition of *other review proceedings* in subsection 14 (3) of the Act, the provisions of the laws of the Commonwealth, or of a State or Territory, that are mentioned in the table are specified.

Item	Law	Provisions
Commonwealth		
101	<i>Trade Practices Act 1974</i>	sections 51AA, 51AB and 51AC
New South Wales		
201	<i>Fair Trading Act 1987</i>	section 43
Victoria		
301	Fair Trading Act 1999	sections 7, 8, 8A and 8B
Queensland		
401	<i>Fair Trading Act 1989</i>	section 39
Western Australia		
501	<i>Fair Trading Act 1987</i>	section 11
South Australia		
601	<i>Fair Trading Act 1987</i>	section 57
Tasmania		
701	<i>Fair Trading Act 1990</i>	sections 15 and 15A

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Item	Law	Provisions
Australian Capital Territory		
801	<i>Fair Trading Act 1992</i>	section 13
Northern Territory		
901	<i>Consumer Affairs and Fair Trading Act</i>	section 43

Note The expression **other review proceedings** is defined in subsection 14 (3) of the Act, and includes proceedings in relation to a services contract 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 paragraph 14 (3) (b) of the Act.

7 Modification of Act

For subsection 42 (2) of the Act, paragraph 35 (4) (b) of the Act is modified as set out in Schedule 1.

Schedule 1 **Modification of Act**

(regulation 7)

1.1 **Paragraph 35 (4) (b), except the note**

substitute

(b) either:

- (i) if a State or Territory contractor law relates to visiting medical officers (however described) — 1 September 2014; or
- (ii) in any other case — the first day after the end of the period of 4 years and 6 months that started on the reform commencement.

Table of Instruments

Notes to the *Independent Contractors Regulations 2007***Note 1**

The *Independent Contractors Regulations 2007* (in force under the *Independent Contractors Act 2006*) as shown in this compilation comprise Select Legislative Instrument 2007 No. 23 amended as indicated in the Tables below.

Table of Instruments

Year and Number	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
2007 No. 23	21 Feb 2007 (see F2007L00413)	1 Mar 2007	
2008 No. 148	22 July 2008 (see F2008L02607)	1 Aug 2008	—
2009 No. 333	27 Nov 2009 (see F2009L04308)	28 Nov 2009	—
2010 No. 134	21 June 2010 (see F2010L01586)	Rr. 1–3 and Schedule 1: 1 July 2010; R. 4 and Schedule 2: (see r. 2 (b) and Note 2)	—
2011 No. 155	19 Aug 2011 (see F2011L01694)	20 Aug 2011	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 4	am. 2008 No. 148; 2010 No. 134; 2011 No. 155
R. 7	ad. 2009 No. 333
Schedule 1	
Schedule 1	am. 2011 No. 155

Note 2

Note 2

Independent Contractors Amendment Regulations 2010 (No. 1)
(2010 No. 134)

The following amendment commences on the commencement of the *Building and Construction Industry Security of Payment Act 2009* (SA):

Schedule 2

[1] Regulation 4, table, after item 402

insert

South Australia

501 *Building and Construction
Industry Security of
Payment Act 2009*

As at 20 August 2011 the amendment is not incorporated in this compilation.