



Independent Contractors Regulation 2016

made under the

Independent Contractors Act 2006

Compilation No. 1

Compilation date: 11 April 2024

Includes amendments: F2024L00297

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Independent Contractors Regulation 2016* that shows the text of the law as amended and in force on 11 April 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This is the *Independent Contractors Regulation 2016*.

3 Authority

This instrument is made under the *Independent Contractors Act 2006*.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Court;
- (b) services contract.

In this instrument:

Act means the *Independent Contractors Act 2006*.

6 State and Territory laws affecting parties to service contracts

For the purposes of paragraph 7(2)(c) of the Act, the following are specified:

- (a) all of the *Building and Construction Industry Security of Payment Act 1999* (NSW);
- (b) Parts 1 to 4 of Chapter 8, and the Dictionary at the end, of the *Health Services Act 1997* (NSW);
- (c) all of the *Building and Construction Industry Security of Payment Act 2002* (Vic.);
- (d) all of the *Building and Construction Industry Payments Act 2004* (Qld);
- (e) all of the *Queensland Building and Construction Commission Act 1991* (Qld);
- (f) all of the *Construction Contracts Act 2004* (WA);
- (g) all of the *Owner-Drivers (Contracts and Disputes) Act 2007* (WA);
- (h) all of the *Building and Construction Industry Security of Payment Act 2009* (SA);
- (i) all of the *Building and Construction Industry Security of Payment Act 2009* (Tas.);
- (j) all of the *Building and Construction Industry (Security of Payment) Act 2009* (ACT);
- (k) all of the *Construction Contracts (Security of Payments) Act 2004* (NT).

Note: The effect of State and Territory laws specified for the purposes of paragraph 7(2)(c) of the Act on the rights, entitlements, obligations and liabilities of a party to a services contract is not limited by subsection 7(1) of the Act.

7 Circumstances in which application must not be made to review services contract as harsh or unfair

For the purposes of section 13 of the Act (which prohibits an application to the Court in prescribed circumstances to review a services contract), this section prescribes the circumstances that both of the following apply:

- (a) 12 months have passed since the services contract ended;
- (b) the Court has not allowed the making of the application after being satisfied that there are exceptional circumstances justifying the making of the application.

8 Provisions for other review proceedings preventing or prevented by application to review services contract as harsh or unfair

For the purposes of paragraph (b) of the definition of *other review proceedings* in subsection 14(3) of the Act, sections 20 and 21 of the Australian Consumer Law are specified.

Note: The reference to the Australian Consumer Law is a reference to the Australian Consumer Law as applied under Division 2 of Part XI of the *Competition and Consumer Act 2010* (as a law of the Commonwealth) and as applied as a law of each State and Territory that is a party to the Intergovernmental Agreement for the Australian Consumer Law: see section 140K of that Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Independent Contractors Regulation 2016	9 Dec 2016 (F2016L01896)	2 Jan 2017 (s 2(1) item 1)	
Instruments Update (Autumn 2024) Regulations 2024	14 Mar 2024 (F2024L00297)	Sch 1 (item 27): 11 Apr 2024 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 4.....	rep LA s 48C
s 6.....	am F2024L00297
Schedule 1.....	rep LA s 48C