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## **Who'll act for independent contractors?**

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Ken Phillips of the Independent Contractors of Australia and Peter Hendy of the Australian Chamber of Commerce and **Industry** were quoted in your report on the proposed Independent Contractors Act ("Contractors win under new IR laws", April 18).

This is unfortunate, given that both organisations are lobbyists, and lobbyists for the proposed legislation, rather than participants when it comes to actually representing the interests of independent contractors.

Unlike both of those organisations, the Transport Workers **Union** of Australia represents some 15,000 to 20,000 independent contractors involved in road transport.

Unlike the ICA, we actually go out and represent independent contractors on a daily basis.

We don't simply represent businesses that use independent contractors.

We represent independent contractors when they are being told that they must buy a certain more costly style of vehicle, we represent them when they suffer arbitrary cuts in their rates, we represent them when they recognise health and safety risks to themselves and their fellow workers that are not being appropriately dealt with.

Unlike the ICA, we know that independent contractors in road transport want, among other things:

- \* Safe working conditions;
- \* Fair remuneration that will enable them to run a business safely and without exploitative behaviour on the part of principal contractors;
- \* Where they have paid goodwill and that is part of the business structure, to be properly reimbursed for that goodwill;

\* Where they have complaints, to have these speedily dealt with through an independent tribunal rather than a court; and

\* To be represented by an organisation of their choice.

Unlike the ICA, we also know independent contractors are aware that the Trade Practices Act has been more regularly used by big business against other big businesses.

They know the cost implications of running matters in the Federal Court as opposed to the various state **industrial** tribunals.

Owner-drivers know that the Victorian government conducted an open, transparent inquiry into owner-drivers and reported on the disadvantages suffered by owner-drivers in the economy.

The TWU notes that the commonwealth department conducted a similar inquiry and that no report has ever been published.

They know different jurisdictions have developed different methods of dealing with issues about owner-drivers, some using small business legislation, some using trade practices legislation and some using **industrial** legislation.

They wonder about the wisdom of a commonwealth government seeking to override all of the state systems on the advice of the ICA and the **ACCI**.

Before, during and after the operation of the mooted Independent Contractors Act the TWU will represent its owner-driver members.

We expect **ACCI** and the ICA to say the same thing. We just wonder which independent contractors those organisations actually represent.

Linton Duffin,

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