



# Independent Contractors Regulations 2007

**Select Legislative Instrument 2007 No. 23 as amended**

made under the

*Independent Contractors Act 2006*

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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

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra

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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)
<b><i>New South Wales</i></b>		
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.
<b><i>Victoria</i></b>		
201	<b>Building and Construction Industry Security of Payment Act 2002</b>	
<b><i>Queensland</i></b>		
301	<i>Building and Construction Industry Payments Act 2004</i>	
302	<i>Queensland Building Services Authority Act 1991</i>	

## Regulation 5

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

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

## Regulation 7

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

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*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**

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**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**

<b>Year and Number</b>	<b>Date of FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
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**

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**Table of Amendments**

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

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

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**Note 2**

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**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.