



two ways :: one outcome

Engagement of Independent Contractor/Consultant Policy

REFERENCE NUMBER: P-26
ORGANISATION UNIT: All
RESPONSIBLE POSITION: Chief Executive Officer
RELEVANT DELEGATIONS:
DATE ADOPTED: April 2015 (CRN 051/2015)
REVIEW DATE: Every three years

Objectives:

To ensure that:

- Terms of engagement for a Contractor /Consultant are lawful and protect the interests of the Regional Council,
- The Regional Council meets its Work Health and Safety Act obligations in relation to a contractor/consultant and
- No staff members are employed as a contractor/consultant when in fact there are an employee.

Legislation and Reference:

- NT Work Health and Safety (National Uniform Legislation) Act 2011
- Fair Work Act 2009 (Cth)
- Independent Contractors Act 2006 (Cth)

Scope:

This policy applies to all Central Desert Regional Council's Directors, managers, contractors and their employees.

Definition of an Independent Contractor:

The Council considers someone a Contractor if they:

- Are self-employed and provide services to clients;
- Carry the risk of making a profit or loss;
- Decide how to do their work and what skills they need to do it;
- Pay his her superannuation and works compensation insurance;
- Provide his /her own tools, equipment, pays their own expenses and overheads;
- Are appointed after winning a Tender and not as a result of applying for a job;
- Subject to the contract entered into, can make the decision about the number of hours to be worked;



two ways :: one outcome

- Issue invoices for services rendered, setting out specific nature of the task/s carried out and the hourly rate or other charge involved;
- Don't get paid leave.

In evaluating who is a contractor or not the following must be taken into account by the Regional Council's relevant Director and Manager (the Contract Manager) at all times:

- If the person paying the bills controls how the work is done, then more likely an employer/employee relationship exists.

Contract Manager

This is a nominated Central Desert Regional Council's manager or Director responsible for the management and coordination of a contract on all issues, including work health & safety.

Policy:

Council will ensure that terms of engagement for a Contractor/Consultant are lawful and protect the interests of the Regional Council and the Contractor/Consultant. Procedures to support the policy will be developed and updated.

History:

First adopted on October 2010