



Checklist for Owner Drivers and Hirers

The Owner Drivers and Forestry Contractors Act 2005 and the Owner Drivers and Forestry Contractors Code of Practice are now in force.

WHAT DO OWNER DRIVERS AND THEIR HIRERS NEED TO DO?

LEARN ABOUT	HOW?
<p>The Owner Drivers and Forestry Contractors Act 2005 The Act promotes fair business practices and provides for low cost dispute resolution services.</p> <p>The Act applies to owner driver businesses (sole traders, companies or partnerships) that operate up to a maximum of three vehicles in providing services in transporting goods.</p>	<ul style="list-style-type: none"> > Read the FAQ sheet and other resource materials available from www.irv.vic.gov.au > Call the Victorian Business Line on 13 22 15 to have copies mailed to you.
<p>The Owner Drivers and Forestry Contractors Code of Practice The Code aims to improve the business relationship between owner drivers and their hirers.</p>	<ul style="list-style-type: none"> > Read the FAQ sheet > Go to www.irv.vic.gov.au or call the Victorian Business Line on 13 22 15 to have a copy of the Code mailed to you.
<p>The new dispute resolution process The Small Business Commissioner can now assist owner drivers and hirers to resolve disputes. Either party can use the service.</p>	<ul style="list-style-type: none"> > Read the FAQ sheet > Go to www.sbc.vic.gov.au or call 13 22 15 for information on how to refer a dispute.
<p>New rights for joint-negotiations and agents Hirers and contractors can now appoint negotiating agents to negotiate contracts on their behalf. Owner drivers can now seek to negotiate jointly.</p>	<ul style="list-style-type: none"> > Read the FAQ sheet > Download a copy of the form to appoint an agent from www.irv.gov.au

PROVIDE OWNER DRIVERS WITH	HOW?	BY WHEN?
<p>The applicable rates and costs schedule and the Information Booklet must be provided by hirers to owner drivers who are either engaged on an ongoing basis or for a period longer than 30 days, or who are engaged for 30 days in any 3 month period. These requirements also apply to tender situations and freight brokers. (See sections 10- 12,16-18)</p> <p>What are rates and costs schedules?</p> <p>The schedules provides information to owner drivers about the typical costs associated with running their business. Schedules have been published for six vehicle types. Hirers must provide owner drivers with the Schedule most closely related to their vehicle type.</p> <p>Information Booklet</p> <p>The information booklet provides information on the Act and Code, transport and safety regulations and financial and planning issues affecting small businesses.</p>	<ul style="list-style-type: none"> > Download the six Schedules and Information Booklet at www.irv.vic.gov.au > Contact your union or industry association > Call the Victorian Business Line on 13 22 15 to have schedules and the information booklet mailed to you. 	<ul style="list-style-type: none"> > Hirers must provide the information booklet and applicable schedule to all current owner drivers by 15 January 2006. > Hirers must provide new owner drivers with the relevant schedule and the information booklet at least 3 days before entering into the contract. > Hirers must provide any updated rates and costs schedules to owner drivers. Updates will be published annually.

ENSURE YOUR CONTRACTS COMPLY WITH THE LEGISLATION		HOW?
WHAT ARE THE NEW REQUIREMENTS?	WHO DO THEY APPLY TO?	
<p>All contracts must:</p> <ul style="list-style-type: none"> > be in writing; > specify the minimum level of income or hours of work; > set out the rates to be paid; > set out a minimum period of notice of termination (see below); and > must not allow for deductions for insurance or goods and services unless certain conditions are met. (Sections 23-24) 	<p>Owner drivers in an ongoing engagement or for a period more than 30 days, regardless of the number of contracts in that period.</p>	<p>The Transport Industry Council has developed a model contract for general use by the industry that can assist you to meet these requirements.</p> <p>It is not compulsory to use the model contract, but you may find some or all of the clauses useful in formulating your own.</p> <p>For more information or to download a copy of the model contract and contract schedule, go to www.irv.vic.gov.au.</p> <p>Transitional provisions in part 10 of the Act mean that hirers and owner drivers have until 1 May 2007 to bring their contracts into compliance with these requirements. After that time, the Act overrides any contrary provision in a contract.</p>
<p>Contracts must include a minimum period of notice of:</p> <ul style="list-style-type: none"> > three months for heavy vehicles; or > one month for other vehicles. (sections 20-22) <p>This requirement can be waived if both parties agree by obtaining a certificate from the Small Business Commissioner (telephone 13 22 15 or go to www.sbc.vic.gov.au)</p>	<p>Owner drivers who are hired on an ongoing basis for a period of at least 3 months.</p>	

Further information
 Go to <www.irv.gov.au>
 Contact the Victorian Business Line on 13 22 15