

2 September 2021

Senator Tony Sheldon
Chair
Senate Select Committee on Job Security
Department of the Senate

via email: jobsecurity.sen@aph.gov.au

Dear Senator Sheldon

Feedback on first interim paper


Our Office supports the Committee's recommendations that would clarify the employment status of those who engage in work through the on-demand economy. This is critical in reducing potential points of industrial conflict.

We note the Committee's recommendation that the Australian Government establish an "accessible low-cost national tribunal" to provide greater protection to independent contractors, particularly in relation to employment relationships. While the consideration of employment relationships is important, independent contractors engaging in work through digital platforms face other disputes for which they may require external dispute resolution services.

The Committee might consider this Office's recommendation that a Federal Small Business Claims List (the List) be formed as part of the Federal Circuit Court of Australia in providing affordable, determinative, dispute resolution services to small businesses (including independent contractors) who engage in work through a digital platform.¹ The List could help resolve issues between digital platforms and small businesses who use them, including in relation to employment relationships, where existing alternative dispute resolution, such as those offered by this Office, cannot resolve the issue. We have previously recommended that the List "should include the ability for a small business to apply for a no adverse costs order." This would afford "low-leveraged independent contractors" the opportunity to pursue legal resolution of their disputes with digital platforms without the fear of debilitating debt associated with costs orders that might be sought by powerfully resourced digital platforms.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Eamon Sloane on 02 6213 7451 or at eamon.sloane@asbfeo.gov.au.

Yours sincerely



The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman

¹ Australian Small Business and Family Enterprise Ombudsman. November 2020. *Access to Justice Report*. Page 7.