

PRODUCTIVITY COMMISSION

National Workers Compensation and Occupational Health & Safety Frameworks

Matters for discussion at the Commission's hearing in Sydney on Thursday 4 December 2003.

1. The Association submission dated 20 June 2003 contained a Profile of the Industry
2. Independent salespersons in the Industry operate in a totally unsupervised workplace
3. 97.9% of independent salespersons earn less than the income tax threshold of \$6,000 per annum.
(Detailed Analysis of the Variables Employed and Issues Raised by the Direct Selling Industry – Martin Feil 2001).
4. 94.07% of independent salespersons earn less than \$2,000 per annum.
(Detailed Analysis --- Martin Feil 2001)
5. At these “earnings” levels, up to 60% of all purchases from direct selling organisations are for the personal and family use of the independent salesperson.
6. Independent salespersons in the Direct Selling Industry do not fall within the criteria generally accepted at common law to establish an employer/employee relationship.
7. The Agreements in use in the Industry are not contracts for labour (work).
8. Independent salespersons do not regard themselves as “workers”. We are not aware of any claim for benefit by any independent salesperson in the Industry
9. Genuine Contractors are excluded in all States and we support the adoption of a uniform definition
10. We will continue to seek specific exemption in the States' Acts.

Sydney
2 December 2003

Les Dell
Executive Director