

OWNER DRIVERS AND FORESTRY CONTRACTORS

What you need to know

The [Owner Drivers and Forestry Contractors Act 2005](#) (the Act) is legislation that covers:

- owner drivers that operate up to 3 vehicles to transport goods (not passengers)
- forestry contractors (haulage and harvesting contractors in forestry)
- anyone hiring these drivers or contractors
- freight brokers.

They all have responsibilities under the Act and can be penalised for failing to meet these obligations.

The [Owner Drivers and Forestry Contractors Code of Practice](#) also contains requirements that must be followed and guidance on how to comply with the Act.

Hirers or freight brokers must provide information

Hirers or freight brokers that engage owner drivers or forestry contractors for 30 days or more (or a total of at least 30 days in any 3-month period) must give them:

- the information booklet that applies to their industry
- the rates and cost schedule that relates to their vehicle or equipment

Tip truck owner drivers in construction must receive this information for engagements of any length of time.

Generally, owner drivers and forestry contractors must receive this information at least 3 business days before being engaged.

The information is available (in English) at business.vic.gov.au/odfc.

Contracts must be in writing

Hirers must enter into written contracts with owner drivers and forestry contractors if their engagement is for 30 days or more or has no fixed end-date. The contract should set out:

- the guaranteed minimum hours of work or income level
- the rates to be paid
- the minimum notice to end the contract or payment instead of notice

A model contract is available at business.vic.gov.au/odfc

Owner drivers or forestry contractors can appoint agents to negotiate contracts for them, for example a lawyer or a colleague. They can also negotiate as a group when engaged by a single business.

Hirers must pay promptly and give notice to end contracts

Generally, hirers must pay contractors' invoices within 30 days of receiving them.

Generally, if an ongoing engagement is for 3 months or more, hirers must give enough notice that a contract is ending. This is at least 3 months for forestry contractors and owner drivers of heavy vehicles and 1 month for all other owner drivers. Otherwise hirers must provide payment instead of notice.

You are protected

People must not be treated badly because they exercise their rights under the Act.

Hirers must not disadvantage owner drivers and forestry contractors for raising health and safety issues or seeking to negotiate contracts.

How to handle disagreements

The [Victorian Small Business Commission](#) can help resolve disputes between hirers and owner drivers or forestry contractors.

If your dispute does not get resolved, you can refer it to the [Victorian Civil and Administrative Tribunal](#) (VCAT), which can make a range of orders to deal with issues. VCAT also has the power to make changes to contracts if it decides that they contain unjust terms.

The [Owner Drivers and Forestry Contractors Code of Practice](#) provides guidance on fair business relationships.

Where to find help

Wage Inspectorate Victoria (the Inspectorate) can answer questions and provide information. The Inspectorate monitors whether the Act is being followed and investigates where rules are being broken.

Please call the Inspectorate on **1800 287 287** or email odfc@dpc.vic.gov.au.

Disclaimer

This is a brief summary of the Act. For more information please visit business.vic.gov.au/odfc.