



**Inquiry into the impact of technological and other change on the future of work and workers in New South Wales**  
**Post-hearing responses to Questions on Notice**  
**24 March 2021**

**Question:**

**The CHAIR:** I ask one final question, which you can take on notice if you so wish. In your submission you state:  
R&CA notes that there is no definition of "employment" under the Fair Work Act 2009 (Cth) and classifying a worker as an "employee" or an "independent contractor" has largely been determined by way of a consideration ...

Can I ask formally whether you support a statutory definition of employment, like that recommended by Ms James and her report to the Victorian Government? If so, if you have any suggestion as to what that statutory definition should be and, if you are especially generous, if you could give us a version of the text or words that would be most appreciated, if that is possible.

**Mr LAMBERT:** Of course, Chair. We will take that on notice.

**Answer:**

I refer to your question regarding the definition of the term "employment" which I took on notice at the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales inquiry. As the general breadth of industrial relations matters fall within the jurisdiction of the Commonwealth, R&CA is of the view that such a definition, or proposal for a definition, should be a matter for the Commonwealth.

Regards

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