Quick reference Guide
Individual Contractors

This flowchart attempts to summarise the Individual Contractors Policy requirements.

Is the worker an individual?

MORE INFO?
An individual is a natural person contracting in their own right, i.e. not a company, partnership, trust etc. Note: Just because a business has an ABN and/or a business name does not mean they are not an individual contractor. If the business has an ABN, you can check what type of entity they are at www.abr.gov.au.

Complete the employee/contractor checklist

Employee

Contractor

Why?

• Superannuation: The ANU must provide 9% superannuation for all individuals where the contract with the ANU is wholly and principally for the labour of the individual, or involves other individuals such as performers. The ANU is not able to effectively manage this obligation when the person is not being treated as an employee.

• Insurance / Workers compensation
Contractors are not covered by the ANU’s insurance (professional indemnity, workers compensation etc), and should have their own insurance (but seldom do!), leaving the individual and the ANU exposed.

Employ individual (usually on a casual or fixed term basis). If the individual is from overseas, and will be working in Australia Visa requirements will need to be checked prior to appointment. If the individual is from overseas and will be working overseas, the matter needs to be referred to ANU Legal Office.

From overseas

Working overseas?
Refer to ANU Legal Office

From Australia

Working in Australia?
Ensure the individual has the correct visa to allow them to be paid to work in Australia.

MORE INFO?

Visas:
www.border.gov.au

Employment info:
https://services.anu.edu.au/human-resources

MORE INFO?

Visas:
www.border.gov.au

Given the complexities involved in obtaining a visa where an individual will be engaged as an employee in Australia, the individual contractor option (see “last resort option” opposite) may be the only viable option (especially when the individual will be in Australia for less than three months). Where the individual will be in Australia for more than three months it is expected that the alternate options will be been thoroughly investigated.

MORE INFO?

Visas:
www.border.gov.au

Consider changing the nature of the ANU’s proposed relationship with the individual to permit the ANU to engage the individual as a fixed term or casual employee; OR

Contract with an individual’s home institution where possible; OR

Refer the individual to a labour hire firm and engage the individual through that firm

LAST RESORT OPTION:

Refer to documentation required when engaging contractors in ANU Guideline: Payment methods for employees and contractors / sole traders procedure