

# **Dental Practitioner Contracts 1.0**

**The Basics for the Dental Practitioner Employee, Independent Contractor or Facility User in Australia**

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**In this presentation...**

***We will consider types of working relationships of dentists and dental practitioners in modern dental practice and what form the agreements take.***

# **DISCLAIMER**

**The information contained in this video presentation is intended for information only and should not be relied upon nor considered as legal advice.**

**Individuals should seek informed legal advice about their circumstances from a a practising Australian Lawyer and not act on the basis of this information alone.**

# Types of Engagement Employment

- Master Servant
- Vicarious Liability
- Fair Work Act Protection
- Tax is paid on employee's behalf
- 10.5% Superannuation
- Leave Benefits (sick leave, holidays, other leave)

# Types of Engagement

## Independent Contractor (IC)

- Independent non-employee.
- Commercial relationship.
- Invoices must be sent to be paid.
- Compliance issues with ABN or company.
- More Insurance requirements.
- Tax including GST is paid by you.
- No Leave Benefits (sick leave, holidays, other leave) and no super.
- Less control of IC

# Types of Engagement

## Service and Facility User (SFU)

- Similar to IC but...
- The invoice goes from the practice to the SFU for the use of the facility so payment is reversed in theory.
- Independent non-employee and commercial relationship.
- Compliance issues with ABN or company.
- More Insurance requirements.
- Tax including GST is paid.
- No Leave Benefits (sick leave, holidays, other leave) and no super.

# Contracts

## Employee IC, & SFU

- Employee (“Employment Agreement” or EA)
- IC (“Independent Contractor Agreement” or ICA)
- SFU (“Service and Facility Agreement” or SFA)

# Contracts

## Employment Agreement

- Can be verbal.
- Covered by Fair Work Act.
- Should at least list commissions and base hourly rate.
- May include restraints.
- May have specific termination.
- Will (for non dentists) be covered by an award.
- Maybe 2-20 pages conventionally.



# Contracts

## Independent Contractor Agreement

- Can be verbal.
- Should at least list commissions and base hourly rate.
- Will dictate service of notices.
- Will include restraints, termination confidentiality, records ownership.
- May include indemnity and guarantees and warranties.
- Maybe 20-40 pages conventionally.

# Contracts

## Service and Facility Agreement

- More like a lease.
- Can be complex.
- Will list 'service fees'.
- Will dictate service of notices.
- Will include restraints, termination confidentiality, records ownership.
- Will include indemnity and guarantees and warranties.
- Maybe 30-50 pages conventionally.

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