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Finance and
Administration Committee

7th August 2015
The Chair
Di Farmer MP
Finance and Administration Committee
Queensland Parliament
Parliament House
Queensland

by email [REDACTED]

Dear Chair,

**Re: Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015 and
Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Bill 2015**

Firstly my apologies for being late with this submission and secondly my sincere thanks for giving it fair consideration.

Australian Country Choice is a Queensland family owned and operate enterprise engaged in the production of beef from the "paddock to the plate". While this is an oft used term, in the case of ACC it is a truism as the Company owns or manages over 260,000 head of cattle across over 5 million acres of Queensland freehold and leasehold lands, operates three cattle feedlots to supply its Cannon Hill food processing facility. The Company employs over 1200 staff across this landscape and contributes over \$60 million in salaries and wages each year. On top of this figure our business has the additional costs for payroll tax, Workers compensation which are substantial based on pour employee salaries & wages.

While our meat processing peak industry body (Australian Meat Industry Council) will be submitting under separate cover and on our behalf, I felt it was equally important for us as an individual and Queensland owned Company to express our views to assist the Committee in its deliberations.

Review Objective: establish the ability to provide additional compensation to particular workers impacted by the operation of the common law threshold, between 15 October 2013 and 31 January 2015

1. Of significant concern is any consideration to make any changes to the Bills retrospective. It is grossly unfair to expect any business or for that matter any individual to be responsible for what has happened in the past, particularly when these events were covered under the bill existing at the time. Business has enough issue with dealing with remaining competitive on a global front without having the added burden of short terms of Government , let alone dealing with changes to the laws each rotation of Government.
The fundamental legislative principles in the Legislative Standards Act 1992 requires that legislation does not adversely affect rights and liberties, or impose obligations, retrospectively.

Whatever the outcome of the review, NO RETROSPECTIVITY should be considered

Review Objective: Clause 6 amends section 237 of the Act to remove the requirement that a worker must have an assessed degree of permanent impairment of more than 5% arising from their injury in order for that worker to be entitled to seek damages for the injury under the Act. The amendment reinstates an injured worker's entitlement to seek damages that was removed by the Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013 (the 2013 Amendment Act).

2. Reversing this clause, is a game changer for employers and a further disincentive to grow jobs in Queensland. While Queensland Work Cover is currently in a strong financial position, this was certainly not the case several years ago and the unfunded liability to the state was at serous economic levels. The cost of frivolous and or minor claims will likely see the scheme revert to this position over time.

While I have no doubt this change has gained vocal and selfish support from the legal (no win no fee) fraternity, the current Bill has in my opinion not caused our workers any loss. What this current Bill has done is to greatly reduce the lost professional and employee time, anguish, confrontation and expense for legally sponsored worker claims that have not restricted employees from earning their promotional, full pay and entitlements from injuries that at less than 5% are probably lower than those that occur in the home, home garden, hobbies or on the sporting field.

A compromise position will I am sure exist somewhere But it must certainly have a level of measurable impairment.

Review Objective: Clause 30 removes the entitlement given to prospective employers under section 571D of the Act to apply to the Workers' Compensation Regulator for a copy of a prospective worker's claims history summary.

3. Given the employer is responsible for the Occupational health and safety of its employees; it is unreasonable to remove the opportunity for an employer to have a view of an employee's work history. To be able to review the Work cover history, does not prejudice against the reasonable or truthful employee, but does protect in some small way the employer from engaging with a worker that has a long history of unwellness or is accident prone. Importantly for this Government the move to restrict this option will see employers looking to engage employees through labour hire or third party labour suppliers to shift the onus of worker liability to this host. By employers going down this path, it reduces the opportunities for those employees to gain the benefits from permanent employment and reduces their opportunities to gain finance particularly for home loans. As such the outcome of this Bill change will be more likely detrimental to the employee NOT beneficial. **A compromise position may be to restrict the availability of records looking back more than the statute of claims period.**

If the Queensland Government is genuine about growing the Qld economy in a way to generate sustainable jobs growth under a fair and safe work system, then it must continue to encourage companies both local and international to remain willing front line employers. This will best be done by assisting them, not increasing further financial burden or restricting them to do fair business.

I would seek and urge that the Committee recommend to align current Government policy with the needs of Queensland business not the other way round.

If required I would be pleased to present my case as outlined above, plus talk to other proposed amendments to the Committee on behalf of my Company in addition to representing the AMIC during its hearing before the committee.

Sincerely,

David Foote
Group Managing Director

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