



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Member - National Farmers' Federation & Cattle Council of Australia

The Secretary
Legislation Scrutiny Committee
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Dear Secretary,

The Northern Territory Cattlemen's Association (NTCA) welcomes the opportunity to comment on the Return to Work Amendment Bill 2020.

The pastoral industry is a key sector of the Northern Territory economy generating more than 85% of the NT's primary production value.

The cattle and related service industries contribute \$1 billion annually to the Territory.

On average, around 600,000 cattle are turned off NT pastures annually and the Darwin Port is the busiest live export port in the world.

The consultation process

The Association is concerned that the Northern Territory Government did not engage stakeholders prior to the introduction of the Bill into the Assembly (check).

It is the Association's view that proper and timely consultation by government results in constructive stakeholder input and better outcomes that both meet the government's policy objectives and attract industry support.

The Committee inquiry provides an opportunity for the government to revisit this legislation and make the necessary amendments.

The inquiry also provides the opportunity for the government to ensure the debate around the legislation is properly informed by releasing the Regulatory Impact Statement (RIS) which, we understand, was prepared for the Cabinet consideration of the Bill but then not released to inform the public debate.

The Chief Minister's Department website states that ministers are required to comply with the Principles of Best Practice Regulation agreed to by the Northern Territory Government and all other jurisdictions as members of the Council of Australian Governments (COAG) and detailed in the Northern Territory Government: Regulatory Framework November 2017.

The Association supports the call by the Chief Executive Officer of Consolidated Pastoral Company, Troy Setter, for the Government to provide the Regulatory Impact Statement (RIS) to inform its deliberations.

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Return to Work Amendment Bill 2020

The Association notes the Bill's Explanatory Memorandum (EM) describes its purpose as amending the Return to Work Act 1986 and Return to Work Regulations 1986 to:

reverse a number of changes made to the legislation in 2015, and improve the operation of the NT workers' compensation scheme.

The key changes are:

A change in the definition of a worker;
the provision that post-traumatic stress disorder for first responder police officers, firefighters and ambulance officers be a deemed disease;
the expansion of the number of diseases under the fire fighters' presumptive legislation;
the removal of the cap on normal weekly earnings for payments made after 26 weeks of incapacity; and
the provision that the legislation covers injuries incurred on the way to or from work.

Impact on the pastoral industry

NTCA is concerned that the proposed amendment to cover injuries incurred on the way to or from work may add to labour and administration costs in the pastoral industry, and across the territory economy, without delivering the policy outcome.

Doubt about the effectiveness of this proposed amendment is highlighted by a review of other states and the Australian Capital Territory.

The Association understands that workers in Western Australia, Tasmania and South Australia are not covered for compensable injuries that occur on the way to and from work. (source is Lawanswers Australia website haven't checked the accuracy)

In Victoria employees are unable to claim against workers compensation laws if they are injured on the way to work, but they are able to claim through a separate transport accident compensation scheme instead.

In NSW, an employee is not covered for compensable injuries for travel between home and work unless the employee can show there was a direct correlation between the employment and the accident where the personal injury occurred.

The Lawanswers website provides some examples of this:

- Where a person travels from their place of residence to a client's home;
- Where a person is directed by the employer to do something work related on the way to work – hence pick up the mail, pick up the milk etc.
 - Where the employee drives home after completing a double shift at the request of the employer.

In the ACT an employee is covered for trips between their residence and their place of work and back, however if they are injured while still on their property on their way to work they would not be covered for a the compensable injury that occurred.



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In Queensland employees are covered for trips between their residence and their place of work and back however there are number of situations where if they occurred in conjunction with the accident and injury, the injury will not be able to be compensated for.

Also, the employer is not liable if the employee left for work earlier than normal or took a deviation that is not normally taken they may not be liable if an accident happens and the employee is injured.

The Association also notes the lack of clarity around the implications of this proposed amendment in the review of the Workers Rehabilitation and Compensation Act back in 2014.

The review stated:

Whilst noting the arguments of some stakeholders that employers have little control over employee related activity and journeys, to, from and in the course of the working day, little evidence has been advanced during the review about the impact of journey claims upon scheme viability, beyond some once off high-cost settlements.

(Review of (NT) Workers Rehabilitation and Compensation Act. July 2014)

Recommendation

The absence of such arrangements in a number of states and different arrangements in those state where it does apply suggests there is no clear and effective model for the provision of this form of cover.

In the absence of such a model the Association requests the Committee advise the government not to proceed with these amendments.

Kind Regards,

Ashley Manicaros
Chief Executive Officer
NTCA