

10 August 2017

Our ref (KB/Franchising/IndLC)

Senator the Hon Michaelia Cash
Minister for Employment
Department of Employment
GPO Box 9880
Canberra ACT 2601

and

The Hon Peter Dutton MP
Minister for Immigration and Border Protection
PO Box 6022
Parliament House
Canberra ACT 2600

By Email: servicedesk@employment.gov.au and minister@border.gov.au

Dear Ministers,

Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017

We refer to the report produced by the Senate Standing Committee on Education and Employment (the **Committee**) on the Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017 (the **Bill**). We note that the Queensland Law Society (the **Society**) provided a submission to this inquiry, which was referred to in the report.

The Society has had the opportunity to review report and submissions made by other bodies.

In addition to the comments made in our earlier submission, the Society notes that the amendments will create a potential personal liability on officers and advisors of franchisors and holding companies as these people will be able to be prosecuted as an accessory, using section 550 of the *Fair Work Act 2009*, to a contravention of proposed section 558B(1) of the Bill.

The Society is concerned that the Explanatory Memorandum does not identify this additional liability nor provide any rationale for same. If it is the intention of the drafters to create this extended, then we submit that the Explanatory Memorandum needs to be amended to expressly state this and the impacts this will have on franchisors and holding companies.

We note that submission accords with recommendation 3 of the report which provides:

QLS submission on Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017

"4.41 The committee recommends that the government consider amending the bill to ensure that its reach and intent as articulated in the Explanatory Memorandum and second reading speech is clarified.

Please do not hesitate to contact our Policy Solicitors, Vanessa Krulin on v.krulin@qls.com.au on 3842 5872 or Kate Brodnik on (07) 3842 5871 or k.brodnik@qls.com.au if you wish to discuss the content of this letter.

Yours faithfully



Christine Smyth
President