

Significant Workplace Relations Issues

Australian Industry Group Report for
Australian Furniture Removers Association
Members

8 November 2024



Table of Contents

EXECUTIVE SUMMARY	1
PART 1 - LEGISLATIVE CHANGES	4
<i>Current and imminent legislative reviews</i>	<i>4</i>
<i>Outcome of the Review into Paid Family and Domestic Violence Leave entitlements</i>	<i>4</i>
<i>'Closing Loopholes' Legislation - Codes still being developed</i>	<i>4</i>
<i>Superannuation to be paid on Commonwealth-funded parental payments</i>	<i>5</i>
<i>Australian Human Rights Commission costs bill passed</i>	<i>6</i>
<i>CFMEU update</i>	<i>6</i>
<i>Net Zero Bills pass and the FWC issues a statement</i>	<i>7</i>
PART 2 - MAJOR FAIR WORK COMMISSION CASES	8
<i>TWU applications for minimum standardS orders</i>	<i>8</i>
<i>application for a road transport contractual chain order</i>	<i>9</i>
<i>Gender undervaluation proceedings</i>	<i>10</i>
<i>Proceedings to develop model dispute, consultation and flexibility clauses for enterprise agreements</i>	<i>10</i>
<i>Decision – Successful Ai Group application to vary the TCF Award – shift penalties</i>	<i>11</i>
<i>FWC review of C14 rates – Horticulture Award</i>	<i>11</i>
<i>Progress in other ongoing Ai Group applications / award matters</i>	<i>12</i>
PART 3 - ENTERPRISE BARGAINING	14
<i>Trends in enterprise bargaining</i>	<i>14</i>
PART 4 - OTHER MAJOR DEVELOPMENTS / CASES	16
<i>Delegates rights case – Judicial review</i>	<i>16</i>
<i>Applications for regulated labour hire arrangement orders</i>	<i>16</i>
<i>Full Bench FWC decision considering the relevance of impairment when an employee breaches a drug and alcohol policy</i>	<i>17</i>
<i>Single interest employer authorisation – black coal mines</i>	<i>18</i>
<i>application for a supported bargaining authorisation in disability services</i>	<i>18</i>

PART 5 - CONSULTATIONS & INQUIRIES	19
<i>Pay day superannuation for 2026</i>	<i>19</i>
<i>Inquiry into issues related to menopause and perimenopause publishes its report</i>	<i>19</i>
<i>Inquiry into Privacy Amendment bill</i>	<i>19</i>
<i>Victorian inquiry re workplace surveillance</i>	<i>20</i>
PART 6 - FAIR WORK COMMISSION AND REGULATOR ACTIVITIES OF NOTE	21
<i>FWC Paid Agents Working Group report</i>	<i>21</i>
<i>FWC Guidelines for regulated labour hire arrangement orders</i>	<i>21</i>
<i>Fair Work Ombudsman Annual report.....</i>	<i>22</i>
<i>Fair Work Commission annual report.....</i>	<i>23</i>
<i>Office of the Australian Information Commissioner releases guidance on AI use and consultation on mandatory guidelines.....</i>	<i>23</i>
PART 7 - RESPECT@WORK	25
<i>SafeWork NSW publishes additional resources ON sexual and gender-based harassment</i>	<i>25</i>
<i>Queensland amends anti-discrimination laws to introduce a broad-ranging positive duty ...</i>	<i>25</i>
<i>Fair Work Commission – Sexual Harassment Disputes Benchbook</i>	<i>26</i>

Executive Summary

Part 1 - Legislative Changes

Key recent legislative developments relevant to members and covered in this report include:

- Commencement of a legislative review of the amendments to the FW Act made by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) (**SJBP Act**) and new provisions related to 'right of entry to assist HSRs' introduced through the 'Closing Loopholes' amendments.
- A Bill dealing with payment of superannuation on Commonwealth-funded paid parental leave pay has passed and received Royal Assent.
- The Australian Human Rights Commission Costs Bill 2024 has passed Parliament and has been given Royal Assent.
- Ai Group's consultation with the Federal Government in relation to the yet to be issued codes relating to the new regulated workers 'unfair dismissal' jurisdiction.
- Ai Group's consultation with the Fair Work Ombudsman (**FWO**) in relation to what has been described as 'safe harbour' mechanisms for wage theft laws which commence next year;
- An update on measures to address the CFMEU-related controversy.
- The Net Zero Economy Bills have passed Parliament; Iain Ross has been appointed to the Net Zero Economy Authority and the Fair Work Commission (**FWC**) has issued a statement regarding implementation of its functions in relation to 'community of interest determinations'.

Read more [here](#)

Part 2 – Major Fair Work Commission Cases

Recent major FWC proceedings of particular relevance to members include:

- Three TWU applications for minimum standards orders to cover:
 - 'Last mile package delivery' - employee-like workers who perform work that involves the transport by road of goods, wares or other things (other than food, beverages and other like things).
 - 'Delivery of food, beverage and other like items' - employee-like workers who perform digital platform work in the transport by road of food, beverages and other like items.
 - 'Last mile package delivery' – road transport contractors who perform work that involves the transport by road of goods, wares or other things (other than food, beverages and other like things).
- A TWU application for a road transport contractual chain order.

- Continuing proceedings about gender-based undervaluation in five 'priority' modern awards.
- New proceedings commenced by the FWC to develop model dispute, consultation and flexibility clauses for enterprise agreements.
- Granting of an Ai Group application to vary the Textile, Clothing, Footwear and Associated Industries Award to remedy anomalous shift penalty provisions and with retrospective effect.
- Ai Group submissions on a draft determination in relation to the FWC's review of C14 rates in the *Horticulture Award 2020*;
- Updates on progress in other ongoing Ai Group applications and other award-specific matters.

Read more [here](#).

Part 3 - Enterprise Bargaining

The most recent FWC's fortnightly Statistical Report published on 21 October 2024 indicates the average annualised wage (AAWI) for enterprise agreements lodged in the period 7 - 20 September 2024 was **4.1%**.

The Department of Employment and Workplace Relations' (DEWR) Trends in Federal Enterprise Bargaining Report reports the AAWI for agreements approved in the June quarter 2024 as being **4.0** per cent, which is an increase of 0.1% from the March quarter 2024.

Read more [here](#)

Part 4 - Other Major Developments and Cases

Other major developments and cases include:

- An application for judicial review of several determinations containing the new delegates' right term.
- Several applications to the FWC for regulated labour hire arrangements orders.
- A Full Bench FWC decision relating to impairment and drug use.
- An application for judicial review of a single interest employer authorisation which was granted by the FWC in relation to three black coal mining employers in New South Wales.
- An application for a supported bargaining authorisation in disability services.

Read more [here](#)

Part 5 - Consultations & Inquiries

Recent developments related to government consultation, inquiries and announcements of relevance to members include:

- The Government's announcement of the proposed implementation of pay day super.
- The report from the inquiry into issues related to menopause and perimenopause publishes its report.
- Introduction of the Privacy and Other Legislation Amendment Bill 2024, its referral to an inquiry, our submission and appearance before the Committee on 22 October.
- Ai Group's submission to the Victorian Government's inquiry into workplace surveillance and appearance before the inquiry

Read more [here](#).

Part 6 - Fair Work Commission and Regulator Activities of Note

- The FWC has:
 - Issued a paid agents working group report and will shortly have a public consultation.
 - Sought feedback on draft guidelines for regulated labour hire arrangement orders.
- The FWO has published its 2023-2024 Annual Report.
- The FWC has published its 2023-2024 Annual Report.
- The Office of the Australian Information commissioner (**OAIC**) has released two new guides on the application of the *Privacy Act 1988* (Cth) and the Australian Privacy Principles to the use and development of artificial intelligence (**AI**).

Read more [here](#)

Respect@Work developments

Recent developments relevant to Respect@Work include:

- SafeWork NSW publishes additional resources relating to sexual and gender-based harassment.
- The Queensland Government has passed amendments to anti-discrimination laws to introduce a broad-ranging positive duty which extends to 'objectionable conduct'.
- The FWC has issued the final Sexual Harassment Disputes Benchbook.

Read more [here](#).

Part 1 - Legislative Changes

CURRENT AND IMMINENT LEGISLATIVE REVIEWS

Previous Significant Workplace Issues Reports have advised members about the current independent review of:

- The changes made to the FW Act by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) (**SJBP Act**); and
- The new sub-sections 494(4) and (5) in the FW Act, which were inserted by the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023*, and which clarify that the requirement to hold a FW Act permit does not apply to situations where a union official is “*assisting a health and safety representative (HS)*”, as allowed for under section 68(2)(g) of the *Work Health and Safety Act 2011* (Cth) and its equivalent state or territory OHS law (**entry for HSR assistance**).

Ai Group will be advocating for members throughout the review. The Review Panel is currently required to provide an interim report in January 2025, and a final report in March 2025.

Ai Group had an initial consultation session with the academics undertaking the Review on 30 October 2024 and will file major submissions by 29 November. We expect to continue to engage with the Panel throughout the Review.

Members can share their views about the legislative amendments through Road Freight NSW or directly with Ai Group via WRConsultation@aigroup.com.au.

OUTCOME OF THE REVIEW INTO PAID FAMILY AND DOMESTIC VIOLENCE LEAVE ENTITLEMENTS

The independent review of the operation of amendments made to the FW Act by the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* (Cth) is now complete and the [report](#) by Flinders University has been released by the Government. The review found the leave entitlement is operating as intended and makes 12 findings and 5 recommendations focused on improving and further promoting the entitlement within workplaces and the community.

‘CLOSING LOOPHOLES’ LEGISLATION - CODES STILL BEING DEVELOPED

Several changes introduced by the Closing Loopholes amendment legislation (2023 and 2024) still need to be finalised by the Federal Government. This includes the making of certain codes:

- The **Road Transport Industry Termination Code** – if a road transport business terminates the services contract in a manner consistent with the Road Transport Industry Termination Code, that termination will not be an ‘unfair termination’.
- The **Digital Labour Platform Deactivation Code** - if a digital labour platform operator deactivates a person so they cannot do digital platform work through that platform in a manner consistent with the Digital Labour Platform Deactivation code, that deactivation will not be an ‘unfair deactivation’.
- The **Voluntary Small Business Wage Compliance Code**.
- The FWO is also still developing guidance material and proposed approaches to ‘**Co-operation Agreements**’.

Ai Group is continuing to engage with the Department of Employment and Workplace Relations in relation to the approach that should be taken with the Road Transport Industry Termination Code and Digital Labour Platform Deactivation Code.

We are also engaging with the FWO in relation to what has been described as ‘safe harbour’ mechanisms for the wage theft laws which are expected to commence 1 January 2025, including in respect to the Voluntary Small Business Wage Compliance Code and ‘Co-operation Agreements’. It is crucial that these provide as much certainty as possible to industry in relation to the approach that the FWO will take to the application of the new ‘Wage Theft’ provisions. Ai Group will provide information on the codes and ‘safe harbour’ mechanisms once finalised.

SUPERANNUATION TO BE PAID ON COMMONWEALTH-FUNDED PARENTAL PAYMENTS

The Commonwealth Government funds a Paid Parental Leave Scheme under which eligible employees who are the carer of a child born or adopted from 1 July 2024 can get up to 22 weeks’ parental leave, paid at the National Minimum Wage.

The Government announced earlier this year that it would pay superannuation on the Commonwealth-funded paid parental leave payment.

On 22 August 2024, the Government introduced the Paid Parental Leave Amendment (Adding Superannuation for a More Secure Retirement) Bill 2024, which adds superannuation to the Commonwealth-funded Paid Parental Leave Scheme. The bill passed on 19 September and received Royal Assent 1 October 2024.

Persons receiving parental leave pay will not need to make a separate claim to access their superannuation contribution.

The Australian Taxation Office will calculate and disburse the superannuation contribution based on information it will receive from Services Australia about parental leave pay. The process for claiming parental leave pay will not be altered.

The bill also makes a minor amendment to the FW Act for ‘*keeping in touch*’ days.

The new superannuation entitlements will benefit eligible parents in relation to a child born or adopted on or after 1 July 2025. The changes to unpaid parental leave and keeping in touch days will be operative from the date of commencement of the bill, 2 October 2024.

AUSTRALIAN HUMAN RIGHTS COMMISSION COSTS BILL PASSED

On 15 November 2023, the Federal Government introduced the Australian Human Rights Commission Amendment (Costs Protection) Bill 2023 to Parliament. On 19 September 2024, the Bill passed Parliament. It received Royal Assent on 1 October 2024.

The Bill amends the *Australian Human Rights Commission Act 1986* (Cth) (**AHRC Act**), by inserting a costs provision which shields applicants from paying the respondent's costs in unlawful discrimination proceedings, except in certain circumstances.

Under the AHRC Act, an application may be made to the Federal Court or the Federal Circuit and Family Court of Australia alleging unlawful discrimination by a person or trade union who lodged the terminated complaint, on behalf of one or more affected persons in relation to the terminated complaint. The Bill provides that court cannot award costs against a person on whose behalf that application has been made. For example, if an employee association commences legal proceedings on behalf of several employees, it will only be the employee association which may be subject to an order to pay the respondent's costs and not the individual employees. The amendments commenced 2 October 2024.

CFMEU UPDATE

On [11 September](#), Justice Hatcher issued a further statement providing an update on applications for approval of enterprise agreements in the building and construction industry.

In that statement, Justice Hatcher advised that further measures had been taken as outlined in his statement of 30 July 2024. Additionally, Justice Hatcher stated that on 4 September he had written to the Administrator, Mr Mark Irving:

- Advising him of the status of some 104 building and construction industry agreement approval applications currently on foot and some particular issues that had arisen following the removal of some CFMEU officials from office.
- That in respect of current and future applications for approval of such agreements, the FWC also intends generally to request the provision of the certain information and documents.
- Suggested entering into a consultative process with Mr Irving and relevant officers of the CFMEU and this process is now in operation.

On 3 October the General Manager of the FWC, Murray Furlong, issued a [statement](#) about his role in relation to the administrator. It advises that if there are reasonable grounds to do so, he may investigate whether the scheme is being effectively implemented.

We understand that the FWO currently has 42 investigations into alleged conduct potentially contravening the Fair Work Act in the commercial building and construction industry, involving most branches of the Construction and General Division of the CFMEU, its officials, and/or employers.

The National Construction Industry Forum had its first meeting on 16 October 2024. The Forum is advising Government in relation to issues in the building and construction industry. Ai Group is continuing to engage with both the Government and Mr Irving.

NET ZERO BILLS PASS AND THE FWC ISSUES A STATEMENT

The Net Zero Economy Authority Act 2024 confers new functions on the Fair Work Commission in relation to workforce transition after an owner or operator of a coal-fired or gas-fired power station determines to close the whole or part of the power station.

An amended version passed the House of Representatives on 4 June 2024. The Bill passed the Senate with additional amendments on 22 August 2024. The Senate amendments included changes to the objects of the Act and an independent review to be conducted on recommendation of the Net Zero Economy Board or between 9 and 10 years after the Act commences. Both bills passed Parliament and have now received Royal Assent.

The Government has appointed Iain Ross, the former FWC president, to lead the Net Zero Economy Authority. Mr Ross will chair the Net Zero Economy Board. Justice Hatcher, now President of the FWC, issued a [statement](#) about the impact of the Net Zero Economy Authority Act 2024 on the FWC's functions.

The statement provides an overview of the FWC's functions when an owner or operator of a coal-fired or gas-fired power station announces their intention to close the whole or part of the power station and the CEO of the Net Zero Economy Authority applies to the FWC for a 'community of interest determination'.

The FWC states that prior to the commencement of the provisions, it intends to publish information materials and guidance about the FWC's new functions and associated processes on its website. To lead the FWC's implementation process for this new jurisdiction, Deputy President Saunders has been appointed as the National Practice Leader for Net Zero.

The statement outlines the FWC's approach to implementation of these functional changes, noting the significance these applications may have for particular communities and its intention to provide targeted information materials to those communities when an application has been made. The FWC expects this will be an iterative process which considers the circumstances of the particular application, and the parties and communities concerned.

Part 2 - Major Fair Work Commission Cases

TWU APPLICATIONS FOR MINIMUM STANDARDS ORDERS

The Transport Workers' Union of Australia has made three applications for minimum standard orders to cover:

- 'Last mile package delivery' - employee-like workers who perform work that involves the transport by road of goods, wares or other things (other than food, beverages and other like things).
- 'Delivery of food, beverage and other like items' - employee-like workers who perform digital platform work in the transport by road of food, beverages and other like items.
- 'Last mile package delivery' – road transport contractors who perform work that involves the transport by road of goods, wares or other things (other than food, beverages and other like things).

Justice Hatcher issued a statement on 6 September outlining his provisional views, including whether:

- The two 'last mile package delivery' matters should be heard together by a single Expert Panel for the road transport industry.
- That advice be sought by the Road Transport Advisory Group in relation to determining priorities for the work of the FWC in relation to these three matters.

Ai Group has made a [submission](#) in relation to Justice Hatcher's provisional views.

Justice Hatcher issued a further [statement](#) on 18 September 2024 and has referred all three applications to RTAG for prioritisation and to provide guidance on several other matters. He issued directions on 24 October 2024 which directed RTAG to provide advice on the following:

Prioritisation and process for providing advice:

- Advice concerning how Justice Hatcher should determine the priorities for the work of the FWC in relation to the three matters.
- A proposed process for the RTAG to provide advice in relation to the matter or matters it identifies as priorities, including:
 - A timeframe for when consultation will occur.
 - Whether any additional entities should be served with each application.
 - Whether subcommittees will be formed.

- If so, how those subcommittees will be composed and operated. The RTAG is directed to take an inclusive and broadly representative approach in determining the membership of any subcommittee.

Conduct of RTAG

- Advice on how the RTAG proposes to conduct itself more generally, including any proposed terms of reference or similar document that could form the basis for a written direction Justice Hatcher may make pursuant to s 40F(5), taking into account the need for RTAG to be open and transparent in the way it conducts itself.

RTAG must respond to the directions by 6 December 2024.

APPLICATION FOR A ROAD TRANSPORT CONTRACTUAL CHAIN ORDER

On 26 September 2024, the Transport Workers' Union of Australia made an application for a road transport contractual chain order (**RTCCO**).

RTCCOs are made by the FWC and set binding minimum standards for road transport contractors, road transport employee-like workers and other participants in a road transport contractual chain.

The requirements for making a RTCCO are largely similar to those that apply the making of a road transport minimum standard order.

On 18 October, Justice Hatcher issued a [statement](#) which set out his provisions views in relation to the conduct of the proceedings as follows:

- An Expert Panel for the road transport industry is required to be constituted for the hearing and determination of the matter and Justice Hatcher will constitute such a panel in due course.
- As an initial step, the Expert panel for the road transport industry constituted for consultation purposes in relation to separate proceedings regarding the TWU applications for minimum standard orders (discussed below) will also be tasked with facilitating consultation in relation to this matter.
- Justice Hatcher proposes to seek advice from the Road Transport Advisory Group (**RTAG**) in relation to prioritisation of the application, simultaneously with the three TWU applications for minimum standard orders (discussed below). This will allow all of the applications the FWC has received at this point to be considered as part of a single prioritisation process.

On 25 October 2024, Ai Group filed a [submission](#) in response to Justice Hatcher's statement.

GENDER UNDERVALUATION PROCEEDINGS

The FWC has commenced proceedings in relation to five 'priority' modern awards, directed towards assessing whether the minimum wages prescribed by those awards suffer from gender-based undervaluation:

- *Children's Services Award 2010*
- *Social, Community, Home Care and Disability Services Industry Award 2010 (SCHCDS)*
- *Health Professionals and Support Services Award 2020*
- *Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020*
- *Pharmacy Award*

The proceedings have been timetabled, with submissions and evidence (including in reply) to be filed in November 2024. The matter will be heard in the first three weeks of December.

The Government has filed a submission stating that it recognises and supports the proceedings and its broader task of identifying and addressing gender undervaluation in the modern awards system. However, it also submitted that the FWC should consider the broader economic and related considerations relating to the funding of any wage increases. Critically, the Government has not at this stage made any commitment to fund increases to minimum wages flowing from the proceedings.

Two union applications to vary the SCHCDS Award have been joined with these proceedings (i.e., as they relate to the classification structure, rates increase, and home care versus SACS stream definitions).

Ai Group has appeared in several conferences held before the FWC to date and will continue to play a key role in the proceedings as they unfold over the coming months.

PROCEEDINGS TO DEVELOP MODEL DISPUTE, CONSULTATION AND FLEXIBILITY CLAUSES FOR ENTERPRISE AGREEMENTS

Enterprise agreements must have certain mandatory terms, including a dispute resolution term, consultation term and flexibility term (as well as a delegates' rights term).

Currently, the Fair Work Regulations 2009 prescribe model dispute resolution, consultation and flexibility terms. The model consultation and flexibility terms apply by default if an enterprise agreement does not contain the terms or if the terms do not comply with the requirements under the FW Act. The model dispute resolution term does not apply by default in these circumstances.

Due to changes made by the recent Closing Loopholes legislation, the FWC has commenced a new major case for the purposes of developing model dispute, consultation and flexibility

clauses for enterprise agreements. Ai Group and other peak bodies met with members of the Full Bench to discuss this matter on 25 October 2024.

The proceedings will result in the creation of new model terms, which will commence operation from 26 February 2025, in lieu of the model terms currently found in the Fair Work Regulations.

By virtue of transitional provisions, the existing provisions will continue to apply:

- If before 26 February 2025, an employer asks employees to vote on an enterprise agreement; and
- By that vote, the agreement is approved; and
- The FWC approves the agreement

The matter has been timetabled as follows:

- Submissions in chief were due on 1 November. Ai Group filed its preliminary submission accordingly.
- Reply submissions are due on 22 November.
- A hearing before the Full Bench on 3 December.
- Drafts of the model terms will be published by the end of the year.
- Any submissions on the draft model terms are due on 31 January 2025.

DECISION – SUCCESSFUL AI GROUP APPLICATION TO VARY THE TCF AWARD – SHIFT PENALTIES

Ai Group applied to vary the *Textile, Clothing, Footwear and Associated Industries Award 2020*, to remedy anomalous shift penalty provisions. We argued that the relevant provisions were affected by an error, were ambiguous and / or uncertain and that they should be varied with retrospective effect. The relevant error / ambiguity gave rise to a potential interpretation of the award that had very costly implications for employers.

On 16 October, the FWC issued its [decision](#), which was the subject of a hearing before DP Easton earlier this year. The FWC granted the variations sought by Ai Group and in accordance with our submissions accepted that the variations should apply retrospectively.

FWC REVIEW OF C14 RATES – HORTICULTURE AWARD

The FWC issued a [decision](#) in relation to its review of all awards that contain minimum rates of pay that are below the C13 rate on 16 April 2024. On 30 August 2024, the FWC issued a [Statement](#) and published draft [determinations](#) giving effect to its provisional views set out in its April 2024 [decision](#). The operative date of the determinations will be 1 January 2025.

Ai Group filed a [submission](#) on 27 September in relation to the draft determination and provisional views concerning the *Horticulture Award 2020*, as it relates to a new requirement for reclassification after three months' experience in the industry, irrespective of whether that experience was gained with another employer or in respect of different crops or activities.

Ai Group submitted it should only be in respect of the same crop and that there should be a temporal limitation as to when that experience was obtained of 12 months.

PROGRESS IN OTHER ONGOING AI GROUP APPLICATIONS / AWARD MATTERS

Application	Background	Update and actions
Road Transport (Long Distance Operations) Award	Application to vary 22 separate award provisions.	A conciliation conference was held on 25 October and a further conference is listed for 8 November 2025.
SDA application re. junior rates in the Retail Award, the Fast-Food Award and the Pharmacy Award.	Application to remove junior rates for employees who are 18 years or older from these awards, and to increase rates for those under 18 years.	The applicants filed their material on 6 November 2024. Opposing submissions and evidence are due on 11 March 2025. The matter is listed for directions 21 March 2025.
FWC initiated proceedings – working from home – Clerks Award	FWC has commenced this matter on its own initiative, pursuant to s 157(3)(a) of the FW Act, to develop a working from home term in the Clerks Award.	FWC statement issued 24 October. Parties to file proposals for clause, submissions and evidence by 28 March 2025, with submissions and evidence in reply by 6 June 2025.
An employee application seeking a variation of the Retail Award	Mr Hicks is seeking variations to clauses relating to ordinary hours and breaks between work periods (clauses 15.2(c) and 16.6(b))	Applicant must file an outline of submissions and evidence by 15 November 2024.
Proposed On Demand Delivery Industry Award	Menulog application for a new modern award to cover on demand delivery services.	Following a directions hearing before Hatcher J on 25 October 2024, processes for the future progress of this matter are expected to be issued shortly.

Application	Background	Update and actions
Meat Award Case – work value case – classification structure	Australasian Meat Industry Employees Union (AMIEU) application to vary the classification structure and increase minimum wages in the Meat Industry Award.	Hearing in October 2024 which has now concluded.
Ai Group application to vary the Clerks Award – exemption rate	An exemption rate removes the obligation to comply with certain award terms (including hours of work, penalty rates and overtime) for an employee earning at or above a particular rate of pay.	Draft determination, submissions and evidence to be filed by 20 December. Report-back is 17 January 2025.

Part 3 - Enterprise Bargaining

TRENDS IN ENTERPRISE BARGAINING

The FWC's fortnightly [Statistical Report](#) on Enterprise Agreements & other bargaining data (released on 21 October 2024) reports the Average Annual Wage Increases (AAWI) for federal enterprise agreement approval applications lodged from 7 - 20 September 2024 as 4.1% (across 155 applications). This AAWI is:

- 0.1% more than that in the previous fortnightly period (144 applications); and
- 0.1% more than reported by DEWR for agreements approved in the [June](#) Quarter 2024.

The Statistical Reports usually show a higher AAWI in enterprise agreement applications lodged by a union. Consistent with this, the AAWI for union-lodged agreements for the 7 - 20 September period was 5.8%, as compared to 3.9% for those not lodged by a union.

The total number of enterprise agreement approval applications lodged during September 2024 was 333. This was a decrease of 9% compared to the 5-year average of 362 agreements lodged. The Statistical Report provides industry-specific data as follows:

Table 1.4: AAWI for agreement approval applications lodged by largest industries, 7 September – 20 September 2024

Industry	Agreement approval applications lodged (No.)	Employees (No.)		Effective duration (Years)	AAWI ^a (%)	Number of agreement approval applications that cover 500 or more employees (No.)	Number of agreement approval applications with consistent wage increases ^a (No.)	Number of agreement approval applications with higher pay increases on commencement ^a (No.)
		Total	Non-quantifiable agreement approval applications					
Rail industry	5	2215	0	3.8	5.1	1	1	3
Social, community, home care and disability services	2	2153	2144	2.8	2.6	1	1	0
Local government administration	2	1525	1525	3.0	–	2	–	–
Building, metal and civil construction industries	38	1377	203	3.6	5.6	0	14	20
Manufacturing and associated industries	20	1304	23	2.9	3.1	0	7	9
Health and welfare services	6	794	0	3.6	2.9	0	2	2
Educational services	5	669	46	2.7	4.7	0	1	1
Mining industry	5	662	24	2.5	3.5	0	2	0
Passenger vehicle transport (non rail) industry	3	472	35	2.8	3.3	0	0	0
Road transport industry	6	339	0	2.6	3.7	0	3	3

Note: ^a Values for these columns do not include non-quantifiable agreement approval applications.

Source: Fair Work Commission.

Trends in Federal Enterprise Bargaining Report: June 2024 Quarter

The AAWI for agreements approved in the June quarter 2024 was 4.0%. This can be compared with 3.9% in the March quarter 2024 and 3.8% in the June quarter 2023.

The industries with the highest AAWIs were Construction (4.6%), Transport, Postal and Warehousing (4.5%) and Arts and Recreation Services (4.3%). The industries with the lowest AAWIs were Rental, Hiring and Real Estate Services (2.7%), Retail Trade (3.3%) and Professional, Scientific and Technical Services (3.5%).

Set out below is a summary of the key changes in the AAWI for enterprise agreements approved in the June 2024 quarter versus the March 2024 quarter.

Industry Sector or Type of Agreement	AAWI (%) For Agreements Approved in the June 2024 Quarter	Change from March 2024 Quarter (%)
All Sectors	4.0%	Up 0.1% (from 3.9%)
Multi-enterprise (non-Greenfields)	6.6%	Up 4.1% (from 2.5%)
Private Sector	4.0%	Up 0.4% (from 3.6%)
Transport, Postal and Warehousing	4.5%	Unchanged
Manufacturing	4.0%	Up 0.2% (from 3.8%)
Metals Manufacturing	4.4%	Up 0.6% (from 3.8%)
Non-Metals Manufacturing	3.9%	Up 0.1% (from 3.8%)
Construction	4.6%	Up 0.1% (from 4.5%)

A copy of the June 2024 Trends in Federal Enterprise Bargaining Report is [here](#).

Part 4 - Other Major Developments / Cases

DELEGATES RIGHTS CASE – JUDICIAL REVIEW

The FWC had previously issued a [Statement](#) setting out the content of the model delegates' rights term that had been endorsed by a majority of the Full Bench of the FWC. Final determinations were issued and took effect 1 July 2024. The Full Bench has still not issued reasons for their decision.

On 18 September, the MEU filed an application in the Federal Court for judicial review of the determinations issued for the following awards: *Black Coal Mining Industry Award 2020*, *Coal Export Terminals Award 2020*, *Mining Industry Award 2020* and the *Electrical Power Industry Award 2020*

On 19 September, the CFMEU filed an application for judicial review of the determinations issued for the following awards: *Building and Construction General On-site Award 2020*, *Joinery and Building Trades Award 2020*, *Mobile Crane Hiring Award 2010*, *Manufacturing and Associated Industries and Occupations Award 2020*, *Electrical, Electronic and Communications Contracting Award 2020* and the *Electrical Power Industry Award 2020*.

Ai Group has been named as a respondent in both applications and will participate in proceedings before the Federal Court.

APPLICATIONS FOR REGULATED LABOUR HIRE ARRANGEMENT ORDERS

There has now been a raft of applications for regulated labour hire arrangement orders made to the FWC. Most applications relate to the mining industry, but applications have also been advanced by the Australian Meat Industry Employees Union and the Flight Attendant's Association (**FAAA**) and Transport Workers Union (**TWU**) in the Aviation sector.

Four applications have been granted in circumstances where they were not opposed by the relevant employer. The most detailed consideration of the new statutory provisions is contained in the decision dealing with the application made in relation to employees engaged at the Batchfire Callide Mine Central Queensland ([Decision](#) [2024] FWCFB 299).

In one application the host employer (Theis) reportedly offered direct employment to the labour hire employees and the Mining & Energy Union consequently withdrew the application.

Ai Group has directly represented two employers who faced applications from individual employees. In one matter the employer did not oppose the application, and the order was made by the Commission. In the other matter, the Applicant ultimately elected to withdraw their application.

Ai Group has been granted leave to intervene in 13 applications in relation to various BHP coal mines in Queensland which are being dealt with together by the FWC. The Government, ACTU

and employer groups representing the mining sector have also been granted leave to intervene. These proceedings are looming as the major test for the operation of the new laws.

Regulated labour hire orders may commence operation on or after 1 November 2024. The FWC has issued draft guidelines in relation to regulated labour hire arrangement orders (discussed below in Part 6).

FULL BENCH FWC DECISION CONSIDERING THE RELEVANCE OF IMPAIRMENT WHEN AN EMPLOYEE BREACHES A DRUG AND ALCOHOL POLICY

A Full Bench of the FWC has dismissed an appeal against a first-instance decision in which Deputy President Easton ordered the reinstatement of an employee dismissed for failing a random drug test for cocaine on his return from annual leave: [Sydney Trains v Goodsell \[2024\] FWCFB 401](#).

While the appeal was dismissed, the Full Bench did consider that the first-instance decision was in error to the extent that it appears to state a principle that in cases involving a dismissal for breach of a drug and alcohol policy, an employer must establish a risk that an employee dismissed for returning a positive drug test in breach of such a policy was **impaired** at work.

The Full Bench stated that the fact that an employee attends for work and returns a positive test for a prohibited substance, may of itself, constitute a valid reason for dismissal. The Full Bench otherwise agreed with DP Easton's findings that the employee was not impaired when he attended work, based on evidence that:

- There was no active drug in his system at the test time.
- The test results were consistent with his evidence about when he used cocaine.
- He showed no signs of impairment when tested.
- He was not impaired by a hangover effect.
- That there were mitigating factors contributing to the conclusion that, despite there being a valid reason for dismissal, the dismissal was harsh, unjust and unreasonable.

Relevantly for members, the Full Bench agreed with DP Easton's finding that the evidence established that Mr Goodsell did not understand that consuming cocaine four days before work would risk non-compliance with the drug and alcohol policy. According to the Full Bench, the employer should have ensured that Mr Goodsell understood:

- Details of the prohibited drugs covered by the policy and minimum cutoff levels.
- That the testing shows drug use rather than impairment.
- The length of time that measurable traces of drugs or metabolites at or around cutoff levels may remain in a person's system even after the effect of the drug has worn off.

- That a zero-tolerance policy means that if employees attending for work were found to have traces of proscribed substances exceeding cutoff levels in their systems, Sydney Trains would assume that they pose an unacceptable risk to fellow workers and customers because of those results. Further, it should have been explained that Sydney Trains would have this view, regardless of whether the employee concerned was demonstrating obvious impairment at work or whether the drug was consumed at work or in the employees' own time outside work.

While this matter is concerned with cocaine use, the principles noted above are also relevant for testing for cannabis in the workplace. Cannabis can be particularly difficult to deal with, particularly where a worker is prescribed medicinal cannabis as a treatment for a medical condition or disability. Cannabis use is also currently an issue that several jurisdictions are considering, with Ai Group having made submissions and appeared before the [NSW Inquiry into the impact of the Regulatory Framework for Cannabis](#) and [Victorian Inquiry into workplace drug testing in Victoria](#).

SINGLE INTEREST EMPLOYER AUTHORISATION – BLACK COAL MINES

On 23 August 2024, a Full Bench of the FWC issued a decision granting a single interest employer authorisation under s.248 of the FW Act in relation to three out of four of the respondent black coal mining employers and a relatively small cohort of employees. On 24 September 2024, the covered employers filed a joint application to the Federal Court for judicial review and are seeking to have this decision overturned.

APPLICATION FOR A SUPPORTED BARGAINING AUTHORISATION IN DISABILITY SERVICES

As set out in previous reports, the AEU and HACSU have jointly filed an application for a supported bargaining authorisation (SBA). The application related to 19 respondent employers and their employees who are all purportedly '*employed in disability support work in Victoria*'.

This is the first union application for a supported bargaining authorisation in the disability services sector and has received widespread employer opposition from the respondents.

Ai Group is intervening in the proceeding as a peak body. We filed a submission on [15 March 2024](#) opposing the application on various bases. This matter has been set down for hearing 11-13 November 2024.

Part 5 - Consultations & Inquiries

PAY DAY SUPERANNUATION FOR 2026

In the 2023-24 Budget, the Government announced it would align employers' payment of Superannuation Guarantee (SG) contributions with salary and wages, instead of the current quarterly requirement. This will take effect from 1 July 2026.

The Department of Treasury has issued a [factsheet](#) providing further implementation details about this measure and indicates that draft legislation will progress this year and industry will be engaged to inform its design.

INQUIRY INTO ISSUES RELATED TO MENOPAUSE AND PERIMENOPAUSE PUBLISHES ITS REPORT

On 6 November 2023, the Senate referred an inquiry into the Issues related to menopause and perimenopause to the Senate Community Affairs References Committee for inquiry and report.

The Committee reported back on 18 September 2024 and made the following recommendations most likely to be of interest to members:

- That the Australian Government consider amendments to Section 65 of the Fair Work Act 2009, to ensure women can access flexible working arrangements during menopause
- That the Australian Government introduce reforms to allow the Workplace Gender Equality Agency to re-commence data collection on the supports employers are providing, and their usage, for employees experiencing menopause and perimenopause, including specific workplace policies.
- Australian workplaces develop perimenopause and menopause workplace policies in consultation with their employee
- The Australian Government task the Department of Employment and Workplace Relations to undertake further research on the impact and effectiveness of sexual and reproductive health leave where it has been implemented in Australia and overseas, while giving consideration to introducing paid gender-inclusive reproductive leave in the National Employment Standards (NES) and modern awards

INQUIRY INTO PRIVACY AMENDMENT BILL

On 12 September, the Government introduced the Privacy and Other Legislation Amendment Bill 2024, which provides for what it described as the first tranche of changes to the *Privacy Act 1988* (Cth).

The bill contains the following key amendments likely to be of most interest to members:

- A statutory tort for serious invasions of privacy, which includes an intrusion into an individual's seclusion and/or a misuse of their information and in respect of which no proof of damage is required. There is a broad range of available remedies, including awards of compensation up to \$487,550. Damages can be sought for non-economic loss such as for harm to dignity or embarrassment.
- A requirement to include information about automated decisions in a privacy policy, where a computer program uses an individual's personal information to make a decision reasonably expected to significantly affect the rights or interests of the individual, or to do something substantially and directly related to making that decision.
- Changes to the overseas disclosure of personal information which provides for a mechanism under which regulations can prescribe certain foreign laws and schemes as being of a standard which is substantially similar to the Australian Privacy Principles.
- A tiered penalty approach for civil penalties and infringement notices in relation to both serious interferences with privacy and interferences with privacy.
- New enforcement powers for the OAIC.

On 19 September, the bill was referred to the Senate Legal and Constitutional Affairs Legislative Committee for inquiry and the Committee is due to report on 14 November 2024. Ai Group made a [submission](#) on 11 October and appeared before the inquiry on 22 October 2024.

The bill does not deal with the current carveout for small businesses with turnover of \$3 million or less or the employee records exemption. However, the Government has indicated this will be part of the second tranche of amendment legislation.

VICTORIAN INQUIRY RE WORKPLACE SURVEILLANCE

The Victorian Legislative Assembly Economy and Infrastructure Committee is conducting an [inquiry into workplace surveillance](#). Ai Group made a [submission](#) on behalf of members, which emphasised the importance of workplace surveillance for employers to monitor safety and productivity in their workplaces. Ai Group [appeared](#) before the inquiry on 26 September 2024.

Part 6 - Fair Work Commission and Regulator Activities of Note

FWC PAID AGENTS WORKING GROUP REPORT

The FWC established a Paid Agents Working Group in January to review the procedures applicable to the participation of paid agents in its proceedings. An options paper was published in March 2024 which invited submissions.

On 9 September 2024, President Hatcher issued a statement and report, which made these recommendations:

- **Recommendation 1** – Members and conciliators (where applicable under the delegation of GP conciliation powers to staff members) will determine applications under s 596 for representation by a paid agent prior to any conciliation, conference or hearing
- **Recommendation 2** – Disclosure of costs arrangements at the commencement of conciliation processes
- **Recommendation 3** – Enhancement of information about representation on the Commission's website
- **Recommendation 4** – The Commission's standard terms of settlement should provide only for the payment of the settlement amount into a bank account belonging to the applicant
- **Recommendation 5** – Enhance referral arrangements with Community Legal Centres and other pro bono legal services.

The FWC is conducting a public consultation about the implementation of these recommendations on 6 November 2024, with a particular focus on Recommendation 1. In this consultation Commissioner Johns will discuss his general views giving permission to a paid agent representing a person in proceedings. He will also explain a pre-allocation pilot and how it will be conducted. Ai Group will attend this consultation.

FWC GUIDELINES FOR REGULATED LABOUR HIRE ARRANGEMENT ORDERS

The FWC has the power, as a consequence of the Closing Loopholes Act, to make regulated labour hire arrangement orders. As part of these changes, the FWC can also make written guidelines in relation to the operation of the regulated labour hire arrangement provisions. If made, these guidelines must be in force by 1 November 2024.

President Justice Hatcher issued a [Statement](#) on 14 October and published [draft guidelines](#) for consultation with interested parties.

In the statement the President notes that the guidelines, if made, will be updated over time. Ai Group provided our [feedback](#) on 25 October. The FWC published the final [guidelines](#) on 31 October 2024.

FAIR WORK OMBUDSMAN ANNUAL REPORT

The FWO has submitted to the Minister for Employment and Workplace Relations the Office of the [FWO Annual Report for the financial year ending 30 June 2024](#). The report includes information on OFWO's general organisation, administration and performance

The FWO reports the following sectors and issues as being its main priorities:

- Agriculture, building and construction.
- Care, fast food, restaurants and cafes.
- Large corporates and universities.

The FWO also reports that it continues to see concerning levels of workplace law non-compliance within Australia's large corporate sector. The FWO also states that its view is that large employers have the financial and technical resources to be compliant and need to be held to a high standard. It has identified the most common drivers which it expects boards and senior leadership teams to address:

- A lack of investment in payroll systems, expertise and staffing, as well as absent or insufficient compliance checks and auditing (particularly for a new enterprise agreement or entitlements).
- Not ensuring a "line of sight" between what is happening at the workplace level, and the risk controls in place at a corporate governance level.
- Ineffective or absent channels for meaningful communication with workers and their representatives, including a failure to act on apparently isolated instances of non-compliance which could be an early warning sign to a more systemic source of contraventions.
- Annualised salaries for award-covered employees being insufficient to compensate for all work actually performed, or organisations implementing a "set and forget" buffer which fails to accommodate increases to minimum entitlements over time.
- A false belief that market rates are necessarily compliant with award entitlements.
- A failure to properly map roles to correct classifications or job grades.
- A failure to implement enterprise agreement obligations or pay rules, especially regarding undertakings or reconciliation clauses.

- Incorrect system configurations (including a failure to conduct assurance checks on systems), for example leave being incorrectly deducted on public holidays.
- Manual or claims-based processes for entitlements (higher duties, allowances, manager driven approvals).

FAIR WORK COMMISSION ANNUAL REPORT

On 31 October, the Fair Work Commission published its [annual report](#) for 2023-24. The FWC reports the following key information:

- A total of 40,190 lodgements were received – which was a 27% increase from 2022-23;
- The most common lodgement type was unfair dismissal applications, forming 37% of all total lodgements – which was an increase from 11,012 to 14,722.
- General protections applications were 14% of lodgements.
- Applications for the approval of single enterprise agreements increased, from 3,858 in 2022-23 to 4,464.
- There were 11 applications for intractable bargaining declarations.
- There were 13 applications for single interest employer authorisations and 2 applications for supported bargaining authorisations.

OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER RELEASES GUIDANCE ON AI USE AND CONSULTATION ON MANDATORY GUIDELINES

The Office of Australian Information Commissioner (OAIC) has released guidance on the application of the Privacy Act 1988 (Cth) (**Privacy Act**) and the Australian Privacy Principles (APPs) to the development and use of AI and generative AI systems. The new guides are:

- [Guidance on privacy and the use of commercially available AI products](#)
- [Guidance on privacy and developing and training generative AI models](#)

This guidance may assist organisations covered by the Privacy Act when they use AI in the workplace which involves personal information.

Organisations should also be aware of the recently issued [Voluntary AI Safety Standard](#) which supports the safe and responsible use of AI.

The Government is currently consulting on [introducing mandatory guardrails for AI in high-risk settings](#). It is considering and has identified “employment” as being a possible high-risk/impact domain for AI systems use, including for matters such as recruitment, referral, hiring, remuneration, promotion, training, apprenticeship, transfer or termination. The consultation

paper provides an example of circumstances in the context of employment where the mandatory guidelines may apply which we have replicated below:

AI in employment and workplace settings

Using AI systems in employment settings can have substantial impacts on a person's opportunities. These include in recruitment and hiring, promotions, transfers, pay and termination. To decide if a particular AI system meets the principles, an organisation would need to consider:

- the type of impact it would have on people
- any potential discriminatory impacts on people from a particular cohort
- any society-wide impacts based on the scale of the deployment
- the severity and extent to which the risks are likely to occur.

For example, an automated CV scanning service that makes a determination of an individual's suitability for a job would be considered a high-risk system. This is because it has the potential to impact a person's access to work as well as discriminate against certain groups. Similarly, using an automated rostering system could be considered high-risk as it has discriminatory potential and could also impact a person's ability to participate in work where this risk was likely to occur. For example, if the AI rostering system did not take into account an employee's caring duties. An AI system automating the evaluation of worker performance for making consequential determinations on their employment – for example via monitoring activity at a computer, or on factory floors – may also be classified as high-risk.

By contrast, there are other uses of AI systems in workplace settings which are unlikely to be high-risk. For example, an AI system used to automatically pre-fill payroll information based on existing time and attendance data.

Ai Group made a [submission](#) to this consultation and has pressed, amongst other matters, that the proposed mandatory guardrails do not impose undue burdens on companies.

Earlier this year, Ai Group also made [submission](#) to the House of Representatives Standing Committee on Employment, Education and Training Inquiry into the Digital Transformation of the Workplaces which highlighted that digital transformation is making and will continue to make significant and positive contributions to the workplace, including but not limited to by improving job quality, productivity and competitiveness.

Part 7 - Respect@Work

SAFEWORK NSW PUBLISHES ADDITIONAL RESOURCES ON SEXUAL AND GENDER-BASED HARASSMENT

SafeWork NSW has released three webinars providing information about workplace sexual harassment prevention in the context of work health and safety obligations:

- Webinar 1 – [Understanding workplace sexual harassment](#)
- Webinar 2 – [Safety steps to preventing workplace sexual harassment](#)
- Webinar 3 – [Next steps for reporting and response.](#)

QUEENSLAND AMENDS ANTI-DISCRIMINATION LAWS TO INTRODUCE A BROAD-RANGING POSITIVE DUTY

On 14 June 2024, the Queensland Government introduced the [Respect at Work and Other Matters Amendment Bill 2024](#) (Bill) to Parliament.

The bill amends the *Anti-Discrimination Act 1991* (Qld) (AD Act) to introduce a new positive duty that requires duty holders to take reasonable and proportionate measures to eliminate discrimination, harassment on the basis of sex and other objectionable conduct as far as possible. The new positive duty applies to all persons (including individuals, corporations and bodies politic, including the state) who under chapters 2, 3, 4 and 5 of the AD Act, must not engage in discrimination, sexual harassment, harassment on the basis of sex and other objectionable conduct. The duty will only apply to individuals to the extent that they are conducting a business or undertaking, as defined in section 5 of the *Work Health and Safety Act 2011* (Qld).

According to the Explanatory Statement:

"The positive duty introduced by the Bill is broader in scope than the positive duty under section 47C of the [Sex Discrimination Act 1984 (SD Act) (Cth)] ..., which is limited to the area of work and only covers sexual harassment and certain types of unlawful conduct on the basis of sex. The new positive duty under the AD Act will complement the application of the more limited duty under the SD Act by extending the duty to take positive action to a wider range of contexts and conduct in Queensland."

The Explanatory Statement provides that proactive steps will need to be taken by PCBUs which may include:

- Ensuring there are organisational policies in place that address the importance of respectful behaviour in the workplace;

- Ensuring easily accessible information is available;
- Conducting workplace surveys to measure knowledge and awareness of unlawful conduct like discrimination or sexual harassment and the extent to which such conduct may have been experienced by members of the workforce;
- Engaging in informal or formal disciplinary discussions with members of the organisation who are displaying conduct that may be disrespectful and unlawful under the AD Act; and
- Managers and people in positions of leadership clearly and regularly articulating expectations of respectful behaviour.

The Bill also makes further amendments to the AD Act and other legislation.

The Bill passed Parliament on 10 September and received Royal Assent on 19 September 2024. Some of the amendments to the AD Act commence 1 December 2024. However, the new positive duty does not commence until 1 July 2025.

FAIR WORK COMMISSION – SEXUAL HARASSMENT DISPUTES BENCHBOOK

The FWC publishes benchbooks which provide information to help parties prepare for a case in the FWC, including about processes and examples of how FWC members have interpreted legislation in previous cases to make decisions.

On 1 October, the FWC published the [Sexual Harassment Disputes Benchbook](#), which applies to alleged sexual harassment in connection with work that happened or started on or after 2023. These provisions were inserted into the FW Act by the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 and which expanded the FWC's sexual harassment jurisdiction.

CONTACTS

This report has been prepared by Ai Group's National Workplace Relations Policy and Advocacy Team. The Team represents the interests of Ai Group Members through:

- Protecting and representing the interests of Members in relation to workplace relations matters.
- Leading and influencing the workplace relations policy agenda.
- In collaboration with Members, developing policy proposals for worthwhile reforms to workplace relations laws.
- Making representations to Government and Opposition parties in support of a more productive and flexible workplace relations system.
- Writing submissions, preparing evidence and appearing in major cases in the Fair Work Commission (FWC).
- Representing Members' interests in modern award cases and reviews.
- Representing Members collective interests in significant cases in Courts.
- Representing individual Ai Group Members in significant cases in the FWC and Courts.
- Keeping Ai Group Members informed and involved in workplace relations developments.
- Providing forums for Ai Group Members to share information on best practice workplace relations approaches, and to influence policy developments, e.g., through Ai Group's PIR (Policy-Influence-Reform) Forum and PIR Diversity and Inclusion Forum.
- Liaising with regulators including the Fair Work Ombudsman, as well as Departmental officials.
- Writing submissions and appearing in numerous inquiries and reviews carried out by a wide range of bodies including Parliamentary Committees, Inquiries, Royal Commissions, the Productivity Commission, the Australian Human Rights Commission, the Australian Law Reform Commission, and others.
- Opposing union campaigns on issues which would be damaging to competitiveness and productivity.

Ai Group welcomes and values your input and support.

AFRA members wanting to discuss any of the issues in this report can contact Brent Ferguson Head of National Workplace Relations Policy, at Ai Group via email: brent.ferguson@aigroup.com.au or on 0405 448 119