



25 September 2025

Submission – Working From Home legislation (Victoria)

Dear Premier Allan

The Australian Meat Industry Council (AMIC) is pleased to make a submission regarding the Victorian Government's proposal to introduce working from home (WFH) legislation.

### About AMIC

The Australian Meat Industry Council (AMIC) is the peak industry body representing the post-farm gate red meat industry. AMIC members include businesses processing red meat for domestic and export consumption, smallgoods manufacturers, boning rooms, cold stores, wholesalers, distributors and independent retail butchers.

The post-farm gate meat industry employs approximately 190,000 people directly and indirectly and is often the single largest employer in rural and regional areas, underpinning vitality and sustainability of Australia's agricultural sector and regional communities. In 2023-24, household income from people employed by the red meat processing sector was \$17.8 billion. Meat processing is the single largest manufacturing sector in Australia, and the industry plays a critical part in a modern, vibrant economy<sup>1</sup>.

### Executive Summary

AMIC respectfully submits that the proposed WFH legislation is unnecessary, noting the existing provisions of both anti-discrimination law (including and especially the Equal Opportunity Act 2009 (Vic)) and employment law (the Fair Work Act 2009 (Cth)) in Australia. Stated plainly, the proposed legislation creates duplication and unwelcome additional complexity for both employers and employees.

It is AMIC's position that workplace flexibility is a matter for employers and employees to negotiate at a workplace level, consistent with the existing framework(s), and should not be mandated by regulation and/or legislation. The legislation of these arrangements amounts to regulatory overreach and displaces employers' ability to determine workplace arrangements amenable and appropriate to their business and industry. Notwithstanding this position, AMIC recommends that should Victoria proceed with its proposed legislation, the following be adopted –

- Exemption of small businesses from the proposed WFH legislation;
- Clarification of key terms, including reasonableness, remote work; and
- Post-implementation review and industry engagement

AMIC stands ready to contribute to industry roundtables and welcomes the opportunity to collaborate with the Victorian Government, going forward, on the creation and implementation of the proposed legislation.

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<sup>1</sup> Evaluating the socio-economic benefit of the red meat processing industry in regional Australia 2024

## Recommendations

AMIC makes the following recommendations.

### Recommendation 1 – Small business exemption

AMIC recommends that small businesses are exempted from the proposed WFH legislation.

Small businesses in the meat industry already face significant regulatory pressure, relating not only to employment practices, but also to business operations. Additional operational and/or regulatory complexity is contrary to the sustainability and viability of small businesses.

Further, it is unlikely that small businesses have the requisite operational capacity to support mandated working from home arrangements, including but not limited to provisioning information technology and other assets (for example, appropriate desks/chairs) and undertaking assessments of employees' working from home arrangements consistent with the discharge of their relevant positive duties in respect to employee workplace health safety and wellbeing.

Where a wholesale small business exemption is supported by the Victorian Government, AMIC recommends that a 'small business' is defined in a manner consistent with the s.23 (1), (2) and (3) of the Fair Work Act 2009 (Cth). This is as follows –

- (1) A national system employer is a small business employer at a particular time if the employer employs fewer than 15 employees at that time.
- (2) For the purpose of calculating the number of employees employed by the employer at a particular time:
  - (a) subject to paragraph (b), all employees employed by the employer at that time are to be counted; and
  - (b) a casual employee is not to be counted unless, at that time, the employee is a regular casual employee of the employer.
- (3) For the purpose of calculating the number of employees employed by the employer at a particular time, associated entities are taken to be one entity.

If the Victorian Government does not support a wholesale small business exemption, AMIC recommends that due consideration is given to enabling small business to understand and comply with the provisions of the proposed WFH legislation. As the unfair dismissal regime introduced by the Fair Work Act 2009 (Cth) has demonstrated, small businesses have been greatly assisted by the development of the Small Business Fair Dismissal Code in uplifting workplace practices and assisting businesses to understand their obligations. A similar, voluntary instrument would likely assist small businesses in respect to the proposed WFH legislation.

### Recommendation 2 – Legislation design and useability

It is critical that the proposed WFH legislation is drafted in plain language that is accessible and legible to all employers, and that key terms are appropriately clarified and defined. Laws that are clear and easy to understand are an essential part of an accessible justice system. Clearly written laws can be better understood, complied with and administered. It is particularly critical for AMIC's members that legislation is both readable and useable.

It is uncontroversial to note that there is a material relationship between the complexity of legislation and understanding of and/or conformance with it.

On that basis, AMIC recommends that the proposed WFH legislation reflects a common sense approach to legislation design consistent with the principles of legislative drafting set out by the Commonwealth Attorney-General<sup>2</sup>. These include –

- When developing policy, reducing complexity should be a core consideration.
- Laws should be no more complex than is necessary to give effect to policy.
- Legislation should enable those affected to understand how the law applies to them.
- The clarity of a proposed law should be continually assessed, from policy development through to consideration by Parliament (for Acts) and consideration by the rule-maker (for legislative instruments).

In particular, the design of the proposed WFH legislation should prioritise useable and readable definition of key terms. These include, but are not limited to, the following –

- Working from home (i.e. from where an employee may work);
- Reasonableness (i.e. the grounds on which an employer can reasonably decline to provide WFH arrangements); and
- 'Days'/'At least two days' (noting that in the meat industry, and others, hours and/or days of work may be variable and a 'day' of work may be more or less than 7.6 hours).

Finally, legislation design should take into account the operation of the legislation, including deferred commencement for small businesses; this has proven supportive of small business members of AMIC when contending with recent and significant reforms to the Fair Work Act 2009 (Cth).

#### Recommendation 3 – Post-implementation review and industry engagement

Legislation should be regularly reviewed for readability, useability and, in the context of legislation that enacts significant reforms, practicability.

A post-implementation review of the proposed WFH legislation would provide an opportunity for Government and business to collaborate on the impact of the legislation, while also enabling Government and industry to identify and collaborate on opportunities for further improvement and/or amendments.

AMIC recommends that a formal post-implementation review be undertaken in no less than two years from the date on which the legislation comes into force, and that this post-implementation review be segmented by industry and business size.

Yours sincerely

Alexandra Marriott  
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<sup>2</sup> <https://www.ag.gov.au/legal-system/access-justice/reducing-complexity-legislation>