



Inquiry into the operation and adequacy of the National Employment Standards

**SUBMISSION TO STANDING COMMITTEE ON EMPLOYMENT,
WORKPLACE RELATIONS, SKILLS AND TRAINING**

27 February 2026

About AMIC

The Australian Meat Industry Council (**AMIC**) is the peak industry body representing the post farm-gate red meat and pork supply chains. AMIC members include independent retail butchers, wholesalers, smallgoods manufacturers, meat processors and exporters.

AMIC is registered with the Fair Work Commission under the *Fair Work (Registered Organisations) Act 2009* (Cth) (**RO Act**), is a member of the Red Meat Advisory Council, and is a signatory to the Australian Red Meat Industry Memorandum of Understanding, which sets roles and responsibilities between industry and Commonwealth Government.

The meat industry is often the single largest employer in rural and regional areas, underpinning the vitality and sustainability of Australia's agricultural sector and rural communities. The meat industry makes a significant contribution to the Australian economy and meat processing is now the largest manufacturing employer in Australia, directly employing 38,500 people and supporting a further 25,000 people in meat wholesaling and retailing and 9,600 in smallgoods manufacturing¹.

In 2024-25, Australian red meat, pork and smallgoods consumption equated to 52kg per person, and meat and offal exports were valued at \$21 billion. In 2023-24, household income from people employed by the red meat processing sector was \$17.8 billion³.

AMIC is a trusted partner to government, a source of insight and support for industry, and a strong national voice for our members.

Introduction

AMIC welcomes the opportunity to make a submission to the Inquiry into the operation and adequacy of the National Employment Standards (**Inquiry**) with which the House of Representatives Standing Committee on Employment, Workplace Relations, Skills and Training (**Committee**) is tasked.

This submission is made consistent with AMIC's role as the peak employer body in the meat industry, pursuant to the RO Act, and articulates its position concerning the operability, relevance and coherence (together, the operation and adequacy) of the National Employment Standards (**NES**).

AMIC's submissions in the course of award modernisation, including its contribution to the Productivity Commission's (**PC**) review of the workplace relations framework in 2015², put AMIC's view that the realisation of the policy objects of the *Fair Work Act 2009* (Cth) (**FW Act**) is appropriately the benchmark against which the construction and operation of the workplace relations framework, including the safety, must be measured. As AMIC put in its PC submission in 2015 –

Once enshrined in legislation, compared to modern awards, an extended NES would provide little or no flexibility for any industry, sector of an industry or individual party for the future. It opens the way for successive federal government to attempt to extend higher and wider.

This Submission amounts to a continuation of that view.

At the time of the introduction of the Fair Work Bill 2009, subsequent to consultation with employer and employee representatives, the Fair Work Bill 2008 Explanatory Memorandum (**EM**) set the NES at the heart of a "simple and stable safety net" within a national workplace relations system designed to be "fair to working people, flexible for business, and to promote productivity and economic growth"³. The EM framed the NES as 10 legislated minimum standards that would apply to all employees and underpin modern

¹ <https://amic.org.au/strategic-plan/>

² https://assets.pc.gov.au/_data/assets/pdf_file/0008/189854/sub0236-workplace-relations.pdf?VersionId=4qpmqkjh1.dBtgulalbUvYyVwUEuPmKd

³ https://classic.austlii.edu.au/au/legis/cth/bill_em/fw2009124/memo_0.html

awards and enterprise agreements. AMIC supported this objective in relevant proceedings and in various forms of advocacy on behalf of its members, while noting the complexity of the industry it represented.

Part 2-2 of the FW Act gives effect to the purpose of the NES. Section 61 provides that the NES are minimum standards that apply to the employment of employees and cannot be displaced, and it enumerates the subject-matter areas (e.g., maximum weekly hours, various forms of leave, public holidays, termination and redundancy, the Fair Work Information Statement). This statutory design ensures the NES operate as a non-excludable floor across the national system.

Consistent with the design and policy principles set out in the EM, the NES establish statutory minima which may interact with and/or be improved by other statutory industrial instruments; the theoretical proposition is that this secures a universal minimum while allowing tailored conditions above the floor.

The resulting challenge for business is the regulatory uncertainty that arises in circumstances where modern awards are increasingly complex, subject to unpredictable review (including cases initiated by the Fair Work Commission on its own motion) and to proceedings being initiated subsequent to the exercise of modern awards powers by the Fair Work Commission (we note the determination of the Federal Court in *Construction, Forestry and Maritime Employees Union v Australian Industry Group* [2025] FCAFC 187)⁴.

The elevation of broader, more complex and inflexible modern award terms together with changes to enterprise bargaining introduced by the Closing Loopholes amendments to FW Act put the consistent and certain operation of the statutory floor in doubt.

While the prescribed statutory purpose of the NES has remained the same, the content of the NES has been amended by recent, successive reforms. On AMIC's view, the NES now respond to and reflect social policy which has given effect to a broadened and more ambitious definition of employment standards which are demonstrably neither simple nor stable.

These changes include paid family and domestic violence (FDV) leave, stronger flexible work and flexible parental leave provisions, and the introduction of superannuation as an NES entitlement together with new Fair Work Commission powers to resolve and determine matters that arise relevant to these expanded entitlements. While AMIC does not cavil with these, there are nonetheless considerations to be made in the context of this Inquiry, and what they mean for the coherence and operability of the NES.

Taken together, these material changes to the character of Australia's workplace relations framework underscore that the NES is no longer a mere safety net, but also a policy lever oriented toward and weighted in favour of employees; arguably, the stated commitments to a safety net that is flexible and amenable to employers have been displaced as the NES evolves, and as the objects, purpose and character of the statutory framework are evidently subject to contestation.

The challenge for enterprises of all sizes is undoubtedly increasing as the NES evolves in tandem with broader and substantive changes to the character of employment regulation in Australia; the combined effect is materially significant. It is uncontroversial to observe that regulatory complexity and uncertainty puts at risk business investment, innovation and growth while also presenting material barriers to operational practices aligned to businesses attempting to operate in a manner that enables their participation in a complex, global and unstable economic market.

AMIC submits that –

- The operability and relevance of the NES must be measured against the relevant objects of the FW Act and the stated purpose of the NES, on which consultation was undertaken in and subsequent to 2008. The deviation of the NES from its statutory purpose puts at risk the character and construction of workplace relations regulation in Australia. On this measure, AMIC submits that the

⁴ <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2025/2025fcafc0187>

NES is adequate, coherent and operable in its current state. The NES should remain a statutory floor; increasing complexity and breadth of the NES would amount to a radical and unwelcome challenge to employment regulation, and to employer conformance with it.

- In circumstances where there have been successive, substantive amendments to the FW Act, the outcome of this Inquiry should not be that significant, material changes are recommended and/or made, including and especially to the quantum of leave entitlements. If any changes to the NES are made on the basis of the recommendations of the Committee, these should be confined to harmonisation, simplification, and improvement of drafting; however, such changes warrant further consultation with industrial parties.
- The Federal Government should, subsequent to the conclusion of current parallel processes concerned with the operation of the FW Act (being the present Inquiry and the review of the Closing Loopholes Acts), focus upon the operationalisation of further education to support conformance of employers with the substantively amended statutory framework, including the effect of those changes on statutory minima. It is regrettable that recent, material changes to the legislation have not been accompanied by well-funded and programmatic approaches to the provision of education and information. This is especially the case in circumstances where the Fair Work Commission is reporting historically high caseloads and is defunding advisory services, and where the Fair Work Ombudsman is extensively engaged in compliance and enforcement efforts.

Response to Terms of Reference

AMIC makes the following brief responses to the Terms of Reference, noting that these should be considered together with the comments set out at the Introduction above.

The objective and purpose of the NES as part of the safety net framework, as well as individual NES entitlements

As set out above, AMIC supports the objective and purpose of the NES. AMIC cautions against, and does not support, substantive material amendments to the provisions of the NES.

The extent to which the NES is fit for purpose, having regard to the changing nature of work

AMIC regards the NES as fit for purpose. The NES should not be the vehicle for expanding employment-like conditions to workplace participants who are not employees.

The role of the NES in promoting the object of the *Fair Work Act* set out in Section 3

The NES appropriately achieves the object of the Act, per s3. The character, content and construction of the NES should remain appropriately aligned to the provisions of s3, which are that the NES is a primary and significant component of a safety net of minimum conditions.

The adequacy, relevance and coherence of existing NES entitlements

Existing NES entitlements are adequate, relevant and coherent.

The effectiveness and application of the NES, including opportunities for technical improvements

The effectiveness and application of the NES is adequate. As set out above, should opportunities for technical improvements be recommended by the Committee, these warrant further consultation with industrial parties.

The interaction between the NES and other workplace instruments, including modern awards, enterprise agreements, and individual flexibility arrangements

The interaction between the NES and other workplace instruments is largely congruent with the purpose and object of the NES as a component of the industrial safety net prescribed by the FW Act.

We note AMIC's historical involvement with industrial instruments in the meat industry subsequent to AMIC's registration in 1928, including the *Meat Industry Award 2020* and precedent, pre-modern awards.

At this time, we are content with the interaction between the *Meat Industry Award 2020* and the NES.

The types of workers covered by the NES and consideration of differences in experience of the NES, including experiences of women, workers over 55, young workers, First Nations workers and workers with disability

We note the application of the NES to different types of workers from diverse cohorts who comprise and contribute to Australian workplaces. AMIC's view is that the NES operates appropriately as a statutory floor for all employees.

Whether there are any gaps in data information about any of these matters and what action is required to address these

AMIC does not propose that there is any action required to be taken on the basis of assumed or actual gaps in data about the matters relevant to the Inquiry.

Any related matters

AMIC does not tender any related matters for the consideration of the Committee.

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