

IR POLICY AND GOVERNANCE UPDATE



INTRODUCTION

In this Update, we look at current Australian CPI figures, the Fair Work Ombudsman Compliance and Enforcement Policy for 2025, and we provide some initial details on the upcoming amendments to the Queensland Anti-Discrimination Act.

CONSUMER PRICE INDEX UPDATE

Last weeks CPI figures for the quarter ending in December 2024 is evidencing that Australia is getting down to the 2-3% inflationary range. Prices rose 0.2% in the final quarter of 2024, which took annual headline inflation to a three-year low of 2.4%. However, the Reserve Bank's preferred underlying inflation measure, the trimmed mean, came in at 3.2% over the year to the December quarter, down from an upwardly revised 3.6% in the year to the September 2024 quarter.

This figure is still above the Reserve Bank's target range for lowering interest rates this month. Further, given the resilient labour market, elevated government spending, persistent services inflation, and a falling Australian dollar will complicate the Reserve Bank's decision. From an economic growth perspective, while the Australian economy is estimated to have grown by only 1% in 2024, that is likely to lift marginally to 1.6% in 2025, before picking up in 2026 and 2027. Whether a rate drop occurs in mid-February remains to be seen, but if these indicators keep moving in the right direction we will likely see rate drops in the first half of the year.

FAIR WORK OMBUDSMAN PRIORITIES IN 2025

The Fair Work Ombudsman (FWO) has recently published its 2025 Compliance and Enforcement Policy, which outlines its approach to fulfilling its functions, particularly addressing non-compliance under the Fair Work Act 2009.

Key points from the Enforcement Policy are as follows:

- > The FWO will prioritise its investigative resources for cases that are serious, significant, repeated, or in the public interest.
- > The adoption of a tiered response to non-compliance –
 - Voluntary compliance: In response to requests for assistance with workplace disputes, the FWO uses education, tools, and resources to foster cooperation and a resolution between parties in the majority of cases.
 - Guided compliance: Following an investigation, the FWO may issue compliance notices and contravention letters to rectify breaches. A failure to rectify as required can result in court proceedings.
 - Enforced compliance: In cases involving serious wrongdoing or non-cooperation by the duty holder, the FWO will consider commencing civil proceedings, referring the matter for criminal prosecution or as an alternative agreeing to alternatives such as enforceable undertakings or cooperation agreements.
- > Isolated payroll underpayments over a short period (up to 12 months) do not normally require reporting if employees are informed and back-paid promptly and changes are made to ensure the error does not occur again.
- > From 1 January 2025, intentional underpayments are now potentially a criminal offence, with fines of up to \$8.25M for corporations and up to 10 years imprisonment for individuals.

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QUEENSLAND ANTI-DISCRIMINATION LAW AMENDMENTS

The previous Queensland government passed amendments to the states Anti-Discrimination Act prior to last years election. Effective from 1 July 2025, the reforms included an expanded positive duty to implement measures to prevent unlawful conduct, and the introduction of several new protected attributes under the Act. The positive duty will require members in Queensland to take proactive steps to prevent discrimination, sexual harassment, vilification and other conduct from happening in the first place.

In addition to the current 17 protected attributes which already exist in the AD Act, and relevantly to the workplace, additional attributes have been introduced. These include ‘irrelevant medical record’, ‘physical appearance’ and ‘subjection to domestic or family violence’, and a combination of two or more attributes’, and amended definitions for other attributes of carer or kinship responsibilities, parental status, race, and sexual orientation

Other changes to note include:

- > The timeframe to make a complaint of discrimination has been extended from one year to two years.
- > The legal tests to prove direct and indirect discrimination have been streamlined.
- > The Queensland Human Rights Commission has been granted additional powers to investigate suspected non-compliance with the AD Act.

It is important to note that existing exemptions under the AD Act remain unchanged. These include genuine occupational requirements and workplace health and safety.

Further, members will only be required to take action that is ‘reasonable and proportionate for the size of your business.

Member action

The VMA will be engaging with the Queensland Human Rights Commission over the coming months to ensure the development of guidances and resources for implementation into member workplaces.

Prior to the commencement, 1 July 2025, members who operate in Queensland should consider:

- > Reinforcing the legal requirement to prevent discrimination from occurring, rather than responding after a problem or incident occurs.
- > Consider updating any related workplace policies to address the expanded list of protected attributes effective from 1 July 2025.
- > Undertake risk assessments to determine necessary measures to prevent unlawful discrimination and sexual harassment in the workplace. Consult with your workers on developing these measures.
- > Any changes in the workplace should be clearly communicated with your workers.

More information on the amendments can be found [here](#).

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CONTACT

Any Industrial Relations Member who has a related query should contact the HR Hotline on 1800 835 167 or contact Charles Watson, GM – IR, Policy and Governance via email: charles@visualmediaassociation.org.au

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