

**National
Farmers
Federation**

National Farmers' Federation submission -

**House of Representatives Standing
Committee on Employment, Workplace
Relations, Skills and Training**

**Inquiry into the operation and adequacy of
the National Employment Standards (NES)**

February 2026



The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

NFF Member Organisations



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NFF's key messages

- The NFF notes this Inquiry may be used to advance proposals to expand the NES in scope and cost, including by extending minimum standards beyond employees and introducing new paid leave and redundancy obligations.
- The Committee should adopt a restraint and evidence-based approach. Recommendations on Changes to the NES, including the introduction of new standards should proceed only where there is clear evidence of a problem and a clear link to improved workplace outcomes, productivity, or economic performance.
- The NES should remain a stable set of minimum standards for employees. If government considers minimum standards for non-traditional or regulated work, this should occur through separate, targeted frameworks rather than by broadening the NES.
- The Committee should prioritise reducing unnecessary technical complexity and compliance risk created by highly procedural interpretations that do not improve substantive outcomes.

Responses to the Terms of Reference

1) Objective and purpose of the NES as part of the safety net framework

- NFF supports the NES continuing to operate as:
 - A minimum floor of enforceable entitlements for national system employees, regardless of the industrial instrument applying to the worker.
 - A stabilising foundation that supports productive workplaces, certainty, and fair competition.

2) Whether the NES are fit for purpose given the changing nature of work

- For employees engaged under traditional employment arrangements (including award- and agreement-covered work), the NES remain fit for purpose.
- The position for some platform-based / gig work can be different and should not be addressed by distorting the NES for standard employment relationships.
- If changes are contemplated for non-traditional work, they should be handled through separate, fit-for-purpose frameworks rather than adding complexity to the NES.

3) The role of the NES in promoting the objects of the Fair Work Act (s 3)

- NFF notes the Fair Work Act objects have become increasingly complex and “bolted on” over time, to suit the requirements of respective amendments which in turn reduces coherence and usability.
- Recommendation:

- Undertake a drafting and structure review to make the objects clearer and more internally consistent, supporting a system that is fair for employees, flexible for business, and productivity-enhancing.

4) Adequacy, relevance and coherence of existing NES entitlements

- Australia’s core leave settings (including annual leave and personal/carer’s leave) compare favourably with comparable countries.
- NFF’s position:
 - The focus should be on clarity and operability, not expanding entitlements in ways that create unintended costs, confusion, or disputes.

5) Effectiveness and application of the NES, including technical improvements

- The most valuable reform lever is simplification:
 - Simplify the expression and navigation of NES provisions to reduce misinterpretation and compliance errors.
- Leave accrual during workers’ compensation:
 - clarify that where an employee is absent and receiving workers’ compensation (and not being paid wages), annual leave and personal/carer’s leave do not continue to accrue.
- Public holiday requests and rostering:
 - clarify that the NES public holiday provisions operate as a right to reasonably refuse work, and do not require a rigid “request-before-roster” process that creates technical non-compliance risk.
- With regard to practical technical improvements NFF supports:
 - Plain-English redrafting and consolidation of provisions where possible (without reducing entitlements).
 - A single, authoritative plain English NES practical guide (with worked examples) aligned across Fair Work Ombudsman guidance and Fair Work Commission language.
 - Reducing unnecessary cross-references and simplifying definitions to support consistent interpretation across industries, including seasonal sectors.

6) Interaction between the NES and other workplace instruments

- The NES should continue to operate as a baseline that is clearly and consistently integrated into:
 - modern awards, enterprise agreements, individual flexibility arrangements, and contracts.
 - Improvement focus:
 - Ensure the interaction rules are simple and unambiguous, so employers (especially small businesses) can confidently apply the correct hierarchy without needing often costly specialist advice for routine matters.

7) Types of workers covered and differences in experience (women, older workers, young workers, First Nations workers, workers with disability)

- NFF recognises the importance of ensuring the NES framework is accessible and workable for all cohorts.
- From an agriculture perspective, the priority is that the NES be:
 - clear, stable and consistently administered, so all workers can readily understand entitlements and all employers can comply.

8) Gaps in data and information

- NFF supports evidence-based reform and cautions against policy change driven by anecdote where existing entitlements are broadly adequate.
- If new data collection is contemplated, it should be:
 - targeted, low-burden, and designed to avoid duplicating existing reporting obligations to the maximum possible extent.

9) Related matters

- NFF reiterates that reforms should prioritise:
 - simplicity, compliance certainty, and workability for small and medium employers operating in regional and remote Australia.

NFF recommendations

- Maintain the NES as a stable minimum safety net for employees.
- Simplify and technically improve NES drafting and guidance so entitlements are easier to understand and apply in practice.
- Improve coherence in the Fair Work Act objects to reduce confusion and support a balanced, productivity-oriented system.
- Address non-traditional work arrangements (where needed) through separate, tailored mechanisms, not by complicating the NES for standard employment.
- Confirm the NES should not be expanded beyond employees, and any minimum standards for non-traditional work should be addressed through separate frameworks.
- Implement targeted technical clarifications (workers' compensation leave accrual; public holiday rostering/request mechanics) to reduce compliance risk without reducing employee protections.



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