

# IR POLICY AND GOVERNANCE UPDATE



## INTRODUCTION

This update provides members with the latest developments on workplace compliance, relevant legislation, litigation and regulation that may apply to your business. Given the ongoing effects of COVID on businesses and their employees we aim to bring you relevant updates that may impact your operations, but also cover other areas and issues that are of significance to your business. This update covers lockdown issues in SE Queensland, sexual harassment legislative reforms and an update on the Director Identification Number regime.

## QUEENSLAND

### SE QUEENSLAND LOCKDOWN UPDATE 020821

Based on increased COVID cases, the Queensland government has determined the need to extend the current SE Queensland lockdown until 4pm Sunday, 8 August 2021. The 11 affected LGAs in south-east Queensland are:

- > Brisbane City
- > Moreton Bay Regional Council
- > Gold Coast
- > Ipswich
- > Lockyer Valley Regional Council
- > Logan City
- > Noosa Shire Council
- > Redland City
- > Scenic Rim Regional Council
- > Somerset Regional Council
- > Sunshine Coast Regional Council

### Workplace related issues

Based on a review of current Queensland Health Directions the following apply to workplaces in our industry that are currently within the lockdown areas:

- > Our industry is not listed as a restricted Industry or undertaking, and therefore remains open for onsite work.
- > All employees who can work from home should be permitted to do so.
- > Masks must be worn in any indoor workplace even where social distancing is possible.
- > COVID Safe management plans must be in place and applied.

### Queensland Business Support Program

In response to the extended lockdown of 11 LGA's in SE Queensland, a \$260 million COVID Business Support Program has been announced by the QLD government, which features \$5,000 grants to Qld businesses (all of Qld not just lockdown areas) impacted from the current lockdown.

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To be eligible, businesses must have a turnover of more than \$75,00 per year and an annual payroll in Queensland of up to \$10m. The full details of this business grants program are to be released in the coming days, however businesses will be required to lodge an electronic application through the Department of Employment, Small Business and Training. The Queensland Treasurer has stated that the administrative processes for the applications will be set up across the next two weeks.

## Individual support

Queensland employees who have been impacted by the lockdown and lost hours of work may be eligible for federal government support payments. Please point those impacted employees to the appropriate federal government links - [Services Australia/QLD](https://servicesaustralia.qld.gov.au/).

## SEXUAL HARASSMENT LEGISLATIVE REFORM

In response to the Australian Human Rights Commission *Respect@Work* report from last year, the federal government has introduced its *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill*. The Bill introduces a range of amendments to the *Fair Work Act* and the *Sex Discrimination Act*.

## What are the amendments?

Some of the issues covered by the Bill include:

- > amending the *Sex Discrimination Act* to expressly prohibit sex-based harassment and the creation or facilitation of an intimidating, hostile, humiliating or offensive environment on the basis of sex;
- > amending the *Sex Discrimination Act* to expand the definition of “workplace participant” and “workplace” to include those who are self-employed;
- > widening the application of the *Sex Discrimination Act* to ensure that it applies to sexual harassment by extending the ambit to those who cause, instruct, induce, permit or aid another person to do acts of sexual harassment or harassment on the ground of sex;
- > extending the timeframe to make a sexual discrimination complaint to the Australian Human Rights Commission from 6 months to 24 months;
- > creating a ‘stop sexual harassment order’ and extending the jurisdiction of the Fair Work Commission to make these orders, similar to stop bullying orders;
- > amending the *Fair Work Act* to make sexual harassment a valid reason for dismissal when determining whether a dismissal was harsh, unjust or unreasonable; and
- > extending existing compassionate leave entitlements to include miscarriage. This would entitle an employee to up to 2 days of compassionate leave if they or their current partner suffers a miscarriage.

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## Implications for members

If the Bill is passed, these changes will impact members and their complaints process and in the following ways:

- > workplace policies, complaints procedures will need to be reviewed and amended to reflect the changes in the laws;
- > businesses with enterprise agreements may need to consider the impact of any legislative amendments;
- > complaints processes will need to ensure that businesses respond effectively to sexual harassment claims and complaints; and
- > managers and employees may need to undertake training so as to understand the changes to the laws and their impact on workplaces.

The Bill is currently before the Senate Education and Employment Legislation Committee for inquiry, with a report due this week. It is expected the Bill will pass through parliament in this current sitting period. The Collective will undertake to provide members with a comprehensive review of the amendments once they have been enacted along with the relevant steps to ensure compliance.

## UPDATE ON DIRECTOR IDENTIFICATION NUMBERS

On 22 June 2020, royal assent was given to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020 (Cth)* (the *Registries Modernisation Act*) which introduces a legal framework requiring company directors to hold a Director Identification Number ("DIN"). A DIN is a unique identification number for each eligible individual, which once issued, will remain with that individual for all directorships and for life.

The DIN regime will be administered by the Australian Business Registry Services (ABRS) who will be managed by the Australian Tax Office (ATO) and have the power to provide, record, cancel and re-issue a person's DIN. The introduction of the regime is to complement the government's combatting illegal Phoenixing reforms introduced last year to curb creditor-defeating disposition transactions by preventing director identity fraud, a practice commonly seen in illegal Phoenixing activity.

## Who will need a DIN?

You will need a director ID if you are an eligible officer of a company or other body corporate registered under the *Corporations Act 2001*. An 'eligible officer' is someone appointed to the position of director, or as alternate director and is acting in that capacity, or any other officer that is of a kind prescribed by the regulations.

Essentially, an eligible officer is a person who is appointed as:

- a director
- an alternate director who is acting in that capacity.

So, this will apply to all current and new company directors.

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Directors don't need to do anything now. The ATO continues to private beta test the director ID application process. Further, there will be a 12-month transitional period once the regime commences and any person appointed as a Director will have 28 days to apply for a DIN. The Collective will provide further updates to members when released by the ATO.

## CONTACT

Any member who has a related query should contact Charles Watson at the Collective via email [charles@thermc.com.au](mailto:charles@thermc.com.au) or phone him on 0428 568 032.

## DISCLAIMER

*The content of this update, current at the date of publication, is intended to provide general guidance and consideration for TRMC members only. The content does not constitute advice and should not be relied upon as such. Specific advice about your circumstances should be sought separately before taking any action. TRMC recommends members ensure any related decisions are made on current and up to date information.*