



18 February 2026

Industry Policy
Department of Employment and Workplace Relations
50 Marcus Clarke Street
CANBERRA ACT 2601

via email: SecureJobsCode@dewr.gov.au

Dear Industry Policy,

Secure Australian Jobs Code

The Australian Small Business and Family Enterprise Ombudsman (ASBFEO) welcomes the opportunity to make a submission to the Department of Employment and Workplace Relations (DEWR) on the Secure Australian Jobs Code (Secure Jobs Code or the Code).

Small businesses are the engine room of the Australian economy. They employ approximately 5 million Australians, representing 42% of the private-sector workforce, and contribute around one-third —\$590 billion annually— of Australia’s GDP.¹ While small business is often defined as having an annual turnover of \$10 million or less, about 93% of these have a turnover of less than \$2 million.² This indicates that most Australian small businesses operate on a small or micro scale with very limited resources, raising a range of challenges which differ markedly from those faced by larger enterprises.

In designing and implementing the Secure Jobs Code, a ‘small business first’ mindset should therefore be adopted that takes into account the needs and capacities of small business, which will support compliance and minimise unnecessary regulatory burden. In this regard the ASBFEO’s submission makes 4 recommendations: avoid duplication with existing legislation and regulations, streamline the application process, recognise the realities of domestic capability and supply-chain complexities, and ensure requirements are proportionate for small businesses.

Recommendation 1: Ensure the Secure Jobs Code does not duplicate or overlap with existing legislation and regulations.

We note that a key objective of the Secure Jobs Code is to avoid unnecessary duplication or overlap with existing or emerging government measures that address priority issues through public expenditures. However, we are also concerned that the Secure Jobs Code will duplicate requirements in existing legislation, such as the *Fair Work Act 2009* and *Workplace Gender Equality Act 2012*.

A small business stakeholder reported that government procurement tends to duplicate existing regulatory requirements within the tender process, which risks adding unnecessary complexity for small business if they are required to comply with duplicative requirements under the Code and

¹ Australian Small Business and Family Enterprise Ombudsman (ASBFEO), *Number of small businesses in Australia*, ASBFEO, August 2024, accessed 6 February 2025.

² ASBFEO, *Number of small businesses in Australia*, accessed 6 February 2025.



other legislation. We recommend that the Code only include requirements that are not already covered in existing legislation and regulations.

Recommendation 2: Streamline the tender process.

Small businesses frequently encounter multiple, overlapping questionnaires during a government tender processes, for example, reporting requirements related to domestic violence policies, gender equity policies, workplace culture statements, and safe and secure work practices. This creates a significant administrative and cost burden on small businesses bidding for a contract opportunity without any certainty of success.

To build on recommendation 1, we recommend that the Code require small businesses to confirm their compliance with relevant legislation through a simple tick-box declaration. For clarity and ease of use, brief criteria for each requirement could be provided via hover-over guidance within the application form. This streamlined process will reduce time spent on compliance matters in a tender process, freeing up time the small business owner can devote to their business. If there are any questions about the veracity of the applicant's compliance with relevant legislation, further due diligence can be conducted as needed.

Recommendation 3: Recognise the realities of local business capability in rural and regional Australia, and tailor procurement opportunities accordingly.

The ASBFEO notes that one of the key requirements of the Secure Jobs Code is to consider the local industry workforce capability and capacity, particularly in rural and regional Australia, but little detail is provided in the paper as to show this will be achieved.

Local small businesses should be a key mechanism through which this requirement is achieved, but feedback from our stakeholders indicates that local small businesses in rural and regional areas often have limited capacity to service government projects. Small businesses can also find it difficult to compete with a larger business who has moved into the rural or regional area specifically to tender for a government contract.

To effectively tap into local workforce capability, the Secure Jobs Code needs to consider the capacity of local small businesses to take on a government contract before each approach to market process begins, and tailor the procurement in a way that provides genuine opportunities for small businesses. This will not only create a fairer approach to market for potential small business applicants, it will also give government greater insight into local workforce capability in rural and regional areas, and help identify where capacity needs to be lifted.

Recommendation 4: Create requirements proportionate to small businesses.

We note that a key outcome of the consultation is to determine the scope and coverage of the Secure Jobs Code, including whether specific requirements are needed for the building and construction industry. We also note that the Secure Jobs Code is seeking feedback to ensure the Code does not create unnecessary regulatory or administrative burden on suppliers and procuring officials. In this regard, we heard from one of our stakeholders about the increasing contractual documentation and WHS obligations that are being passed down from head contractors to their



small business subcontractors, and the pressure placed on suppliers and subcontractors to meet standards that are designed for larger businesses.

We therefore recommend that the Code apply a ‘small business first’ mindset to help achieve ‘right-sized regulation’ – proportionate to business size – to recognise that requirements need to be applicable, achievable, and proportionate to small businesses.³

We also recommend the Secure Jobs Code considers the impact of reporting obligations that larger business often impose on small businesses through their procurement or supply chain arrangements, a practice known as known as ‘white tape.’ Many small businesses are reporting a growing burden in responding to information requests from large organisations seeking to fulfil their own reporting obligations, whether they relate to modern slavery reporting, mandatory climate-related financial disclosures or nature-related financial disclosures. It is imperative that cascading, ‘white tape’ impositions on small businesses is minimised to what is deemed necessary, reasonable, cost-effective and proportionate⁴, and that any requests are accompanied by guidance that is clear and actionable.

If you require any further information, please do not hesitate to contact the ASBFEO Advocacy team employee via email at advocacy@asbfeo.gov.au.

Yours sincerely

The Hon. Bruce Billson

Australian Small Business and Family Enterprise Ombudsman

³ Australian Small Business and Family Enterprise Ombudsman (ASBFEO), *Energising Enterprise*, ASBFEO, The Treasury, Australian Government, 2024.

⁴ Australian Small Business and Family Enterprise Ombudsman (ASBFEO), *ESG for SMEs*, ASBFEO, The Treasury, Australian Government, 2024.