



GPO Box 2245
Canberra, ACT, 2601

e: national.office@avaa.com.au
t: 1300 928 164

ABN 21 000 109 544

Ref: 11.1.25A – 18 December 2025

Sen. Marielle Smith
Chair
Senate Standing Committee on Education
& Employment Legislation
PO Box 6100 – The Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Smith

RE: AVAA Comment - Fair Work Amendment (Right to Work from Home) Bill 2025

The Auctioneers and Valuers Association of Australia (AVAA) is the peak body representing professional auctioneers and valuers across fine art, antiques, collectables, goods, chattels, plant, and equipment, and businesses within these sectors. AVAA welcomes the opportunity to comment on the *Fair Work Amendment (Right to Work from Home) Bill 2025 (Cth)* currently being considered by your committee.

Flexible work arrangements are already a feature of many auction and valuation businesses. During and after the Covid-19 pandemic, member businesses adapted quickly to changing circumstances, often with little notice, and many have retained a mix of office-based and remote work where it suits the role, the client and the business. In a tight labour market, this flexibility has helped small firms retain experienced staff and remain competitive.

That said, professional auction and valuation practices are not large, standardised workplaces. They are typically small teams delivering time-critical, high-value services under professional and legal obligations. Work often involves physical inspections, confidential client information, peer review, supervision of junior staff and direct engagement with vendors, buyers, financiers, insurers and regulators. Business owners are usually practising professionals themselves, balancing fee-earning client work with management, compliance and risk oversight.

For these businesses, flexibility is highly contextual. Whether working from home is appropriate depends on the task, the timing, the client and the risk profile of the work. Preparing an auction catalogue, reviewing valuation evidence, signing off on reports or mentoring a junior valuer may require different levels of presence and oversight. Treating flexibility as a general entitlement, rather than a case-by-case arrangement, risks oversimplifying how professional services are actually delivered, not just in the auction and valuation sectors but across the professional services sector more broadly.

The Bill And Its Practical Effect —

The Bill proposes a statutory right for all employees to request working from home for up to two days per week, with refusals limited to circumstances where the arrangement would make the inherent requirements of the role impractical or impossible. It also gives the Fair Work Commission the power to review refusals and make binding decisions.



Although framed as a “right to request”, the Bill would significantly change the balance in practice. It creates an expectation that working from home should be accommodated unless an employer can meet a high threshold to justify refusal. For small businesses, this turns what is currently a practical, internal decision into a potential external dispute.

Decisions about where work is done, how staff are supervised and how client obligations are met are central to running a professional practice. In small firms, these decisions are often made informally, based on direct knowledge of staff capability, workload and client needs. The Bill risks shifting those decisions away from the workplace and into a legal process that may not be well suited to assessing operational nuance or professional risk.

Managerial Judgement And Professional Responsibility —

AVAA members place strong emphasis on professional responsibility. Decisions about work location affect supervision, quality control, confidentiality, information security and professional accountability. These are not abstract considerations; they go to the heart of professional standards and public trust in auction and valuation services.

In many roles, some tasks can be done remotely, while others cannot. Even where tasks are technically capable of being performed from home, the overall quality and risk profile of the work may depend on in-person collaboration, immediate oversight or access to shared systems and physical records. Small teams often rely on informal, real-time interaction to identify issues early and ensure consistency of approach.

The Bill focuses on whether work can be done from home in a narrow, functional sense. It does not easily accommodate broader considerations such as cumulative professional risk, mentoring obligations, client perception or the impact on team cohesion. These factors are real and significant for small practices, but may be difficult to articulate or evidence within a statutory test designed for dispute resolution.

Compliance Burden For Small Businesses —

Small businesses are already navigating a complex and evolving workplace relations environment. Recent reforms have introduced new obligations relating to flexible work requests, the right to disconnect, fixed-term employment and expanded dispute resolution powers. Each change, while often well intentioned, adds to the compliance load carried by small employers.

The Bill would add further procedural requirements, including documenting consideration of requests, exploring alternatives and potentially defending decisions before the Fair Work Commission (FWC). For businesses without dedicated human resources or legal resources, this represents a disproportionate burden. Time spent managing process and risk is time not spent serving clients, training staff or growing the business.

There is a genuine risk that informal, trust-based flexibility arrangements, which currently work well, will become more formal, cautious and contested. Some employers may decide it is safer not to offer discretionary flexibility at all, undermining the very objective the Bill seeks to promote.

Risk Of Increased Disputes —

AVAA is concerned that the Bill may increase disputes rather than reduce them. Once working from home is framed as a statutory entitlement, disagreements about supervision, responsiveness, performance, availability or fairness between staff are more likely to escalate. To think otherwise is to profess a lack of understanding of the experience of small businesses in the context of recent changes to workplace relations laws.

In small teams, perceived inequities can have a disproportionate impact. Where one employee's request is approved and another's is refused due to role requirements, resentment and conflict may arise. The availability of external review through the FWC increases the likelihood that such issues will move beyond the workplace.

For small businesses, even minor disputes consume significant time, money and emotional energy. The prospect of Commission involvement in routine operational decisions is likely to discourage flexibility rather than support it.

Productivity, Service Quality And Client Expectations —

Auction and valuation work depends on accuracy, timeliness and professional judgement. Errors can have serious consequences, including financial loss, regulatory action and reputational damage. Clients expect consistent standards regardless of where work is performed.

Maintaining those standards often requires close collaboration, mentoring and real-time review. Junior staff in particular benefit from in-person guidance and exposure to experienced practitioners. While working from home can support individual productivity in some circumstances, it is not always compatible with training, quality assurance and complex problem-solving.

A legislative presumption in favour of remote work risks placing individual preference ahead of collective accountability and client service outcomes. Small businesses must retain the ability to prioritise service quality and professional standards.

Work Health And Safety, Security And Confidentiality —

Small firms also face practical challenges in managing work health and safety, data security and confidentiality when staff work remotely. Ensuring appropriate work environments, secure handling of sensitive client information and compliance with professional obligations becomes more complex outside the workplace.

For valuation and auction businesses, this may include secure storage of reports and evidence, protection of commercially sensitive information and management of insurance risk. The Bill does not clearly address how small businesses are expected to manage these responsibilities while having limited scope to refuse working from home requests.

Regional And Client-Facing Considerations —

Many AVAA members operate in regional and remote areas, where client relationships and physical presence are particularly important. Inspections, auctions and client meetings often require travel and local knowledge. The ability to respond quickly and visibly is a key part of maintaining trust in smaller markets.

A statutory right framed around office-based work does not always translate well to these environments. Flexibility must be shaped around geography, infrastructure and client expectations, not assumed as a default.

A More Practical Policy Approach —

AVAA supports an approach that encourages flexibility without mandating outcomes. The existing framework for flexible work requests, combined with genuine workplace-level discussion and agreement, allows flexibility to be tailored to the role and the business.

Rather than creating a new statutory right with narrow grounds for refusal, AVAA submits that policy efforts would be better directed toward:

- Clear, practical support to help small businesses design and manage flexible work arrangements in a way that fits their operations;
- Acknowledgement that the suitability of working from home varies by role, business model and sector, and cannot be assumed across the economy;
- Retention of appropriate decision-making authority for business owners where professional obligations, client service and operational integrity are involved; and
- Restraint in extending regulatory and dispute-resolution mechanisms into everyday managerial decisions that are best resolved within the workplace.

Such an approach would better support sustainable flexibility while recognising the diversity of Australian workplaces.

AVAA respectfully submits that, while the Bill is well intentioned, it risks unintended consequences for small professional businesses. By limiting practical judgement and increasing compliance and dispute risks, it may ultimately reduce genuine flexibility.

We encourage the Committee to carefully consider the impact of the Bill on small businesses, particularly professional service firms, and to favour a balanced, facilitative approach that supports flexibility through agreement, trust and professional judgement.

AVAA would welcome the opportunity to provide further information or appear before the Committee to expand on these views. If this is something that the Committee wishes to consider, please contact the Association via email at [REDACTED] or by call [REDACTED].

Yours faithfully

[REDACTED]
Troy R Williams
AVAA Chief Executive