



Workplace Gender Equality Amendment (Setting Gender Equality Targets) Act 2025

No. 25, 2025

**An Act to amend the *Workplace Gender Equality
Act 2012*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 25, 2025

**An Act to amend the *Workplace Gender Equality
Act 2012*, and for related purposes**

[Assented to 27 March 2025]

The Parliament of Australia enacts:

1 Short title

This Act is the *Workplace Gender Equality Amendment (Setting
Gender Equality Targets) Act 2025*.

No. 25, 2025

*Workplace Gender Equality Amendment (Setting Gender Equality
Targets) Act 2025*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 3 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	4 April 2025 (F2025N00284)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Workplace Gender Equality Act 2012

1 Section 2B (after the paragraph beginning “This Act”)

Insert:

- Some larger employers (designated relevant employers) will also, every 3 years, need to select and include in their report targets (gender equality targets) against various gender equality indicators. Such employers are required to meet, or improve against, those targets over the following 3 year period (a target cycle).

2 Subsection 3(1)

Insert:

accountable authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

baseline report, in relation to a target cycle; see subsection 13(3AB).

designated relevant employer means an employer that has become a designated relevant employer under subsection 4A(1) and has not ceased to be a designated relevant employer under subsection 4A(2).

gender equality target: see subsection 17B(2).

target cycle: see section 17A.

3 Paragraph 4(3)(a)

Repeal the paragraph, substitute:

- (a) if an employer is a body corporate that is a subsidiary (within the meaning of the *Corporations Act 2001*) of one or more other bodies corporate, and the subsidiary employs a person,

the subsidiary and each of the other bodies corporate are taken to employ the person; and

4 At the end of subsection 4(3)

Add:

Example 1: For paragraph (a), a subsidiary employs 150 people. The subsidiary and each of its holding companies (within the meaning of those terms in the *Corporations Act 2001*) is a relevant employer, regardless of how many people each of the holding companies directly employs.

Example 2: For paragraph (a), a subsidiary employs 90 people. The subsidiary is not a relevant employer. A holding company of the subsidiary directly employs 10 people. The holding company, because it is taken to also employ the employees of the subsidiary (for the purposes of the definition of *relevant employer*), is a relevant employer.

5 After section 4

Insert:

4A Meaning of *designated relevant employer*

- (1) A relevant employer becomes a *designated relevant employer* if:
 - (a) the relevant employer employs 500 or more employees at any time; and
 - (b) the relevant employer is not already a designated relevant employer at that time.
- (2) An employer ceases to be a designated relevant employer if:
 - (a) the number of employees of the employer falls below 400 for a continuous period of 6 months; or
 - (b) the employer ceases to be a relevant employer.

Note: The number of employees for the purpose of this section does not include employees that the employer is taken under subsection 4(3) to employ for the purpose of the definition of *relevant employer* in subsection 4(1).

6 Before section 13

Insert:

Division 1—Reporting requirements

7 Subsection 13(2) (heading)

Repeal the heading, substitute:

Specified matters to be included in the report

8 After subsection 13(3)

Insert:

Gender equality targets to be selected in the report

(3AA) If:

- (a) a designated relevant employer is required to prepare a public report for a reporting period (the **relevant period**); and
- (b) the employer made a public report for the reporting period that ended immediately before the start of the relevant period; and
- (c) either:
 - (i) the relevant period ends at the same time as a target cycle for the employer; or
 - (ii) the employer did not have a target cycle in the relevant period and it is at least 12 months since the day the employer became (or became again) a designated relevant employer;

the employer must, in the public report for the relevant period, select gender equality targets that the employer commits to achieving in the target cycle that begins immediately after the end of the relevant period.

(3AB) The public report mentioned in (3AA)(b) is the **baseline report** for the target cycle that begins immediately after the end of the relevant period.

(3AC) A designated relevant employer's selection of targets under subsection (3AA) must be done in accordance with any rules made under paragraph 17B(1)(b).

9 Paragraph 13(5)(a)

Omit “(within the meaning of the *Public Governance, Performance and Accountability Act 2013*)”.

10 At the end of section 16C

Add:

Commonwealth entities

- (4) If the relevant employer is a Commonwealth entity, a reference in this section to the CEO of the relevant employer is taken to be a reference to the accountable authority of the Commonwealth entity.

11 At the end of Part IV

Add:

Division 2—Gender equality targets

17A Target cycles

- (1) A *target cycle* for a designated relevant employer is a 3-year period that begins on the same day as the next reporting period following a reporting period for a public report in which the employer has selected gender equality targets in accordance with subsection 13(3AA).
- (2) If an employer ceases, in accordance with subsection 4A(2), to be a designated relevant employer:
- (a) the employer does not have a target cycle; and
 - (b) section 17C does not apply to the employer in relation to a target cycle that the employer had immediately before ceasing to be a designated relevant employer.

Note: If the employer later becomes a designated relevant employer again, the employer’s new target cycle will be worked out in accordance with subsection (1) of this section.

17B Minister to set gender equality targets and selection rules

- (1) The Minister must, by legislative instrument:
-

- (a) set targets in relation to specified gender equality indicators and specified target cycles; and
- (b) specify rules for the selection of targets by designated relevant employers in specified target cycles.

Note 1: The Minister must consult the Agency before making legislative instruments under this Act (see section 33A).

Note 2: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

- (2) A target set by an instrument in force under subsection (1) is a ***gender equality target***.
- (3) Rules specified in accordance with paragraph (1)(b) may (without limiting that paragraph) include rules that do any of the following:
 - (a) provide for classes of targets;
 - (b) require the selection of a specified number of targets;
 - (c) require the selection of a specified number of targets of a specified class;
 - (d) require a designated relevant employer to nominate the level of improvement against a specific target that is required for the employer to have met the target.
- (4) An instrument under subsection (1) has no effect in relation to a target cycle unless it is made before the first day of that cycle.

17C Failure to comply with gender equality targets

For the purposes of section 19D, a designated relevant employer is taken to fail to comply with this Act if, at the end of a target cycle for the employer, the employer has not, without reasonable excuse, in respect of each gender equality target selected by the employer for the target cycle, either:

- (a) met the target; or
- (b) demonstrated improvement against the target in the public report for the final year of the target cycle, as compared to the baseline report for the target cycle.

Note: If the employer does not have a reasonable excuse for the failure, the Agency may name the employer in a report given to the Minister or by electronic or other means: see section 19D.

12 Section 19CA

Before “For”, insert “(1)”.

13 At the end of section 19CA

Add:

- (2) If the relevant employer is a Commonwealth entity, a reference in this section to the CEO of the relevant employer is taken to be a reference to the accountable authority of the Commonwealth entity.

14 Subsection 19D(1) (at the end of the note)

Add:

; and (e) a designated relevant employer fails to select gender equality targets for a target cycle (see subsection 13(3AA)).

Part 2—Transitional provision

15 Designated relevant employer status before commencement

If:

- (a) a relevant employer becomes a designated relevant employer under section 4A of the *Workplace Gender Equality Act 2012* (as inserted by this Act) at the time section 4A commences (the ***commencement time***); and
- (b) the relevant employer would have become a designated relevant employer at a time (the ***earlier time***) before the commencement time if section 4A had been in effect at the earlier time; and
- (c) the relevant employer would have been a designated relevant employer at all times between the earlier time and the commencement time, if section 4A had been in effect from the earlier time to the commencement time;

then, for the purposes of subparagraph 13(3AA)(c)(ii), the relevant employer is to be treated as having become a designated relevant employer at the earlier time.

[Minister's second reading speech made in—
House of Representatives on 20 November 2024
Senate on 10 February 2025]

(149/24)
