



3 March 2026

Ms Susan Booth
Independent Reviewer
Review of the Closing Loopholes Acts

Submission lodged through Consultation Hub

Dear Ms Booth,

Re: Review of the Closing Loopholes Acts

Clubs Australia appreciates the opportunity to provide a submission to the operation of the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* and the *Fair Work Amendment (Closing Loopholes No.2) Act 2024* (Closing Loopholes Review).

Clubs Australia represents over 5,000 licensed, not-for-profit clubs which directly employ more than 140,000 people. All clubs are owned by their members and take various forms and sizes, including sporting, returned service and bowling clubs.

Clubs have a diverse workforce which includes hospitality workers such as bar attendants and chefs, as well as those working in areas ancillary to the hospitality operations, such as greenkeepers, leisure attendants, fitness instructors and childcare workers. The Registered and Licensed Clubs Award covers most club employees, and many clubs operate under their own enterprise bargaining agreement (EBA).

Clubs across Australia engage casual employees as a key stream of workers. There are mutual benefits to this arrangement, as casual employees have access to flexible working hours, and clubs have access to workers they can roster on a demand basis. A recent survey completed by Clubs Australia found that approximately 50% of clubs that responded indicated that their casual workforce made up 50% or more of their employee headcount.¹

Clubs Australia submits that there has not been enough time to be able to fully understand the impact of the Closing Loopholes reforms on the club industry and will continue to monitor for the impacts of these, particularly regarding casual employees.

However, these reforms have added new compliance obligations to already complex workplace laws, particularly given the other changes that came into effect under the

¹ *Clubs Australia Australian Workforce & Skills Survey, 2025*



Secure Job, Better Pay Bill 2022. In some instances, these reforms have also increased administrative and legal costs for clubs, which is particularly difficult to absorb for smaller clubs which are often run by volunteer directors that only open one to two days a week to align with activities such as weekend sports.

Clubs Australia also continues to remain concerned around some of the measures that were introduced under the Closing Loopholes reforms. In particular:

- The change to the definition of the ‘casual’ under the *Fair Work Act 2009* and the complexity of the multi-factorial test to determine whether an employee is casual, which adds unnecessary complexity, uncertainty and burden to the employer and employee relationship.
- The casual conversion process (however Clubs Australia supports amendments to this process that allows for businesses to have the ability to refuse a request on business grounds).
- The lack of clarity regarding what is considered ‘reasonable time’ for the purposes of union delegates rights and training associated with these roles.

Other Matters

Clubs Australia also wishes to convey its support the Australian Chamber of Commerce and Industry’s submission to this consultation.

Please reach out to me at [REDACTED] if you have any questions.

Yours faithfully

[REDACTED]

Joanne Ede
Clubs Australia