

SMALL BUSINESS PEAK



Closing

Loopholes

No. 1 & No. 2

The Closing Loopholes Act 2023 became law on 14 December 2023.

The Closing Loopholes No. 2 Act 2024 became law on 26 February 2024.

We're here to help you with

- Same Job, Better Pay
- Wage Theft and Underpayments
- Casual Employment
- Job Security and Rights
- Gig Economy and Contractors
- Collective Bargaining

 smallbusinesspeak.org.au

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Closing Loopholes

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What is Closing Loopholes?

The Closing Loopholes No.1 and No. 2 changes in Australia are designed to protect employees by closing gaps in employment laws.

Same Job, Same Pay

This new law ensures that workers doing the **same job are paid the same, regardless of whether they are employed directly** by the company **or through labour hire firms**. This change focuses on companies using labour hire to pay different wages and conditions.

Casual Employment

This new law **clarifies the definition of casual employment** and aims to ensure certain employees are not classified as casuals by employers to avoid providing entitlements like leave and job security.

Job Security and Rights

This change enhances job security and workers' rights by ensuring that **employees can access their entitlements** and **are protected from unfair dismissal** and other exploitative practices.



Visit our **Resource Hub** for more **information** on specific **Closing Loopholes changes**

Wage Theft

This change **strengthens penalties for wage theft** to deter employers from underpaying workers. It includes making it easier for employees to recover unpaid wages and holding employers accountable for deliberate underpayment.

Gig Economy and Contractors

These changes address the rights of gig economy workers and independent contractors to **ensure they receive fair pay and conditions**. This includes measures to prevent sham contracting and ensure workers are not misclassified to deny them entitlements.

Collective Bargaining

The changes to collective bargaining processes **give workers a stronger voice in negotiating their pay and conditions**. This includes making it easier for workers to engage in multi-employer bargaining and secure better outcomes.

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Key dates

From 15 December 2023

- Enhancing delegates' rights in representing employees
- Regulated labour hire arrangement orders
- New family and domestic violence protections

From 27 February 2024

- Changes to compliance notices
- Changes to the sham contracting defence
- Multiple franchisees access to single-enterprise bargaining

From 26 August 2024

- Changes to casual employment
- New definitions of 'employee' and 'employer'
- Changes to unfair contract terms
- Right to disconnect for employees of non-small business employers

From 1 January 2025

- Criminalising wage theft – compliance and enforcement
- Increased maximum civil penalties for wage underpayments by non-small business employers

From 26 August 2025

- Right to disconnect for employees of small business employers



Not sure where to start?

If you're struggling to navigate these changes, you don't have to tackle them alone, find more information at Small Business Peak, or visit [fairwork.gov.au](https://www.fairwork.gov.au)



SMALL BUSINESS PEAK

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