

## Senate Standing Committees on Education and Employment

### Quality of governance at Australian higher education providers

#### QUESTION ON NOTICE

Date of hearing: 12 August 2025

**Outcome: Fair Work Ombudsman (FWO)**

**Department of Employment and Workplace Relations Question No. IQ25-000011**

Senator Mehreen Faruqi on 12 August 2025, Proof Hansard page 54

#### ***FWO | 12 August 2025 | Employee Choice Pathway and Casual Employment Definition***

#### **Question**

Senator FARUQI: I have one more question for the Fair Work Ombudsman. The new laws that came in last year for job security for workers—the 'closing the loopholes' legislation—have been raised with me directly by a few people, and also the NTEU, that some universities are trying to take the low road and are seeking to circumvent these job security laws. They are engaging teaching academics on short-term contracts that do not provide for regular hours of work—for instance, two-week contracts with hours allocated on a weekly basis. They're trying to circumvent that system which tried to make those changes to casual employment. Are you aware of any of these, or if anyone has contacted you or made any complaints about how universities are trying to circumvent these laws?

Ms Booth: I'll clarify which particular piece of legislation I think you're referring to, and then I'll ask Ms Debevc to give you any information that we have on it. I think you're referring to the employee choice pathway to convert from a casual to an ongoing employee.

Senator FARUQI: Yes. And the definition of 'casual employment'.

Ms Booth: Of course, the definition was set out a lot more clearly, that's right. Thank you for that. Ms Debevc, do you know of any specific matters raised with us through our inquiry line or requests for assistance, or have any particular matters such as this turned up in any of our investigations?

Ms Debevc: I would like to take that one on notice so I can give you a full answer. To the best of my knowledge, based on the matters that we have investigated to date, the issue of the definition of 'casual employee' or the casual conversion hasn't featured like underpayments have, for instance, but I'm more than happy to take that on notice to ensure that I give you a full answer.

#### **Answer**

The Fair Work Ombudsman has provided the following response.

The new casual conversion pathway came into effect on 26 August 2024. During the whole 2024-25 financial year, the Fair Work Ombudsman received approximately 70 enquiries from the higher education sector related to casual conversion. The sector comprised 2.7% of all enquiries relating to casual conversion received in that year.

During the same period, there were no formal complaints in the sector that centred around casual conversion or allegations relating to the casual definition, for example, where misrepresentations may have been made to employees in order to engage them on a casual basis.