



Submission: **Review of the Closing Loopholes Acts**

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Acknowledgement of Country

The National Rural Women's Coalition pays our respects to the ancestors, elders and especially the women that are a part of the longest living civilisation on earth, the First Nation peoples of Australia. We acknowledge their strength and resilience. They are the custodians of the land, and we celebrate together their right to continue with cultural practices on the land and water where they live.

About the National Rural Women's Coalition

The National Rural Women's Coalition (NRWC) is a national advocacy organisation representing women in regional, rural and remote Australia. We advance gender equity in health, education and economic opportunity by amplifying the voices of RRR women and ensuring their unique challenges, such as geographic isolation, limited service access and economic disparity, are recognised and addressed through policy advocacy and targeted programs.

NRWC works to reduce systemic inequities affecting women, children, families and communities across RRR Australia. We recognise that gender inequality is shaped by entrenched power structures that disproportionately impact rural women, and we advocate for targeted policy reform that dismantles structural barriers and promotes genuine social and economic inclusion.

Introduction

The NRWC makes this submission to Ms Susan Booth, who is undertaking the Review of the Closing Loopholes Acts on behalf of the Minister for Employment and Workplace Relations. Our submission focuses on ensuring that workplace relations reforms operate effectively for rural, regional and remote women. In particular, we emphasise strengthening the implementation of paid family and domestic violence leave, as women in regional and remote communities experience higher exposure and vulnerability to family and domestic violence than women in metropolitan areas.

The National Rural Women's Coalition (NRWC) supports the Fair Work package of reforms, which strengthen income security, employment stability and workplace safety by addressing casualisation, labour-hire underpayment, wage theft, unfair contracting and unsafe work practices. These reforms are especially significant in rural and agricultural labour markets, where women often have fewer employment alternatives, higher exposure to insecure work, and greater barriers to reporting exploitation or harm.

We thank Ms Booth and the Minister for Employment and Workplace Relations for the opportunity to provide a submission informed by the lived experience of rural, regional and remote women, and we acknowledge and thank these women for generously sharing their expertise and experiences.

Terms of Reference

The *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* (Closing Loopholes Act), *Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024* (Closing Loopholes No. 2 Act) and *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* were altered to close loopholes and improve fairness and safety in the workplace. Further, a central amendment was the provision of ten days paid family and domestic violence leave in a 12 month period for full-time, part-time and casual employees.

The review of these amendments to workplace relation laws requires:

- consideration of whether the operation of the amendments is appropriate and effective
- Identification of any unintended consequences of the amendments

- consideration whether further amendments to the *Fair Work Act 2009*, or any other legislation, are necessary to improve the operation of the amendments or rectify any unintended consequences that are identified.¹

Rural, regional and remote Family and Domestic Violence

Women living in rural, regional and remote (rural) Australia experience higher rates and greater severity of family and domestic violence (FDV) than those in major cities. National data indicate that women outside metropolitan areas are around 1.5 times more likely to experience partner violence (2016), and the rate of family and domestic violence hospitalisations in very remote areas was 41 times higher than in major cities (2023-2024).² These patterns reflect geographic isolation, limited services, lack of privacy, housing shortages and fewer employment options, which increase economic dependence and barriers to leaving violence.³ As a result, the workplace plays a critical role in safety and recovery for rural women, making access to paid family and domestic violence leave, secure employment and flexible work arrangements particularly important in regional labour markets.

Family Domestic Violence Leave leave

Despite previous awareness raising activities, **knowledge of FDV leave for both employers and workers remains limited** across workplaces, particularly small businesses.⁴ Additional guidance, education and training are needed to ensure employers understand the entitlement, their legal responsibilities, and how to manage requests in a safe, confidential and trauma-informed manner. Targeted education is particularly important in relation to evidence requirements and confidentiality obligations. Workers also require clear, accessible information about their rights and the practical steps involved in requesting FDV leave. Further, stigma remains a significant barrier to accessing FDV leave. This stigma can be even more pronounced in rural, regional and remote communities, where privacy is limited and social networks are closely connected. As a result, women may be less willing to request leave or disclose violence. Small businesses in rural areas, where human resource structures are less formal, need to understand and value the importance of confidentiality

¹ Australian Government, Department of Employment and Workplace Relations. (2025). *Closing Loopholes Review: Terms of reference*. Canberra.

² Australian Bureau of Statistics (ABS). (2023). *Personal safety, Australia, 2021–22* (Cat. No. 4906.0). ABS

³ Campo, M., & Tayton, S. (2015). *Domestic and family violence in regional, rural and remote communities: An overview of key issues*. Australian Institute of Family Studies.

⁴ Seymour, K., Marmo, M., Cebulla, A., Ibrahim, N., Esmaeili, H., Richards, J., & Sinopoli, E. 2024. *Independent review of the operation of the paid family and domestic violence leave entitlement in the Fair Work Act 2009*. Adelaide: Australian Industrial Transformation Institute, Flinders University of South Australia.

regarding FDV experiences. Cultural change is needed to normalise help-seeking and the use of entitlements such as FDV leave, so that women can access support without fear of judgement or repercussions.

- **Recommendation:** Fund an awareness raising campaign on the availability of paid FDV leave and how it functions for both employers and employees. This public education campaign needs to prioritise women who face the highest risks of family and domestic violence, including those living in rural, regional and remote communities. Campaigns should address the fear of stigma associated with seeking help and emphasise the required confidentiality of disclosures. The campaign must be accessible and culturally appropriate to cater for all, including these vulnerable groups.
- **Recommendation:** Increase awareness and education for small businesses in rural areas by directly engaging trusted regional networks, including Chambers of Commerce, Local Councils and agricultural representative bodies such as Meat & Livestock Australia, and distributing targeted information through their newsletters, magazines and member communications.
- **Recommendation:** Require or encourage human resource systems to clearly display all leave entitlements, including FDV leave, and enable employees to view and track their own leave balances through secure personal portals. Integrating this information into human resource and payroll platforms would improve awareness of entitlements and provide ongoing, discreet reminders that FDV leave is available if needed.

The **evidence requirement should be removed** from section 107(3) of the *Fair Work Act* so that there is a presumption in favour of granting FDV leave without the need to provide evidence. This is particularly important in rural, regional and remote communities, where access to police, courts, medical practitioners and specialist services may be limited, and where long travel distances, service shortages and lack of anonymity make it difficult to obtain formal evidence. In small communities, women may also fear stigma or community repercussions if they are required to disclose violence to local service providers or authorities.⁵ Removing the evidence requirement would reduce these barriers and ensure

⁵ Campo, M., & Tayton, S. (2015). *Domestic and family violence in regional, rural and remote communities: An overview of key issues*. Australian Institute of Family Studies.

the entitlement is accessible and safe for rural women who may otherwise be unable or unwilling to seek formal documentation.

- **Recommendation:** Remove the evidence requirement from section 107(3) of the *Fair Work Act* so that there is a presumption in favour of granting FDV leave without the need to provide evidence, provided the notice requirements are met.

Workers who cannot access paid FDV leave, including contractors and other insecure workers, remain equally vulnerable to FDV and should not be disadvantaged by the precarious nature of their employment. Women are over represented in seasonal, contracted and part-time roles, especially in rural settings, and are more likely to experience family and domestic violence.⁶ Women exposed to wage theft, sham contracting and labour hire loop holes also need access to paid FDV leave. Extending access to paid FDV leave to this workforce is essential to achieving equitable and effective protection.

- **Recommendation:** A national scheme should be established so that an employee who cannot access paid FDV leave from their employer can apply for the equivalent payment.

For paid family and domestic violence leave to be most effective, **workers must also be able to access appropriate support services**. In rural, regional and remote communities this can be difficult, as specialist services such as domestic violence refuges, legal assistance, counselling, police and medical providers are often limited or located far from where women live. Long travel distances, transport barriers, workforce shortages and housing constraints can make it difficult to obtain timely support, even when leave is available. As a result, rural women may have the legal right to take FDV leave but still face significant challenges in using that time to access the services needed to secure safety and stability.

- **Recommendation:** Improve access to FDV services in rural, regional and remote communities to ensure that paid FDV leave can be used effectively. This should include increased investment in place-based services, expansion of outreach and mobile support models, and improved access to telehealth, legal assistance and counselling. Funding should prioritise workforce attraction and retention, crisis and

⁶ ABS. (2023). *Gender indicators, Australia.*; Tischler, C., McDonald, K., Dallamora, E., & Reeves, K. (2023). *Rurality and workforce participation: Exploring prevalence of part-time and insecure work in Grampians public sector roles*. Future Regions Research Centre, Federation University Australia.

transitional housing, and transport solutions to reduce distance-related barriers.

These measures would help ensure that rural women who take FDV leave are able to access timely, confidential and appropriate support, rather than being left without services when leave is taken.

Other Fair Work Amendments

The Closing Loopholes reforms strengthen **compliance and enforcement** by criminalising wage theft, increasing civil penalties, addressing sham contracting, and expanding rights of entry to investigate underpayments. These changes are particularly important for rural women, who are more likely to work in small businesses, seasonal industries and insecure roles where underpayment and informal arrangements are more common, and where limited job options and close knit communities can make it difficult to report exploitation.

- **Recommendation:** Implement targeted regional enforcement strategies, confidential reporting pathways suited to small labour markets, and dedicated education and outreach for rural employers and workers in sectors with high levels of insecure and seasonal employment.

The reforms introduce **regulated labour hire arrangement orders**, allowing the Fair Work Commission to require “same job, same pay” for labour hire workers performing the same roles as directly employed staff. This is particularly relevant in regional industries such as agriculture, food processing, hospitality and logistics, where labour hire is common and women are often employed in lower-paid, insecure roles.

- **Recommendation:** Provide clearer guidance for seasonal and agricultural settings, establish simpler and lower-cost pathways to access labour hire orders, and deliver targeted education for regional employers and workers.

Changes to the **definition of casual employment** and the **introduction of an employee choice pathway** allow eligible casual workers to convert to permanent employment after a period of regular work. This is significant for rural women, who are over represented in long term casual, part time and seasonal roles across retail, care, education support and hospitality, and who often have limited alternative employment options.

- **Recommendation:** Introduce proactive employer notification requirements, plain-language guidance for small and seasonal businesses, and targeted education

campaigns in regional areas to ensure eligible workers can exercise their conversion rights.

The reforms expand **protections against unfair contractual terms**, clarify the **meaning of employee and employer**, and provide new powers for the Fair Work Commission to set **minimum standards for 'employee-like' workers** who are economically dependent on a single business. These measures are important for rural women working in dependent contracting or informal arrangements, particularly in care, administration, hospitality and farm related services, where they may lack access to leave, job security or minimum conditions.

- **Recommendation:** Establish clearer tests for economic dependency (on one business), provide accessible and low cost pathways to challenge unfair contracts, and deliver targeted guidance and outreach to regional workers and small businesses.

Stronger protections against discrimination, adverse action and harassment are also critical. Rural women often work in small or familiar workplaces where there are limited employment alternatives, and where reporting misconduct can carry greater social and economic risks.

- **Recommendation:** Provide confidential advice and complaint pathways, targeted training and resources for small and regional employers, and improved access to early dispute resolution services.

The introduction of a **right to disconnect** allows employees to refuse unreasonable work related contact outside working hours. This is particularly important for rural women, who often work in small teams or essential local services where staffing shortages and community expectations can create pressure to be informally 'always on'.

- **Recommendation:** Develop model terms and practical guidance tailored to rural contexts, clarifying what constitutes reasonable contact and how on-call arrangements should be structured in small or seasonal workplaces.

The reforms also strengthen **work health and safety provisions**, including industrial manslaughter offences and expanded rights of entry to assist Health and Safety Representatives. These changes are relevant for rural women working in isolated or

understaffed workplaces across agriculture, care, hospitality and community services, where safety risks may be higher and access to inspections or support is limited.

- **Recommendation:** Expand targeted regional work health and safety outreach, improve access to Health and Safety Representative support and inspections in remote areas, and provide guidance addressing gender-specific risks such as lone work, poorly fitted equipment, harassment and fatigue.

The Review requires consideration of whether the reforms are operating effectively and whether any **unintended consequences** have emerged. Rural women's experiences are often obscured within national averages despite facing distinct labour market conditions, higher rates of insecure work, and greater barriers to enforcement and support.

- **Recommendation:** Require data collection and reporting disaggregated by gender and remoteness, monitor uptake and outcomes across regional labour markets, and ensure future reviews explicitly assess impacts for rural, regional and remote women.

NRWC member organisations

