

Your responses suggest that you are a permanent employee.

- (5) A person who commences employment as a result of acceptance of an offer of employment in accordance with subsection (1) remains a ***casual employee*** of the employer until:
- (a) the employee's employment is converted to full-time or part-time employment under Division 4A of Part 2-2; or
 - (b) the employee accepts an alternative offer of employment (other than as a casual employee) by the employer and commences work on that basis.

(Fair Work Regulations 2009)

2.03A Claims to offset certain amounts

- (1) This regulation applies if:
- (a) a person is employed by an employer on the basis that the person is a casual employee; and
 - (b) the employer pays the person an amount (the ***loading amount***) that is clearly identifiable as an amount paid to compensate the person for not having one or more relevant NES entitlements during a period (the ***employment period***); and
 - (c) during all or some of the employment period, the person was in fact an employee other than a casual employee for the purposes of the National Employment Standards; and
 - (d) the person makes a claim to be paid an amount in lieu of one or more of the relevant NES entitlements.

Note 1: This regulation is intended to apply if the person has been mistakenly classified as a casual employee during all or some of the employment period.

Note 2: For the purposes of paragraph (b), examples of where it may be clearly identifiable that an amount is paid to compensate the person for not having one or more relevant NES entitlements include in correspondence, pay slips, contracts and relevant industrial instruments.

- (2) To avoid doubt, the employer may make a claim to have the loading amount taken into account in determining any amount payable by the employer to the person in lieu of one or more relevant NES entitlements.
- (3) This regulation does not affect the matters to which a court may otherwise have regard, at law or in equity, in determining an employer's claim to have the loading amount taken into account.
- (4) A reference in this regulation to a ***relevant NES entitlement*** is a reference to an entitlement under the National Employment Standards that casual employees do not have.