

Education, Employment and Small Business Committee

From: [REDACTED]
Sent: Monday, 27 July 2020 12:50 PM
To: Education, Employment and Small Business Committee
Cc: [REDACTED]
Subject: Submission - Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020

Importance: High

Categories: Submission

Committee Secretary
Education, Employment and Small Business Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Committee Secretary

On behalf of our organisation I thank the committee for their efforts in setting in place an infrastructure to deal with identifying and penalising this illegal and immoral activity and its by-products.

As a founding Approved Employer under the Federal Governments Seasonal Worker Programme, being granted our licence in 2010, and as one of the programs larger employers, we have been confronted with this issue on a national basis since then. To be a promoter of a fully compliant labour source when your major alternative labour supply competitors are using wage theft as one of a series of tools to gain competitive advantage with minimal fear of prosecution has been/remains confronting. This has been the case for a generation or more.

We would ask the committee to please consider these key points in setting penalties:

1. Wage theft is a common and deliberately used tool.
2. Wage theft is generally accompanied by gross/total underpayment/declaration/non-compliance of state based statutory

compliance such as payroll tax and workers compensation in conjunction with the same underpayment of PAYG tax and GST.

3. Those who implement these tools at the workplace weigh up risk versus reward. To date the decision has been an easy one.
4. Upstream buyers of these goods and services often implement superficial so-called checks, knowing that there are minimal risk to themselves or their organisations. Again to gain competitive advantage with the knowledge that they are once or twice removed and can claim either ignorance or that they are doing their bit. An insurance policy of sorts.
5. Penalty structures need to be tiered with criminal prosecution obviously having the major burden of proof. But there should be other options available to authorities with lesser burden of proof and evidence required.
6. Cost (of investigation) recovery should be more commonly used tool.
7. These exploiters have had many years to perfect their craft of working in the shadows of industries with little scrutiny.
8. These exploiters are not part of the majority mainstream of reputable, compliant, transparent and highly principled labour providers who suffer because of the action of this cohort.

Kind Regards

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