

Proclamation – Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020

Explanatory notes for SL 2020 No. 251

made under the

Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020

General Outline

Short title

Proclamation made under the *Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020*.

Authorising law

Section 2 of the *Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence all remaining provisions in the *Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020* (the Act) that have not yet come into force.

The Act amends the Criminal Code to provide for the criminalisation of wage theft. The Act amends the *Industrial Relations Act 2016* (IR Act), the *Magistrates Courts Act 1921* and the *Queensland Civil and Administrative Tribunal Act 2009* to facilitate the pursuit of civil claims for unpaid wages through the Industrial Magistrates Court.

The Act also amends the IR Act to provide for the disclosure of employees' information by an employer to a registered employee organisation, where the employee has provided their consent in writing for that disclosure.

Achievement of policy objectives

The policy objective is achieved by fixing the following commencement dates:

- Part 3, other than section 8 and sections 9 to 15, will commence on 2 October 2020; and
- all uncommenced sections of Part 3, and Parts 4 and 5 will commence on 1 March 2021.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The commencement of Part 3, other than section 8 and sections 9 to 15, will enable the disclosure of employees' information by an employer to a registered employee organisation, where the employee has provided their consent in writing for that disclosure.

The commencement of the remaining sections of Part 3, and Parts 4 and 5 will give effect to recommendation 8 of the Parliamentary Inquiry into Wage Theft in Queensland by enabling the easier processing of wage recovery claims through the Industrial Magistrates Court.

Commencement of these provisions is expected to effect change to workloads within the Magistrates Court, the Industrial Magistrates Court, and the Queensland Industrial Relations Commission. It is anticipated that any increase in workloads can be funded from within existing resource allocations.

Additionally, while employers in the State's industrial relations jurisdiction will be required to respond to appropriately authorised requests for employee information by a registered employee organisation, the impost on an employer is anticipated to be minor.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Consultation was undertaken with relevant stakeholders ahead of the passage of the Act.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Industrial Relations has self-assessed the proclamation to be excluded from further Regulatory Impact Assessment (RIA) in accordance with Category (g) – regulatory proposals that are of a machinery nature, such as a proclamation required to bring sections of an act into operation, to be assessed by an agency as excluded from further RIA.

No further consultation was undertaken on the Proclamation as it is of a machinery nature.