25 October 2019

Attorney General's Department
Robert Garran Offices
3-5 National Circuit
BARTON ACT 2600

To whom it may concern,

The South Australian Employer's Chamber of Commerce and Industry (Business SA) is writing in support of the Australian Chamber of Commerce and Industries' submission into the "Improving Protections of Employees' Wages and Entitlements" Inquiry.

Business SA is South Australia's peak Chamber of Commerce and Industry with over 3,000 members and has, for the past 180 years, worked tirelessly to support South Australian businesses and to help grow the local economy.

Business SA supports the view that Australia's workplace laws should be complied with at all times, whether by employers, employees, unions or employer organisations. However, in an overly complex workplace relations system it needs to be acknowledged there is a fundamental difference between 'wage theft' and accidental underpayment of wages.

With increased funding to one of the world's most effective workplace relations regulators, the Fair Work Ombudsman, and a recent increase in civil penalties, significant inroads have been made in the area of underpayment. The changes introduced in 2017 need time to have an impact and be properly assessed.

The suggestion that imposing criminal charges will improve compliance is unfounded and may act as a deterrent for small businesses to employ. If criminalisation is applied to some underpayments, this should be under a federal system only and the States should not be able to apply separate criminal sanctions.

We are not advocating that underpayments are acceptable or that no more needs to be done, however there are alternatives that will improve compliance without the potential detrimental effect on business.

If you have any further queries, please don't hesitate to contact Anthony Penney, Executive Director Industry & Government Engagement on ▮▮▮▮▮▮▮▮▮ or at ▮▮▮▮▮▮▮▮▮ ▮▮▮▮▮ .

Kind regards,

Anthony Penney
Executive Director, Industry & Government Engagement

CC: Mr James Pearson (CEO, ACCI)
         Mr Scott Barklamb (Director of Workplace Relations, ACCI)

SOUTH AUSTRALIA

Australian
Chamber of Commerce
and Industry
Member