



20 April 2026

Senate Education and Employment References Committee  
Parliament of Australia  
Via online submissions

Dear Committee Members,

**Re: Inquiry into Wage Theft**

We write in relation to the Senate Education and Employment References Committee's inquiry into wage theft.

**Our Organisation**

Western NSW Community Legal Centre (WNSWCLC) is a community-based, not-for-profit organisation based in Dubbo that provides free legal services to people across Western NSW who experience social, economic and geographic disadvantage.

WNSWCLC delivers legal advice, casework, referrals and outreach services across a large regional, rural, remote and very remote (RRRR) service area characterised by dispersed populations and limited access to legal services. This includes specialist programs such as Western Women's Legal Support (WWLS), which assist vulnerable client groups and contribute to WNSWCLC's understanding of complex and intersecting legal issues.

**Effectiveness of the Current Framework**

The criminalisation of intentional wage underpayment represents a significant strengthening of the legislative framework under the Fair Work Act 2009. However, given the relatively recent commencement of the criminal provisions on 1 January 2025, it is not yet possible to meaningfully assess whether these reforms have resulted in a measurable reduction in the incidence of wage theft.

WNSWCLC's service experience indicates that wage underpayment continues to arise in practice, particularly for vulnerable workers. This suggests that, from a service delivery perspective, the practical impact of the reforms is not yet clear.

**Recommendation:** Continue monitoring and publicly reporting on the impact of the criminal wage theft provisions, including subsection 327A(1). Collect evidence of

prosecutions and convictions for wage theft to identify any relevant trends and report publicly.

### **Operation of Subsection 327A(1)**

Subsection 327A(1), which criminalises intentional underpayment of wages and entitlements, is an important development in addressing deliberate non-compliance. The focus on intentional conduct appropriately distinguishes between deliberate underpayment and inadvertent error, supporting a proportionate and targeted regulatory response. However, the practical effectiveness of subsection 327A(1) depends on the ability of workers to identify and report underpayment, access legal advice and effectively navigate enforcement processes.

Recommendation: Ensure that enforcement mechanisms are accessible and supported by adequate resourcing, including access by employees to free legal assistance. Include specific information about wage theft in the Fair Work Information Statement.

### **Barriers in Regional, Rural, Remote and Very Remote Communities**

Workers in RRRR communities face additional structural barriers that impact the operation of the wage theft framework.

These include limited access to legal assistance, geographic isolation, digital exclusion, and reliance on insecure employment arrangements.

These barriers can affect whether wage theft is identified, reported, and addressed, resulting in uneven outcomes.

Recommendation: Improve access to legal assistance and enforcement mechanisms for workers in RRRR communities by funding RRRR Community Legal Centres to employ an employment solicitor and target wage theft, together with broader employee rights matters.

### **Access to Justice**

Access to justice is a critical component of the effectiveness of the wage theft framework. National research has consistently identified that people in RRRR areas experience higher levels of unmet legal need and face additional barriers in accessing legal assistance compared to metropolitan populations.

Even where legal protections exist, they are of limited practical effect if individuals cannot understand their rights or access appropriate support.

For clients in RRRR communities, these barriers are often more pronounced.

### **Conclusion**

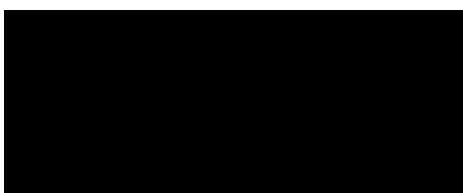
WNSWCLC supports reforms aimed at addressing wage theft and recognises the significance of the introduction of criminal provisions, including subsection 327A(1). At this stage, the impact of these reforms on the incidence of wage theft remains unclear.



In WNSWCLC's view, the effectiveness of the framework will ultimately depend on the extent to which workers are able to access legal assistance and engage with enforcement mechanisms in practice.

Addressing structural barriers to access will be critical to ensuring that legislative protections are meaningful and effective for vulnerable workers, particularly those in RRRR communities.

Yours faithfully,



Angela Watson  
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