

Northern Territory Law Reform Committee

Terms of Reference

Wage Theft

I, CHANSEY PAECH, Attorney-General and Minister for Justice, ask the Northern Territory Law Reform Committee (the Committee) to investigate, examine and report on possible law reform in relation to wage theft in the Northern Territory.

Matters for the Committee to Consider

Having regard to the scope and application of the *Fair Work Act 2009* (Cth) and sections 109 and 122 of the Constitution of the Commonwealth of Australia in relation to industrial law matters in the Territory:

1. whether the *Fair Work Act 2009* (Cth) adequately covers the possibility of or undertaking of the practice commonly referred to as wage theft;
2. if the answer to 1. is no, whether the Territory has legislative capacity to intervene in the practice, including, but not limited to, criminal or civil sanctions, and if so, what might such legislative intervention consist of; and
3. if the answer to 2. is no, whether there are any other Territory based initiatives that are recommended to deal with the practice of wage theft in the Territory.

In undertaking this reference, the Committee should consult with relevant professionals and agencies in both the Territory and in other jurisdictions. The Committee should consider the legislative and policy approaches taken in other jurisdictions but have regard to the unique Territory context in making recommendations. The Committee should also have general regard to the cost implications of recommendations.