

First Criminal 'Wage Theft' Prosecution in Victoria

Wage Inspectorate Victoria (WIV) has filed a total of 94 charges against a restaurant in Macedon and its owner, for allegedly “dishonestly withholding over \$7,000 in employee entitlements, including wages, penalty rates and superannuation” in relation to four former employees.

The charges are the first criminal wage theft charges laid under Victoria’s contentious **Wage Theft Act 2020** (the Act), and the first in any Australian jurisdiction. They relate to a four-month period between July and November 2021, a time incidentally spanning the Victorian Government’s strictest COVID-19-related lockdown measures.

The matter has been listed for mention in the Broadmeadows Magistrates’ Court on 21 February 2023. Maximum penalties for dishonestly withholding employee entitlements under the Act are 6,000 penalty units (currently \$1,109,520) for companies and up to 10 years’ jail for individuals.

Commenting on the matter, WIV Commissioner, Robert Hortle, stated that:

“Victorians can be confident the Wage Inspectorate is doggedly investigating wage theft reports and intends to bring further appropriate matters before the court.”

VACC notes that there is likely to be considerable interest in the outcome of this prosecution – firstly, as it may serve to test the constitutional validity of the Act; and secondly, as the Albanese Government intends to introduce federal ‘wage theft’ laws next year.

Members seeking further information or assistance are encouraged to contact the Workplace Relations team at ir@vacc.com.au or 03 9829 1123.

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