



Legislation Review Committee

Correspondence received in response to the Legislation Review
Committee Digest No. 30/57 – 17 May 2021



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Letter from the Hon. Damien Tudehope MLC, Minister for Finance and Small Business responding to comments on the *Tax Administration Amendment (Combating Wage Theft) Bill* 2021 - 17 May 2021 **1**



The Hon. Damien Tudehope MLC
Minister for Finance and Small Business
Leader of the House in the Legislative Council

17 May 2021

Ms Felicity Wilson MP
Chair, Legislation Review Committee
Parliament of New South Wales

By email: Legislation.Review@parliament.nsw.gov.au

Your ref: LAC21/035.06

Dear Chair,

Thank you for the opportunity to respond to the issues raised by the Legislation Review Committee in its consideration of the *Tax Administration Amendment (Combating Wage Theft) Bill 2021*.

The Committee considers the significant increase in penalties for multiple offences and the inclusion of new custodial sentences but notes the purpose of these strict and executive liability offences is to encourage compliance and leaves it to Parliament to consider whether the changes are proportionate.

Given the seriousness of underpayment of wages, I am confident that the Parliament will agree that the penalties proposed in the Bill are indeed proportionate.

The Committee also considers that the expanded information sharing provisions in the Bill may impact on the right to privacy and notes that the details of the factors to be considered before disclosing information under new Section 83A are to be determined in guidelines to be issued by the Minister.

The Committee observes that while it generally prefers that provisions impacting which could impact on individual liberties and rights be determined by primary legislation it refers the matter to Parliament for consideration.

I appreciate this issue raised by the Committee, but I consider that in this instance Ministerial guidelines that can be amended more readily to respond to new circumstances in a rapidly evolving area are nonetheless the appropriate way to proceed.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Damien Tudehope'.

The Hon. Damien Tudehope MLC
Minister for Finance and Small Business
Leader of the House in the Legislative Council