



Australian Government

Fair Work OMBUDSMAN

ENFORCEABLE UNDERTAKING

dated 12th May 2011

Given by

ACN 090 444 518 Pty Ltd (ACN 090 444 518)

and

Michael David Hibberd

and

Gregory Laurence Prescott

to

The Commonwealth of Australia

(as represented by the Office of the Fair Work Ombudsman)

concerning breaches of the *Hospitality Industry – Accommodation, Hotels, Resorts and Gaming Award 1998*, the *Workplace Relations Act 1996* (Cth) and the *Workplace Relations Regulations 1996* (Cth) as in force prior to 27 March 2006

Details

Parties	FWO and ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott	
FWO	Name	Commonwealth of Australia (as represented by the Office of the Fair Work Ombudsman)
	ABN	43 884 188 232
	Address	The Fair Work Ombudsman GPO Box 9887 Melbourne VIC 3000
	Telephone	(03) 6235 9487
	Fax	(02) 6204 2829
	Attention	Glenn Jordan Director, Regional Services and Targeting - Tasmania
Wrong-doers	Name	ACN 090 444 518 Pty Ltd
	ABN	34 090 444 518
	Incorporated in	Tasmania
	Address	PBS Level 1, 11 Elizabeth Street, Hobart TAS 7000
	Telephone	03 6272 6745
	Fax	03 6273 0583
	Attention	The Director
	Name	Michael David Hibberd
	Address	[REDACTED]
	Telephone	03 6272 6745
	Fax	03 6273 0583
	Name	Gregory Laurence Prescott
	Address	[REDACTED] Sandy Bay Road, Sandy Bay TAS 7008
	Telephone	03 6272 6745
	Fax	03 6273 0583



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FWO	Name	Commonwealth of Australia (as represented by the Office of the Fair Work Ombudsman)
	ABN	43 884 188 232
	Address	The Fair Work Ombudsman GPO Box 9887 Melbourne VIC 3000
	Telephone	(03) 6235 9487
	Fax	(02) 6204 2829
	Attention	Glenn Jordan Director, Regional Services and Targeting - Tasmania
	Wrong-doers	Name
ABN		34 090 444 518
Incorporated in		Tasmania
Address		PBS Level 1, 11 Elizabeth Street, Hobart TAS 7000
Telephone		03 6272 6745
Fax		03 6273 0583
Attention		The Director
Name		Michael David Hibberd
Address		[REDACTED]
Telephone		03 6272 6745
Fax		03 6273 0583
Name		Gregory Laurence Prescott
Address		[REDACTED]
Telephone		03 6272 6745
Fax		03 6273 0583

Recitals	A	The FWO commenced an investigation into allegations that ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott had breached Commonwealth workplace laws.
	B	By reason of the matters set out in Attachment "A" (Background), the FWO has determined, and ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott acknowledges, that ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott contravened Commonwealth workplace laws.
	C	The parties have agreed to resolve the contraventions without the need to resort to civil penalty litigation by way of this Enforceable Undertaking ("EU") made pursuant to section 715 of the <i>Fair Work Act 2009</i> (FW Act).

Governing law	Tasmania
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Date of agreement	See Signing page
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General terms

1 Admission of contravention

By reason of the matters described in Attachment "A" (**Background**), which are admitted without demur by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott, ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott contravened Commonwealth workplace laws in the respects set out in Attachment "B" ("**Contraventions**").

2 Limit of admission

2.1 The FWO acknowledges that the terms of this EU:

(a) are solely for the purposes of resolving the FWO investigation into the Contraventions; and

(b) must not be interpreted as an admission by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott of liability for any matter, other than as expressly provided in this EU.

2.2 No assertion or matter in this EU may be relied upon as an admission by any person to support a cause of action in any other civil penalty proceeding.

2.3 However, this term does not prevent any matter in this EU being relied upon in future proceedings in order to inform a relevant Court or tribunal of the details of the conduct that was the evidentiary foundation for ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott entering into this EU.

2.4 This means that the FWO reserves the right to rely on the terms of this EU and the admissions in respect of any future proceedings brought by the FWO against the ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott in relation to any future contraventions of Commonwealth workplace laws.

3 Enforceable undertakings

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott **NOW UNDERTAKE** that, in consideration of the FWO agreeing not to apply for any orders under Part 14 of the *Workplace Relations Act (Cth) 1996* in relation to the Contraventions (as evidenced by the FWO's acceptance of this EU endorsed below), ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott must do all those activities and things set out in Attachment "C" (**Undertakings**).

4 Commencement of enforceable undertaking

This EU comes into effect when:

(a) the EU is executed by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott; and

(b) the FWO accepts the EU executed by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott (as evidenced by the FWO's acceptance of this EU endorsed below).

5 Acknowledgements

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott acknowledge that:

- (a) the undertakings given by them in this EU are reasonable in the circumstances;
- (b) this EU is given to and accepted by the FWO pursuant to section 715 of the FW Act;
- (c) the FWO may:
 - (i) make this EU (and any of the Attachments) available for public inspection, including by posting it on the FWO internet site at www.fwo.gov.au (subject to the FWO taking any necessary steps to the redaction of the names of any person affected by the Contraventions);
 - (ii) release a copy of this EU (and any of the Attachments to it) pursuant to any relevant request under the Freedom of Information Act 1982 (Cth);
 - (iii) issue a media release in relation to this EU;
 - (iv) from time to time, publicly refer to the EU (and any of the Attachments to it) and its terms;
 - (v) rely upon the admissions made by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott in paragraph 1 above in respect of any future decision about enforcement action to be taken in respect of any future non-compliance by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott with Commonwealth workplace relations obligations.
- (d) consistent with the Note to section 715(4) of the FW Act, this EU in no way derogates from the rights and remedies available to any other person arising from the conduct set out in this EU; and
- (e) if ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott contravene any of the terms of this EU:
 - (i) the FWO may apply to any of the Courts set out in section 715(6) of the FW Act, for orders under section 715(7) of the FW Act; and
 - (ii) this EU may be provided to the Court as evidence of the admissions made by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott in paragraph 1, and also in respect of the question of costs; and
 - (iii) this EU is to be taken as having been withdrawn from by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott for the purposes of section 715(3) of the FW Act if the FWO gives its written consent (in which case the FWO may apply for orders against ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott under Division 2 of Part 4-1 of the FW Act).

6 No inconsistent statements

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott:

- (a) must not; and
- (b) must ensure that each of its officers, employees or agents, do not,

make any statement, orally or in writing, or otherwise which conveys or implies or reasonably conveys or implies anything inconsistent with admission or acknowledgements contained in this EU.

7 Termination by the FWO

At any time, the FWO may, by notice in writing, terminate this EU (that is, immediately and without notice) if ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott commit, in the opinion of the FWO, a serious or persistent breach or non-observance

of a term or terms of this EU.

8 Withdrawal from or variation to this EU

Consistent with section 715(3) of the FW Act, ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott may withdraw from or vary this EU at any time, but only with the consent of the FWO.

9 Continuing obligations

9.1 General survival

Any provision of this EU remaining to be performed or observed by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott or having effect after the cessation of this EU for whatever reason (including termination by the FWO or withdrawal from by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott) remains in full force and effect and is binding on the ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott after this EU ends.

9.2 Survival

Without limiting the generality of clause 9.1 ("General survival"), the following clauses survive termination of this EU for whatever reason (including termination by the FWO or withdrawal from by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott):

- (a) Clause 1 (Admissions and contraventions); and
- (b) Clause 6 (No inconsistent statements).

10 Legally binding agreement

These terms are intended to have immediate effect on all parties upon acceptance by the FWO of this EU (as evidenced by the FWO's acceptance of this EU endorsed below).

11 Entire agreement

This Agreement constitutes the entire agreement of the parties about its subject matter and supersedes all previous agreements, understandings and negotiations on that subject matter. No oral explanation or information provided by either party to the other:

- (a) affects the meaning or interpretation of this EU; or
- (b) constitutes any collateral agreement, warranty or understanding between the FWO and ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott.

12 No representations or warranties

The Executive acknowledges that in entering into this EU they have not relied on any representations or warranties about the subject matter of this EU except as provided in this EU.

13 Construction

No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of, or seeks to rely on, this EU or any part of it.

14 Costs

The parties must pay their own legal and other costs and expenses in connection with the preparation, execution and completion of this EU and other related documentation.

15 Severance

If the whole or any part of a provision of this EU is void, unenforceable or illegal in a jurisdiction it is severed for that jurisdiction. The remainder of the agreement has full force and effect and the validity or enforceability of that provision in any other jurisdiction is not affected. This clause has no effect if the severance alters the basic nature of this EU or is contrary to public policy.

16 Competency

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott acknowledge that:

- (a) before executing this EU, ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott were given the opportunity to seek independent legal and other advice of their choice;
- (b) in the light of any advice provided to ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott, they considered their position;
- (c) if ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott have been advised by their solicitors, they have been advised by them as to the terms of this EU; and
- (d) ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott fully understand the effect of this EU.

17 Governing law

This EU is governed by the law in force in the place specified in the Details. Each party submits to the non-exclusive jurisdiction of the courts of that place.

Signing page

Dated: [2 May] 2011

EXECUTED by ACN 090 444 518 Pty Ltd in accordance with section 127(1) of the Corporations Law:



(Signature of Secretary/Director)

Gregory Laurence Prescott

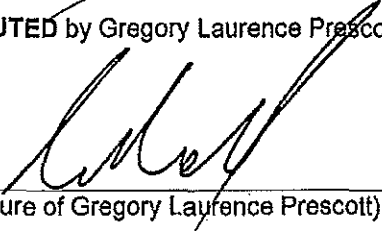
(Name of Secretary/Director in Full)

EXECUTED by Michael David Hibberd



(Signature of Michael David Hibberd)

EXECUTED by Gregory Laurence Prescott



(Signature of Gregory Laurence Prescott)



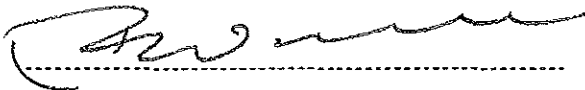
(Signature of Director)

MICHAEL DAVID HIBBERD

(Name of Director in Full)

ACCEPTED by the FAIR WORK OMBUDSMAN

Dated: 12th May 2011



NICHOLAS PAUL WILSON
FAIR WORK OMBUDSMAN

or by his Delegate subject to the Instrument of delegation made pursuant to section 683 of the FW Act and executed by Nicholas Paul Wilson on 2 July 2009.

ATTACHMENT "A" (BACKGROUND)

1. ACN 090 444 518 Pty Ltd (ACN 090 444 518) carried on a business under the trading name the Granada Tavern at 666 Main Road, Berriedale in the State of Tasmania during the "relevant period" from 1 August 2004 to 27 August 2006.
2. Michael David Hibberd and Gregory Laurence Prescott were both the sole Directors and Shareholders of ACN 090 444 518.
3. Michael David Hibberd and Gregory Laurence Prescott are natural persons and carried on the business of the Foreshore Tavern at 464 South Arm Road, Lauderdale in the State of Tasmania during the "relevant period" from 1 August 2004 to 7 May 2006.
4. During the relevant period, or part thereof, each of the persons named below were employed at the Granada Tavern:
 - (a) ~~Atkinson, Anthony Roger;~~
 - (b) ~~Blanton, Kelly Louise;~~
 - (c) ~~Brown, John Robert;~~
 - (d) ~~Byrne, Sarah;~~
 - (e) ~~Callaghan, Christopher John;~~
 - (f) ~~Conford, Daniela Cornwen;~~
 - (g) ~~Cox, Anna Marie;~~
 - (h) ~~Corcoran, Chaise Pat;~~
 - (i) ~~Ellis, Gina Allison;~~
 - (j) ~~Howard, Tamara Jane;~~
 - (k) ~~Inglis, Paula Marie;~~
 - (l) ~~Jones, Sonia;~~
 - (m) ~~Leahy, Raymond John;~~
 - (n) ~~Long, Erica Jean;~~
 - (o) ~~Macfarlane, Kelly Christina Marie;~~
 - (p) ~~Moss, Kisty Trudi;~~
 - (q) ~~Reid, Nikie Jane;~~
 - (r) ~~Young, Nicole Anne;~~
 - (s) ~~Scott, Rebecca Marie;~~

- (t) ~~Scott, Samantha Michale;~~
- (u) ~~Shaw, Kate;~~
- (v) ~~Spicerwood, Jenna Rae;~~
- (w) ~~Steele, Wendy;~~ and
- (x) ~~Syrell, Nigel Paul;~~

(together, the **Granada Employees**).

5. During the relevant period, or part thereof, each of the persons named below were employed at the Foreshore Tavern:

- (a) ~~Brown, Sara Jane;~~
- (b) ~~Brown, Johnny Reginald;~~
- (c) ~~Brown, Kelli Ann Marie;~~
- (d) ~~Chester, Bianca Rose;~~
- (e) ~~Denno, Krista Marie;~~
- (f) ~~Donald, Sabrina Marie;~~
- (g) ~~Donald, Kate Louise;~~
- (h) ~~Donald, Inea Dikkenberg, Nina;~~
- (i) ~~Evans, Nysca Rhianora;~~
- (j) ~~Evans, Thomas Nicola;~~
- (k) ~~Ford, Diane Fay;~~
- (l) ~~Jackson, Scott Alan;~~
- (m) ~~Keed, Jenna Elise;~~
- (n) ~~Keene, Gemma Ann;~~
- (o) ~~Marsh, Joshua William;~~
- (p) ~~Maunde, Ross;~~
- (q) ~~Walker, Helene Maguire;~~
- (r) ~~Wenke, Daniel Thomas;~~
- (s) ~~Wiggins, Amieka Lory;~~
- (t) ~~Wiggins, Steven Rodney;~~ and
- (u) ~~Young, Cory James;~~

(together, the **Foreshore Employees**).

6. At all material times, ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott (together **the Respondents**) were bound by the *Hospitality Industry – Accommodation, Hotels, Resorts and Gaming Award 1998* [AP783479] (**the Hospitality Award**).
7. During the relevant periods the Respondents failed to pay the Granada Employees and the Foreshore Employees in accordance with the Hospitality Award and the *Workplace Relations Act 1996* (Cth).
8. By breaching the provisions of the Hospitality Award, the *Workplace Relations Act 1996* (Cth) and the *Workplace Relations Regulations 1996* (Cth) as in force prior to 27 March 2006 as specified in Attachment "B" of this enforceable undertaking, the Granada Employees were underpaid **\$32,894.47** and the Foreshore Employees were underpaid **\$55,102.58**, resulting in a total underpayment of **\$87,997.05**.
9. Between 28 June 2009 and 30 July 2010 the Respondents repaid the total outstanding underpayment of \$87,997.05
10. The Respondents admit the contraventions set out in Attachment "B" of this enforceable undertaking.

ATTACHMENT "B" (CONTRAVENTIONS)

1. ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott contravened the Hospitality Award by:
 - (a) Failing to pay the standard casual loading of 25% for work performed on a Monday to Friday (clause 15.2.2 of the Hospitality Award);
 - (b) Failing to pay the standard casual loading of 25% for work performed on a Monday to Friday in accordance with the Australian Pay and Classification Scale derived from the Hospitality Award pursuant to section 185(2) of the *Workplace Relations Act 1996* (Cth)
 - (c) Failing to pay the applicable penalty rate for work performed by a casual employee between 7pm and midnight Monday to Friday (Clause 15.2.2(a) of the Hospitality Award);
 - (d) Failing to pay the applicable penalty rate for work performed by a casual employee between midnight and 7am Monday to Friday (Clause 15.2.2(a) of the Hospitality Award);
 - (e) Failing to pay the applicable penalty rate of 50% for work performed by a casual employee on a Saturday (Clause 15.2.2(b) of the Hospitality Award);
 - (f) Failing to pay the applicable penalty rate of 75% for work performed by a casual employee on a Sunday (Clause 15.2.2(c) of the Hospitality Award); and
 - (g) Failing to pay the applicable penalty rate for work performed by a casual employee on a public holiday (Clause 15.2.2(d) of the Hospitality Award).

2. ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott contravened regulation 131A(2) of the *Workplace Relations Regulations 1996* (Cth) as they stood prior to 27 March 2006 by failing to keep an employee record for at least 7 years.

3. ACN 090 444 518 Pty Ltd contravened the Hospitality Award by:
 - (a) Failing to pay the appropriate wage rate to an adult employee (Clause 18.1 of the Hospitality Award);
 - (b) Failing to pay the applicable penalty rate of time and a quarter for work performed by an employee (other than a casual) on a Saturday (Clause 19.1.1 of the Hospitality Award);
 - (c) Failing to pay the applicable penalty rate of time and three quarters for work performed by an employee (other than a casual) on a Sunday (Clause 19.1.2 of the Hospitality Award);
 - (d) Failing to pay the applicable penalty rate of double time and a half for work performed by an employee (other than a casual) on a public holiday (Clause 19.2 of the Hospitality Award);
 - (e) Failing to pay the applicable penalty rate of for work performed by an employee (other than a casual) between 7pm and midnight Monday to Friday (Clause 19.3.1 of the Hospitality Award);
 - (f) Failing to pay an applicable penalty rate for work performed by an employee (other than a casual) between midnight and 7am Monday to Friday (Clause 19.3.2 of the Hospitality Award);
 - (g) Failure to pay the broken period of work allowance to an employee (other than a casual) (Clause 24 of the Hospitality Award);
 - (h) Failure to pay employees (other than casuals) the overtime rate for work performed on Monday to Friday (Clause 28.3.1 of the Hospitality Award)

- (i) Failure to pay employees (other than casuals) the overtime rate for work performed between midnight Friday and midnight Sunday (Clause 28.3.2 of the Hospitality Award); and
- (j) Failure to pay an employee (other than a casual employee) annual leave loading (Clause 30.2 of the Hospitality Award).

ATTACHMENT "C" (UNDERTAKINGS)

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott undertake to:

Future workplace relations compliance

1. ensure that they comply at all times and in all respects with the FW Act, the *Fair Work Regulations 2009* and the Hospitality Industry (General) Award 2010 [MA000009] by developing systems and processes to ensure ongoing compliance with Commonwealth workplace laws.
2. provide, within 28 days of the date of this EU, the FWO with details of the implementation of systems and processes designed to ensure ongoing compliance with Commonwealth workplace laws.

Public notice

3. cause to be placed in a Saturday edition of the Mercury newspaper within 28 days of executing this document (or so soon afterwards as is available), a notice which:
 - (a) bears the company name of ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott;
 - (b) appears in the public notices section of the relevant edition;
 - (c) measures at least 15cms high x 7.4cms wide; and
 - (d) is in the form of Attachment D to this EU;

workplace relations compliance training

4. within 14 days of the signing of this EU, provide evidence, in the form of an affidavit or statutory declaration signed by a senior management representative, to show that he/she has attended or will attend (within 2 months after the signing of the EU) a training course ("the training course") which deals with the rights and responsibilities of an employer under the *Fair Work Act 2009*.
5. ensure the training course has been, or must be (where the training course has yet to be undertaken), conducted by an accredited workplace trainer (not being anyone who has advised ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott in relation to the subject matter of the Contraventions) who is approved by the FWO and paid for by ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott.
6. provide the training materials used in the training course to the FWO:
 - (a) no later than 14 days before the training is to be conducted with the training materials must be approved by the FWO; or
 - (b) within 14 days after the signing of the EU in the event the training has already occurred, provided such training is approved by FWO.
7. provide evidence of attendance at the training course and payment of the training course to FWO:
 - (a) within 7 days of the training being provided; or
 - (b) within 14 days after the signing of the EU where the training has already occurred.

Broader industry or community workplace relations compliance education

8. fund the production of 250 information packs, capped at cost of \$500.00, about employee rights under the FW Act to be distributed to hospitality students at TAFE colleges in Tasmania.

Future workplace relations compliance audit activity

9. cause to have performed by an accounting professional (e.g. Certified Practising Accountant) or audit specialist (at its own expense), for one year after the date of this EU, an audit of the Club Hotel's and the Brighton Hotel's compliance with Commonwealth workplace laws, in particular compliance with:
 - (a) the *Fair Work Act 2009* (Cth);
 - (b) the *Fair Work Regulations 2009* (Cth);
 - (c) the *Hospitality Industry – Accommodation, Hotels, Resorts and Gaming Award 1998*; and
 - (d) the *Hospitality Industry (General) Award 2010* [MA000009].
10. provide to the FWO evidence of the audit and its results within 7 days of the audit being finalised.

Attempts to locate previous employees

11. take all reasonable steps to locate the former employees of the Granada Tavern and the Foreshore Tavern who have been underpaid and assisting the FWO to ensure that the underpayment amount is distributed to the former employees, including but not limited to contacting the former employees by telephone or in writing to:
 - (a) advise them that they are owed money;
 - (b) explain the process for claiming the money,
 - (c) provide them with claim forms (to be provided by the FWO),
 - (d) provide the contact details for the FWO office in Hobart.
12. For 12 months from the date of execution of this enforceable undertaking ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott will report to the FWO three times per year on the attempts taken to locate the former employees in the preceding four month period.
13. For 12 months from the date of execution of this enforceable undertaking, the FWO will provide a report to ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott three times per year in relation to the underpayment amounts that remain unclaimed.

ATTACHMENT "D" (FORM OF PUBLIC NOTICE)

Underpayment of former employees of the Granada Tavern and the Foreshore Tavern

Michael David Hibberd and Gregory Laurence Prescott (Directors of ACN 090 444 518 Pty Ltd), the previous owners of the Granada and Foreshore Taverns, have conducted an audit of the payments made to their former employees in conjunction with the Office of the Fair Work Ombudsman ('FWO'), formerly the Office of the Workplace Ombudsman.

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott have paid an amount of \$38,672.01 to the Collector of Public Monies to rectify outstanding underpayments owing to 24 former employees of the Granada Tavern located at 666 Main Road, Berriedale, Tasmania and 21 former employees of the Foreshore Tavern located at 464 South Arm Road, Lauderdale, Tasmania. The underpayments arose in the period of 1 August 2004 to 27 August 2006. Michael David Hibberd and Gregory Laurence Prescott no longer own or have any interest in the Granada and Foreshore Taverns.

ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott express their sincere regret and apologises to all past and present employees for failing to comply with its lawful obligations. Furthermore, ACN 090 444 518 Pty Ltd, Michael David Hibberd and Gregory Laurence Prescott gives its employees their commitment that the proscribed conduct will not occur again.

If you worked at the Granada or Foreshore Taverns during this period, please contact Michael Hibberd on 0429 136 040 to find out if any outstanding monies are owed to you.