

## Political party leader who short-changed workers criticised for “arrogant” attitude

13 December 2017

A political party leader who promised to pay workers \$30 an hour to hand out how-to-vote cards but paid them nothing has been penalised in Court and criticised by a Judge for his “arrogant” attitude and lack of remorse.

Peter Jones, who was the secretary and lead upper house candidate for the No Land Tax Party at the 2015 NSW election, has been penalised \$13,315 in the Federal Circuit Court.

No Land Tax Campaign Incorporated – better known as the No Land Tax Party – has been penalised a further \$67,575.

The penalties, imposed by Judge Tom Altobelli, are the result of legal action by the Fair Work Ombudsman.

Jones and the No Land Tax Party recruited about 3600 workers to hand-out how to vote cards for up to 10 hours on NSW election day in 2015 by offering to pay \$30 an hour.

The Fair Work Ombudsman investigated after being contacted by workers and commenced legal action after Jones and the No Land Tax Party failed to co-operate.

In Court, Jones and the Party admitted contravening workplace laws by failing to pay the workers – but submitted that “it cannot seriously be accepted by the Court that not being paid approximately \$300 for the day has had a material impact on their lives, wellbeing or finances”.

In his judgement, Judge Altobelli labelled the submission “arrogant”.

“The submission made on behalf of the Respondents is both inconsistent with the evidence before the Court from the workers themselves, and regrettably arrogant,” he said.

The Fair Work Ombudsman’s litigation focused on a sample of 21 of the underpaid workers who were short-changed a total of \$6219. The sample included teenagers, students and people who were otherwise unemployed, among others.

One of the unpaid workers gave evidence that they felt they had been “taken advantage of” and another said she had “lost trust in elections and politicians”.

One worker aged just 14, in his first job, said he was “really disappointed”.

Jones and the No Land Tax Party recruited workers by mailing flyers to homes around NSW seeking “outgoing and enthusiastic” people and stating “your base pay is \$30 an hour – you will get paid this regardless of what vote your local candidate obtains ...”.

Additional bonuses up to \$500 were also offered if candidates polled well.

Jones also emailed many of the workers on election day, and on three separate occasions in the weeks that followed, assuring them they would be paid.

However, Jones’ evidence in Court was that the No Land Tax Party was reliant on receiving public funding to meet the wages, with this funding to be received only if a candidate was elected to the NSW Parliament.

Not one No Land Tax Party candidate was elected.

Jones and the No Land Tax Party also contravened workplace laws by failing to keep basic employee records and failing to comply with a Notice to Produce issued by the Fair Work Ombudsman during its investigation.

Jones and the Party submitted that the non-payment of workers was “a grave miscalculation that arose from blind optimism”.

However, Judge Altobelli accepted the Fair Work Ombudsman’s submission that, when considered in its entirety, the contraventions of Jones and the Party were deliberate.

“The difficulty for the Respondents is that there is no evidence that satisfies the Court that they had a legitimate and considered expectation of winning one or more seats in the NSW Election on 28 March 2015,” Judge Altobelli said.

“Moreover, even if they had won, on their own evidence (or lack thereof) they could not have reasonably satisfied the requirements

for payment from the Election Campaign Fund due to lack of records.”

Judge Altobelli found that Jones and the Party “do not appear to take full responsibility for their contraventions” and that there had been “limited demonstration of contrition or remorse”.

Jones and the Party rectified underpayments of the 21 sample workers – who represent less than one per cent of all workers engaged - only after the Fair Work Ombudsman commenced litigation. There is no evidence that other workers have been back-paid.

Judge Altobelli ordered the No Land Tax Party to audit entitlements owing to all workers it engaged on NSW election day in 2015 and to advise the Fair Work Ombudsman of the steps it will take to rectify identified underpayments.

However, Jones submitted in Court that the No Land Tax Party has no funds or assets.

Fair Work Ombudsman Natalie James says the Court's judgment sends a clear message that failing to pay employees for the work they perform is a serious contravention of workplace rights.

“One of the key features of this case is the Court’s emphatic dismissal of any notion that failing to pay employees any wages for short periods of work is not a serious matter,” Ms James said.

“Being paid minimum wages for work performed is a fundamental right for any worker – and employers should not be engaging staff if they do not have access to the funds they need to pay employees their minimum rates.

“This case in particular displays a callous indifference to young and vulnerable employees who had every right to expect they would be paid for their work.

“Employers should also be aware that we treat cases involving underpayment of young workers particularly seriously because we are conscious that they can be vulnerable due to a lack of awareness of their entitlements and a reluctance to complain.”

Employers and employees can seek assistance at [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94, with small business operators able to opt to receive priority service. A free interpreter service is available on 13 14 50.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork\_gov\_au) or find us on Facebook [www.facebook.com/fairwork.gov.au](https://www.facebook.com/fairwork.gov.au) (http://www.facebook.com/fairwork.gov.au) .

Sign up to receive the Fair Work Ombudsman’s media releases direct to your email inbox at [www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases) ([www.fairwork.gov.au/mediareleases](http://www.fairwork.gov.au/mediareleases)) .

Media inquiries:

Ryan Pedler, Assistant Director - Media

Mobile: 0411 430 902

[ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au) (mailto:ryan.pedler@fwo.gov.au)

**Page reference No: 7825**

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.