

Moreton Island restaurant operator faces Court

18 December 2018

The former manager of a Queensland resort restaurant is facing Court again, with the Fair Work Ombudsman alleging he has continued to be involved in underpaying young overseas workers.

Facing the Federal Circuit Court is Jia Ning Wang, former manager of the Fire and Stone Restaurant on Moreton Island, located at the Tangalooma Island Resort. Also facing Court is the company that owns the restaurant, Auspac Hospitality Management Pty Ltd.

The Fair Work Ombudsman alleges Mr Wang and Auspac underpaid nine employees - mostly young overseas workers - at the Fire and Stone Restaurant last year.

The FWO alleges breaches of record-keeping and pay slip laws with respect to those nine employees and breaches of pay slip laws with respect to a further seven employees.

The FWO also alleges the nine employees were underpaid a total of \$2,239 in minimum wages and entitlements under the Hospitality Industry (General) Award 2010 between March and October 2017. The alleged underpayment has been rectified.

Many of the employees were in Australia on working holiday visas.

The Fair Work Ombudsman alleges that Mr Wang was responsible for setting pay rates, issuing pay slips and approving and/or processing wage payment to employees during the period from March to August 2017.

The Fair Work Ombudsman has twice previously secured penalties in Court against Mr Wang and the former operator of the Fire and Stone Restaurant, Golden Vision Food and Beverage Services Pty Ltd, a company that was owned by Mr Wang.

Fair Work Ombudsman Sandra Parker said Inspectors investigated after receiving an underpayment allegation from an Auspac employee.

"It is very disappointing to commence legal proceedings against an individual for a third time for alleged breaches of workplace laws. Mr Wang has twice previously been penalised in Court for significant breaches of workplace laws yet we allege he has continued to engage in non-compliant behaviour," Ms Parker said.

"The Fair Work Ombudsman is committed to holding business operators to account, particularly when disputes arise involving vulnerable workers. Australia's minimum pay rates apply to everyone - they are not negotiable and any workers with concerns should contact us."

The Fair Work Ombudsman is seeking penalties against Mr Wang and Auspac Hospitality Management for the alleged breaches.

Mr Wang faces penalties of up to \$12,600 per breach and Auspac Hospitality Management faces penalties of up to \$63,000 per breach.

The Fair Work Ombudsman is also seeking Court Orders requiring the company to commission workplace relations training for Mr Wang and other senior managers and to commission an audit of its compliance with workplace laws.

A directions hearing is listed in the Federal Circuit Court in Brisbane on 19 February 2019.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

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Background

In 2016, Mr Wang was penalised \$3500 and Golden Vision Food and Beverage Services was penalised \$17,500 for paying a young Chinese backpacker just \$10 an hour.

In 2017, Mr Wang was penalised \$20,366 and Golden Vision Food and Beverage Services was penalised \$51,830 for underpaying a young international student and dismissing her by text message because she refused to accept below-Award wages.

Shortly before the 2017 penalty was imposed, Golden Vision Food and Beverage Services sold the Fire and Stone Restaurant to Auspac Hospitality Management.

Golden Vision Food and Beverage Services went into administration a short time later and was subsequently deregistered. The 2017 penalty against the company remains unpaid.

Mr Wang is only the second individual to face three Fair Work Ombudsman legal actions. Details of the other matter is available at our [Three legal actions against remorseless trolley collecting operator result in \\$130,000 in penalties \(www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/july-2018/20180713-wch-penalties\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/2018-media-releases/july-2018/20180713-wch-penalties) media release.

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Fair Work Online: www.fairwork.gov.au

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