

Outback homestead operator to face court after 17 workers underpaid \$23,000

6 February 2018

The operator of a remote Northern Territory homestead is facing major penalties after underpaying 17 employees more than \$23,000.

Facing the Federal Circuit Court is David Mayne Pty Ltd, which trades as the Barkly Homestead, offering accommodation, a restaurant and a roadhouse on the Barkly Highway, about 210 kilometres east of Tennant Creek.

Also facing court is homestead manager and part-owner Andrew Mayne.

The Fair Work Ombudsman alleges 17 employees at the Barkly Homestead were underpaid a total of \$23,753 between October 2015 and April 2016, as a result of being paid an inadequate flat rate for all hours worked.

David Mayne Pty Ltd and Andrew Mayne have made admissions to all alleged contraventions.

Fair Work Ombudsman inspectors conducted a self-initiated audit of the company as part of a regional campaign in Alice Springs and the Barkly Region of the Northern Territory. The full results of the campaign will be published shortly.

Inspectors found that the 17 Barkly Homestead workers, who were engaged on a full-time basis as cleaners, waiters and a gardener, were paid a flat hourly rate of \$19.21.

The workers' Letter of Offer stated that the flat rate was intended to cover all entitlements, including penalty rates for weekend and public holiday work.

However, under the Hospitality Industry (General) Award 2010 at the time, the employees were entitled to \$27.71 for each of the first two hours of overtime and \$36.94 for overtime thereafter, Sunday penalty rates of \$32.32 and public holiday rates of \$46.18.

The company also failed to pay three of the workers a broken shift allowance required under the Award for days when work periods are broken up by more than three hours.

Underpayments of individual workers ranged from \$623 to \$3763.

David Mayne Pty Ltd rectified all underpayments after the legal action began.

Fair Work Ombudsman Natalie James says legal action was being taken due to the significant underpayments across a relatively short period, and the lack of earlier co-operation from the employer.

"With the wealth of free advice and educational material on our website – including in 40 different languages – and the availability of our small business helpline, there is no excuse for employers to make mistakes," Ms James said.

David Mayne Pty Ltd faces maximum penalties of up to \$54,000 per contravention and Andrew Mayne faces penalties of up to \$10,800 per contravention.

The Fair Work Ombudsman also seeks an order for Andrew Mayne to register with the Fair Work Ombudsman's online My Account portal and complete all education courses for employers.

The matter is listed for a penalty hearing in the Federal Circuit Court in Alice Springs on February 20, 2018.

Employers and employees can seek assistance at www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available on 13 14 50.

Resources available on the website include the Pay and Conditions Tool (PACT), which provides advice about pay, shift, leave and redundancy entitlements.

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 (<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

www.fairwork.gov.au/mediareleases .

Media inquiries:

Matthew Raggatt, Senior Media Adviser

Mobile: 0466 470 507

matthew.raggatt@fwo.gov.au (<mailto:matthew.raggatt@fwo.gov.au>)

Page reference No: 8025

Contact us

Fair Work Online: 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.