

Contempt of court case discontinued

2 August 2019

The Fair Work Ombudsman has discontinued its contempt-of-court action against Northern Queensland man Leigh Alan Jorgensen, the former operator of a Cairns company trading as Trek North Tours.

Last year, the Federal Circuit Court found that Mr Jorgensen had committed nine counts of contempt-of-court when he contravened a Court-imposed freezing order on his company's assets.

The freezing order was to apply until Mr Jorgensen's company paid a \$55,000 penalty and \$29,956 back-payment order imposed against it by the Federal Circuit Court in 2015 for underpaying five backpackers.

In convicting Mr Jorgensen of contempt, the Federal Circuit Court last year sentenced Mr Jorgensen to a suspended jail term of 12 months. However, Mr Jorgensen lodged an appeal against his conviction and sentence, and was released pending the outcome of the appeal.

The Full Federal Court handed its judgment on the appeal in July 2019, finding that Mr Jorgensen had not received procedural fairness during his trial and set aside Mr Jorgensen's contempt-of-court conviction and sentence.

The Full Federal Court found that it was not appropriate for the Federal Circuit Court to dismiss the Fair Work Ombudsman's action and ordered that the matter be remitted to the Federal Circuit Court for retrial.

"The Fair Work Ombudsman has determined that it would not be in the public interest to proceed with the retrial and will therefore discontinue its action," Fair Work Ombudsman Sandra Parker said.

A key factor in the regulator's decision is that the Federal Circuit Court's initial penalty and back-payment orders made against Mr Jorgensen's company in 2015 (www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/june-2015/20150624-trek-north-tours-penalty) in relation to the underpayment of the five backpackers have now been complied with.

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