

## Melbourne dentist penalised

8 August 2019

The former operator of a Melbourne dental practice has been penalised \$5,355 and ordered to back-pay a former 457 visa-holder \$32,889 plus interest, following legal action by the Fair Work Ombudsman.

The Federal Circuit Court imposed the penalty and back-payment order against Dr Ari Masters, who formerly operated the No Brace Centre dental clinic in the Melbourne CBD.

Last year, the regulator took Nobrace Centre Pty Ltd and Dr Masters to court after Nobrace failed to comply with a Compliance Notice requiring the dental clinic to back-pay a Chinese employee who had been underpaid over a two-year period.

Fair Work Ombudsman Sandra Parker said the matter should serve as a warning to employers about the consequences of disregarding Compliance Notices.

“As recently announced, Fair Work Inspectors are increasingly using Compliance Notices to address underpayments and we will not tolerate them being ignored,” Ms Parker said.

“The clear message to employers is that if you don’t comply with the terms of a Compliance Notice, we won’t hesitate from taking you to court to enforce them and seek additional penalties.”

The Chinese national was underpaid for work he performed as a dental technician at the No Brace Centre clinic between March 2012 and February 2014. He was aged in his early 20s.

The worker, who was being sponsored by the clinic on a 457 skilled worker visa, was paid a flat rate of \$15 per hour over the course of his employment.

This resulted in him being underpaid the base hourly, Saturday, overtime and public holiday rates required under the Health Professionals and Support Services Award 2010.

The worker gave evidence that the underpayment left him struggling to pay living expenses and bills and he had to borrow \$20,000 from his family.

Judge Karl Blake found that Dr Masters had deliberately breached the Fair Work Act by disregarding the Compliance Notice and said that he found Dr Masters’ proposition that the underpayment amount was not significant to the individual to be “extraordinary”.

“It reflects poorly on [Dr Masters], however, that a person of his apparent means would seek to trivialise what is a significant sum of money for a person who is reliant on the minimum terms and conditions set out in awards and legislation,” Judge Blake said.

Noting Dr Masters had not shown any contrition and remained the director of three companies, Judge Blake said there was a need to impose a penalty to deter Dr Masters from further breaches.

It is the second time the FWO has commenced legal action against Dr Masters. In 2015, [the Fair Work Ombudsman alleged \(www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/december-2015/20151201-nobrace-litigation\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/december-2015/20151201-nobrace-litigation) that a Korean dental technician on a 457 visa at the No Brace Centre clinic in the Melbourne CBD was underpaid more than \$66,000. The matter is still before the court.

Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. An interpreter service is available on 13 14 50.

NOTE: The No Brace Centre dental clinic in the Melbourne CBD has new owners and the current owners are not involved in any of the proceedings described above.

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Media inquiries:

Matthew Raggatt, Senior Media Adviser  
Mobile: 0466 470 507  
[matthew.raggatt@fwo.gov.au](mailto:matthew.raggatt@fwo.gov.au) (mailto:matthew.raggatt@fwo.gov.au)

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

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