

## Over \$100,000 penalties for Moreton Island restaurant

9 December 2019

The Fair Work Ombudsman has secured penalties of \$113,808 against a former manager of a Queensland resort restaurant and its owner after the underpayment of migrant workers.

The Federal Circuit Court ordered Jia Ning Wang, former manager of the Fire and Stone restaurant on Moreton Island, to pay \$38,808. It is the third time Mr Wang has been penalised for his involvement with underpayments at the restaurant, located at the Tangalooma Island Resort.

The restaurant owner, Auspac Hospitality Management Pty Ltd, was penalised \$75,000.

Nine employees, most overseas workers, were underpaid a total \$2,239 in minimum wages and entitlements under the Hospitality Industry (General) Award 2010 between March and October 2017.

The FWO has twice secured penalties against Mr Wang and the former operator of the Fire and Stone Restaurant, Golden Vision Food and Beverage Services Pty Ltd, a company that Mr Wang part-owned.

Fair Work Ombudsman Sandra Parker said it was disappointing that the regulator had to repeatedly take action against Mr Wang to enforce Australia's workplace laws.

"We have taken three separate court actions against Mr Wang for his role in underpaying migrant workers. The message is clear – it is unacceptable to underpay migrant workers and we will pursue those consistently doing the wrong thing by their employees."

"The Fair Work Ombudsman is cracking down on underpayments in the fast food, restaurant and café sector. We will continue to conduct surprise audits of businesses suspected of underpaying workers, and utilise our full suite of enforcement tools to hold employers to account."

In addition to the underpayments, which have been rectified, Judge Michael Jarrett said the company's "significant" breaches of record-keeping and pay slip laws limited the ability of employees to monitor their legal entitlements. Mr Wang was involved in the breaches.

Judge Jarrett said both Mr Wang, who he described as an experienced businessman, and Auspac were "reckless", and the non-compliance "inexcusable".

"There is a need to send a message to employers in the hospitality industry that employees must be provided with their correct entitlements and that accurate and complete employee records and payslips are not optional."

In July 2016 ([www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/july-2016/20160712-golden-vision-penalty](http://www.fairwork.gov.au/about-us/news-and-media-releases/archived-media-releases/2016-media-releases/july-2016/20160712-golden-vision-penalty)), 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 March 2017 (<https://www.fairwork.gov.au/about-us/news-and-media-releases/2017-media-releases/march-2017/20170327-golden-vision-2nd-penalty-mr>), 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 business to Auspac Hospitality Management, went into administration 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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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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