

Former Darwin water park operator in court

23 July 2020

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Facing Court is D-Town Events Pty Ltd trading as Big Buoy Waterpark, and one of its directors, Jarrod Berrington.

The Fair Work Ombudsman investigated after an employee, a water park operator, lodged a request for assistance.

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A Fair Work inspector issued a Compliance Notice in December 2019 after forming a belief the company underpaid the employee between May 2017 and June 2019. The inspector believes the employee was underpaid minimum casual wages, Sunday and public holiday penalties, overtime and first aid allowance owed under the Amusement, Events and Recreation Award 2010.

The regulator alleges that the company, without reasonable excuse, failed to comply with the Compliance Notice. The notice required the employer to calculate and back-pay the worker's entitlements. The business ceased operating earlier this year.

Fair Work Ombudsman Sandra Parker said that the regulator would continue to enforce workplace laws in a proportionate manner during the COVID-19 pandemic, and that includes taking businesses to court where lawful requests are not complied with.

"Under the Fair Work Act, Compliance Notices are important tools used by inspectors if they form a belief that an employer has breached workplace laws."

"Where employers do not comply with FWO notices, we will take appropriate action to protect employees. A court can order the business to pay penalties in addition to back-paying workers," Ms Parker said.

"Any employees with concerns about their pay or entitlements should contact the Fair Work Ombudsman for free assistance."

The regulator is seeking penalties against D-Town Events and Mr Berrington. It also seeks orders for the company to comply with the Compliance Notice, which includes rectifying the underpayments in full, plus superannuation and interest.

D-Town Events is facing a maximum penalty of \$31,500, while Mr Berrington is facing a maximum penalty of \$6,300.

A directions hearing is listed in the Federal Circuit Court in Darwin on 4 September 2020.

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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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Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

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