

Gold Coast company director fined \$15,000 over underpayment of driver

19 February 2010

A director of a Gold Coast-based horse transport company has been fined \$15,000 for his role in a truck driver being significantly underpaid.

He is Lucas Waller, a director and manager of the Benowa-based Ella Enterprises Pty Ltd.

The penalty was handed down in the Federal Magistrates Court in Brisbane this week following a prosecution by the Fair Work Ombudsman.

Federal Magistrate Michael Burnett imposed the fine after finding a truck driver was underpaid a total of \$15,358 over six months in 2006-2007.

The Fair Work Ombudsman was not able to seek a penalty against Ella Enterprises because the company went into liquidation in July last year.

However, Federal Magistrate Burnett instructed Ella Enterprises to rectify the underpayment to the driver.

The driver, who was based in Scone, was employed to transport horses to race tracks, stables and breeding establishments in NSW.

He was underpaid his minimum hourly rate, annual leave entitlements and penalty rates for overtime, weekend and public holiday work.

In Brisbane today, Fair Work Ombudsman Nicholas Wilson says the case sends a message that failing to pay workers their full entitlements is a serious matter.

"Most employers who we find have underpaid their staff will voluntarily rectify the problem without the need for further action, but litigation is an option we will pursue against those who show blatant disregard for their legal obligations to their staff and refuse to co-operate with us," Mr Wilson said.

The Fair Work Ombudsman promotes harmonious, productive and co-operative workplaces. It also monitors compliance and investigates breaches of national workplace laws.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au For translations call 13 14 50.

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