

## \$52,800 penalty for underpaying Sydney real estate salesperson

22 January 2010

A Sydney real estate agency and its director have been fined a total of \$52,800 for exploiting a real estate sales person by paying him just \$6.58 an hour.

Gateway Real Estate (Sydney) Pty Ltd - which operates the Richardsons at Umina Beach agency - has been fined \$44,000 and the company's sole director Marie Lois Jones a further \$8800.

Chief Industrial Magistrate Gregory Hart handed down the penalty following a prosecution by the Fair Work Ombudsman.

Gateway paid the salesman a flat rate of \$250 per week from April to December, 2007, which equated to \$6.58 per hour – but he was entitled to be paid at least the federal minimum wage, which was \$13.47 to \$14.65 at the time.

Jones was also involved in failing to pay out the salesman's accrued annual leave entitlements when his position was terminated.

The salesman was underpaid a total of \$8694. The Court ordered that Jones' \$8800 fine be paid to the salesman.

Chief Industrial Magistrate Hart said the contraventions were "deliberate", "serious" and "constituted a blatant disregard" for the salesman's entitlements.

"It is desirable for a clear message to be conveyed to employers in industry to the effect that industrial instruments are not to be blatantly flouted, and employees exploited, to achieve financial benefit for the employer," he said in his judgment.

"Where such conduct is detected, the Courts will apply heavy penalties in accordance with the legislative framework set by the parliament."

Fair Work Ombudsman Executive Director Michael Campbell says the case sends a clear message that businesses caught exploiting workers will pay a price.

"Every worker has a fundamental right to receive their full legal entitlements and we will consider legal action to protect that right," he 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.fwo.gov.au](http://www.fwo.gov.au). For translations call 13 14 50.

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## Contact us

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

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