

## Albury retirement village faces court for allegedly underpaying caretaker \$28,000

23 May 2011

The Fair Work Ombudsman has launched a prosecution against the operator of an Albury retirement village, alleging it underpaid a caretaker more than \$28,000 over a period of just three months.

Facing court is Kensington Management Services Pty Ltd, which operates the Kensington Gardens retirement village in Albury.

Documents lodged in the Federal Magistrates Court in Sydney allege the company underpaid a caretaker a total of \$28,244 over a three-month period from January to April, 2009.

The caretaker oversaw maintenance and security at the retirement village.

It is alleged Kensington Management Services undertook to pay him \$464 a week - but deducted \$300 for accommodation it required him to live in at the retirement village, reducing his pay to only \$164.

However, it is alleged the caretaker should have been paid more than \$2200 per week because he was required to be at the retirement village 116 hours per week and was entitled to be paid more than \$19 an hour for this time.

It is further alleged the caretaker's partner, who performed a small amount of relief work, was underpaid \$406, making the total alleged underpayment \$28,650.

Fair Work Ombudsman Executive Director Michael Campbell says the decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the matter.

It is alleged Kensington Management Services committed numerous breaches of workplace laws related to underpayments and unlawful rental deductions.

The company faces maximum potential penalties of \$33,000 per breach.

The Fair Work Ombudsman is also seeking a Court Order for back-payment of the amounts allegedly owed to the workers.

A directions hearing is listed for June 3.

Employers or employees seeking assistance should contact the Fair Work Infoline on 13 13 94 or visit [www.fairwork.gov.au](http://www.fairwork.gov.au) A free interpreter service is available on 13 14 50.

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

Fair Work Infoline: 13 13 94

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For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

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