

## Director faces Court action after five IT staff allegedly underpaid \$286,000

15 August 2012

Note: Reference to prosecution in this media release is a general reference to the FWO commencing proceedings for the imposition of civil penalties and should not be taken to be a reference to criminal proceedings.

The Fair Work Ombudsman has launched a prosecution against the former operator of an Adelaide software business, alleging five employees were underpaid a total of \$286,000.

Facing court is James Robert Manning, the sole owner and director of Compliance & Competency Management Pty Ltd, which was involved in the design, programming and supply of computer training software.

The Fair Work Ombudsman is unable to take legal action against the company after it went into liquidation earlier this year.

Mr Manning was allegedly centrally involved in underpaying five employees a total of \$286,876 in salaries, annual leave entitlements and superannuation between September, 2009 and April, 2010.

The employees - all IT workers - were allegedly not paid any wages for up to four months. It is alleged the employees raised the non-payment of their wages with Mr Manning numerous times.

Court documents allege one employee emailed Mr Manning shortly before Christmas in 2010 saying that he really wanted "at least \$2000 so I can have some money for my family". It is alleged Mr Manning did not reply and did not arrange payment.

The Fair Work Ombudsman discovered the alleged underpayment when it investigated complaints lodged by the employees.

It will be alleged in Court that Mr Manning had more than 20 years experience in business and has been a director of 27 different companies – and therefore had an awareness of his obligations under workplace laws.

Mr Manning was allegedly also involved in failing to comply with Notices to Produce employment records issued by Fair Work inspectors. Under the Fair Work Act, employers must comply with requests from Fair Work inspectors to produce employment records relating to employees and former employees.

Acting Fair Work Ombudsman Mark Scully says a decision to prosecute was made because of the significant amount involved and the employer's failure to rectify the matter.

The Fair Work Ombudsman alleges Mr Manning was involved in several breaches of workplace laws. He faces maximum penalties of \$6600 per breach. The Fair Work Ombudsman is also seeking a Court Order that any fine imposed on Mr Manning go towards rectifying the alleged underpayments of the workers.

The case is listed for hearing in the Federal Magistrates Court in Adelaide on December 12.

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.

Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations  
(03) 9954 2561, 0411 430 902  
[ryan.pedler@fwo.gov.au](mailto:ryan.pedler@fwo.gov.au)

## Contact us

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

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

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

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

---

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.