

## Queensland company faces court over alleged underpayment of teenager

27 February 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 is prosecuting a Queensland construction company for allegedly underpaying a teenage employee more than \$8000.

The Agency is prosecuting JDAC Pty Ltd, based at Logan City, south of Brisbane.

Also facing court is JDAC part-owner and sole director David James Hoskins, also of Logan City.

A full-time carpenter employed by JDAC was allegedly underpaid \$8947 between June, 2008 and February, 2009 when he was aged 18 and 19.

It is alleged the underpayments are the result of the employee being paid apprentice rates, despite not being formally registered as an apprentice.

Under workplace law, employers can pay an employee apprentice rates only when the employee and employer have completed an apprenticeship contract and lodged it with the relevant authority to register the apprentice.

JDAC allegedly paid the employee apprentice-rates of \$7.46 to \$7.73 an hour despite not having completed or lodged an apprenticeship contract for him.

It is alleged that because the employee was not registered as an apprentice, he was entitled to be paid more than \$15 an hour.

Fair Work inspectors discovered the alleged underpayments when they investigated a complaint lodged by the employee. Only part of the alleged underpayment has so far been rectified.

Fair Work Ombudsman Nicholas Wilson says the decision to prosecute was made because of the significant amount involved for a young worker.

Mr Hoskins was allegedly involved in JDAC committing one breach of workplace laws. They face maximum penalties of \$6600 and \$33,000 respectively.

The Fair Work Ombudsman is also seeking a Court Order for JDAC to back-pay the employee the amounts still allegedly owed. A hearing is scheduled for May 15 in the Federal Magistrates Court in Brisbane.

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.

Follow the Fair Work Ombudsman on Twitter [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) ([http://twitter.com/fairwork\\_gov\\_au](http://twitter.com/fairwork_gov_au)) or find us on Facebook (<http://www.facebook.com/fairwork.gov.au>).

Media inquiries:

Ryan Pedler, Assistant Director, Media & Stakeholder Relations  
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.