

## Former Perth resort operator fined for underpaying employees

18 May 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 former operators of a resort near Perth have been fined a total of \$23,100 for underpaying three employees.

Matthew Marinko Pavlinovich - who formerly owned and ran the El Caballo Resort at Wundowie, just east of Perth - has been fined \$3850.

Pavlinovich's private company MMP Management Services Pty Ltd, through which he operated the resort, has been fined a further \$19,250.

The fines, imposed in the Federal Magistrates Court in Perth, are the result of a prosecution by the Fair Work Ombudsman.

Federal Magistrate Toni Lucev imposed the fines after Pavlinovich admitted he was centrally involved in underpaying three female employees at the resort a total of \$6533 between January and December, 2009.

The employees - a stable manager, gardener and function manager - were underpaid \$4002, \$2222 and \$309 respectively in wages and annual leave entitlements.

The underpayments were rectified only after inspectors made multiple requests for back-payment over several months.

Pavlinovich was also involved in his company failing to comply with a Fair Work inspector's Notice to Produce employment records, not paying employees frequently enough and failing to comply with laws relating to keeping employment records and issuing pay slips.

"This Court has previously observed that the failure to produce documents is possibly more serious than the failure to pay entitlements because the failure to produce documents prevents the Fair Work Ombudsman from carrying out investigations to determine whether or not an employee has been paid entitlements, minimum or otherwise," Federal Magistrate Lucev said.

Fair Work Ombudsman Nicholas Wilson says the Court's decision illustrates that non-compliance with fundamental workplace laws relating to minimum pay rates and employment records are serious matters.

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

The website has a number of tools and resources, including PayCheck Plus and an Award Finder, to help business-owners calculate the correct pay for employees.

Free documentation available Online includes timesheet and pay slip templates.

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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

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