

## Bendigo restaurant facing Court over alleged failure to rectify underpayments

Wednesday, 7 August 2013

A Bendigo restaurant's alleged failure to comply with a Fair Work Ombudsman demand to back-pay a waitress more than \$5,000 has landed the restaurant operator in court.

The Fair Work Ombudsman has launched legal action against Sona Peaks Pty Ltd, the operator of the Curry Garden Indian Restaurant, at Bendigo, in regional Victoria.

Also facing Court is David Anderson, sole director of the company.

It is alleged that a waitress employed at the Curry Garden Indian Restaurant was underpaid \$5,037 in minimum wages, penalty rates and other entitlements between May and December, 2012.

Fair Work Inspectors discovered the alleged underpayment when they investigated a complaint lodged by the employee.

It is alleged that in May this year, a Fair Work Inspector issued a Compliance Notice to Mr Anderson that required Sona Peaks Pty Ltd to rectify the underpayments within 21 days.

It is alleged that Mr Anderson was involved in the company failing to comply with the Compliance Notice and that no application for a review of the Compliance Notice was made.

Under the Fair Work Act, employers must comply with Compliance Notices issued by Fair Work Inspectors, unless they have a reasonable excuse, or make a court application to challenge the Notice.

Fair Work Ombudsman, Natalie James, said the decision to launch legal action was made because enforcing Compliance Notices was fundamental for maintaining the integrity of Australia's workplace laws.

Mr Anderson was allegedly involved in Sona Peaks Pty Ltd committing one breach of workplace laws.

Mr Anderson faces a maximum penalty of \$5,100 and the company faces a maximum penalty of \$25,500.

The Fair Work Ombudsman is also seeking a Court Order for the company to back-pay the employee in full. A directions hearing is listed in the Federal Circuit Court in Melbourne on August 12.

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

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## Contact us

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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