

## Fines imposed over \$60,000 underpayment of Melbourne worker

6 February 2013

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 Melbourne wholesaler have been fined a total of \$52,800 and ordered to back-pay a worker more than \$60,000.

Melbourne husband-and-wife Guo Hui Liu and Jun Hong Ma, have been fined \$8,448 and \$2,112 respectively and their company, Top Value International Pty Ltd, has been fined a further \$42,240.

The company has also been ordered to fully rectify its \$63,939 underpayment of a worker.

The fines and back-payment orders, imposed by the Federal Magistrates Court in Melbourne, are the result of a prosecution by the Fair Work Ombudsman.

Through their company, Liu and Ma formerly owned and operated a business importing and wholesaling home ware and giftware from a warehouse at Huntingdale.

The couple admitted being responsible for their company underpaying the warehouse employee between November, 2005 and June, 2010.

In her judgment on the case, Federal Magistrate, Norah Hartnett, said Liu and Ma had displayed a disregard for workplace laws in paying the worker an "extremely low" pay rate.

"The purpose of the legislation is to provide a safety net which ensures adequate minimum entitlements to employees, particularly those whom are vulnerable or in low income roles," Federal Magistrate Hartnett said.

"The legislation is also designed to provide an even playing field for all employers with regard to employment costs."

The worker, aged in his 50s, was paid a flat hourly rate of just \$12.50 but was entitled to receive up to \$21 an hour for normal hours and up to \$31 an hour for overtime work.

He was employed on a casual basis to perform duties including packing and organising stock, forklift driving and cleaning.

Fair Work Inspectors discovered the underpayment when they investigated a complaint lodged by the worker. Record-keeping and pay slip laws were also breached.

Fair Work Ombudsman, Nicholas Wilson, said the Court's decision sends a message that failing to comply with minimum pay rates is a serious matter and would not be tolerated.

"Blatant non-compliance with minimum pay rates is not acceptable and such conduct will not be allowed to go unpunished," Mr Wilson said.

Employers and workers seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or call the Fair Work Infoline on 13 13 94. For an interpreter service, call 13 14 50.

EDITOR'S NOTE: Top Value International Pty Ltd sold the wholesaling business after the alleged underpayments occurred. The current owners and operators of the "Top Value" wholesaling business have no connection to any of the matters alleged in this case.

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## 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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