

Appeal decision in Tasmanian resort case

7 June 2013

The Full Court of the Federal Court has upheld some parts of an appeal against a Federal Court judgment relating to legal proceedings previously brought by the Fair Work Ombudsman.

The Federal Court last year made declarations and penalty orders against Maclean Bay Pty Ltd and Wendy Ann Wells in relation to contraventions of workplace laws that occurred at the Diamond Island resort in Tasmania.

The Full Court of the Federal Court has set aside the declarations and penalty orders made against Wells in relation to her alleged involvement in dismissing certain employees for the purpose of engaging them as independent contractors.

The Full Court of the Federal Court dismissed Wells' appeal in relation to the Court's original finding that she was involved in misrepresenting a proposed employment relationship as a proposed independent contractor relationship to a former employee of the resort.

The Full Court of the Federal Court has reduced the total penalty imposed against Wells to \$4620.

Maclean Bay Pty Ltd is now in liquidation and did not participate in the appeal.

The declarations and penalty orders made against Maclean Bay Pty Ltd were not disturbed by the decision of the Full Court of the Federal Court.

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