

## Court action over alleged underpayment of Gold Coast restaurant employees

30 May 2013

The Fair Work Ombudsman has launched legal action against the operators of a Gold Coast restaurant, alleging nine employees were underpaid a total of almost \$20,000.

Facing Court is The Hub@Mermaid Pty Ltd, which trades as The Hub@Varsity, a tapas bar and restaurant located at Varsity Lakes.

Also facing Court is the venue's manager and part-owner, Graham John Bell.

It is alleged that nine employees at the The Hub@Varsity were underpaid a total of \$18,983 between December, 2011 and December, 2012.

The employees were variously engaged as kitchen hands, cooks and waiters, and included one worker aged 19 to 20 at the time.

It is alleged that the employees were underpaid their minimum hourly rates and casual loadings, as well as penalty rates for weekend work, public holiday work and work performed between 10 pm and 7 am. The alleged underpayments of individual employees range from \$201 to \$6,027.

It is also alleged Notices to Produce employment records and a Compliance Notice requiring The Hub@Mermaid to back-pay employees were not complied with.

Under the Fair Work Act, employers must comply with requests from Fair Work inspectors to provide records relating to employees and former employees.

Employers must also comply with Compliance Notices issued by Fair Work inspectors or make a Court application for a review of the Compliance Notice if they are seeking to challenge it.

Breaches of pay slip laws are also alleged.

Acting Fair Work Ombudsman, Michael Campbell, said the significant amount involved and the failure to rectify the alleged underpayments were significant factors in the decision to commence legal action.

Mr Bell was allegedly involved in The Hub@Mermaid committing multiple breaches of workplace laws. He faces penalties of up to \$6,600 per breach and the company faces penalties of up to \$33,000 per breach. A directions hearing is listed in the Federal Circuit Court in Brisbane on June 3.

Employers and 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.

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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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