

Company faces court for alleged failure to co-operate with sham contracting investigation

3 November 2014

A security business breached workplace laws by failing to co-operate with inspectors investigating sham contracting allegations relating to Queensland workers, the Fair Work Ombudsman alleges.

Facing Court is Victorian-based company Bona Group Pty Ltd, trading as Auslink Protective Services.

After a security worker lodged a complaint, the Fair Work Ombudsman commenced an investigation into possible sham contracting activity relating to a number of workers at Queensland locations including a Gold Coast light rail site.

After attempts to secure voluntary co-operation from Auslink Protective Services were unsuccessful, the Fair Work Ombudsman issued the business with a Notice to Produce documents in April, requiring documents to be provided within 17 days.

The company allegedly did not respond to either the Notice to Produce or a follow-up letter sent in May.

Under the Fair Work Act, business operators must comply with Notices to Produce issued by Fair Work inspectors or make a court application for a review if they are seeking to challenge a Notice.

“Our inspectors made repeated efforts to engage with this business operator to try to obtain the documents required for our investigation, but were not able to secure sufficient co-operation,” Fair Work Ombudsman Natalie James says.

The company faces a penalty of up to \$51,000 – and in addition, the Fair Work Ombudsman is seeking a Court Order for the company to comply with the Notice to Produce so its investigation can continue.

Ms James says the proceedings are necessary because enforcing compliance with Notices to Produce is fundamental for maintaining the integrity of Australia’s workplace laws and enabling inspectors to conduct thorough investigations.

A directions hearing is listed for the matter in the Federal Circuit Court in Brisbane on November 10.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94. A free interpreter service is available by calling 13 14 50.

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