

No Land Tax Party faces legal action

11 August 2015

The Fair Work Ombudsman has commenced legal action against No Land Tax Campaign Inc. - better known as the No Land Tax Party - and its leader Peter Jones.

The Fair Work Ombudsman has received almost 1000 requests for assistance from workers claiming they have not been paid wages promised to them for handing out how-to-vote cards for the No Land Tax Party (NLTP) in NSW in March.

The NLTP and Mr Jones allegedly promised to pay workers \$30 an hour to hand out how-to-vote cards on NSW state election day, but paid them nothing.

Fair Work Ombudsman Natalie James says the Agency's number one priority was to try to ensure the many people who worked for the NLTP received their full entitlements.

"We made every effort to resolve this matter with Mr Jones without the need for legal action, but unfortunately his lack of co-operation made that impossible," she said.

Mr Jones did not rectify the alleged underpayments and allegedly failed to comply with a Notice to Produce records.

He also declined to participate in a record of interview with Fair Work inspectors.

Ms James says an ongoing lack of co-operation left the Agency with no option but to commence legal proceedings.

The matter will be heard in the Federal Circuit Court in Sydney.

It is possible that up to 3600 workers may be affected.

Court documents allege the NLTP mailed flyers to homes around NSW earlier this year seeking "outgoing and enthusiastic" people to hand out how-to-vote cards from 7am to 6pm on NSW election day, March 28.

The flyer allegedly stated: "Your base pay is \$30 an hour – you will get paid this regardless of what vote your local candidate obtains ..."

Additional bonuses up to \$500 were also allegedly offered if candidates polled well.

After workers registered online, they were allegedly deployed to various polling booths around NSW where the NLTP fielded candidates, and generally worked shifts of between nine and 10 hours.

The Fair Work Ombudsman is seeking penalties against Mr Jones and the NLTP in relation to four alleged contraventions of the Fair Work Act.

Mr Jones faces maximum potential penalties of between \$5100 and \$10,200 per contravention and the NLTP faces maximum penalties between \$25,500 and \$51,000 per contravention.

Further, the Fair Work Ombudsman is seeking injunctions restraining both the NLTP and Mr Jones from underpaying any workers in the future.

If the Fair Work Ombudsman is successful with the injunction, Mr Jones and the NLTP could potentially face contempt of court proceedings for any further underpayments proven in Court.

For practical reasons, the Fair Work Ombudsman is only able to commence legal proceedings in relation to a small number of workers.

It is not clear if the NLTP has sufficient assets to enable any back-payment orders secured in Court to be effectively enforced.

"However, it is important we send a message to the community that failing to pay workers for work performed is very serious conduct that will not be allowed to go unpunished," Ms James concluded.

The Fair Work Ombudsman has taken legal action in relation to 21 workers – including teenagers, one as young as 14 - who were allegedly not paid a total of \$6155 they were entitled to for handing out how-to-vote cards.

The Agency has requested Court Orders requiring the NLTP to back-pay the 21 named workers and provide a report to the Fair

Work Ombudsman listing the names and hours worked by all other workers engaged on election day.

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

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