

\$15,000 fine for Darwin businessman who paid French backpackers less than \$5 an hour

24 November 2015

The operator of a Darwin painting business has been fined \$15,000 for deliberately exploiting four young overseas workers and refusing to back-pay them thousands of dollars in unpaid wages.

The Federal Circuit Court has imposed the penalty against Scott Aeron Davenport, whose business trades as Scott's Painting Service.

It is the second time this month that the Court has fined a Darwin business for exploiting overseas workers in Australia on 417 working holiday visas.

On November 11, the Fair Work Ombudsman announced that the former owner-operators of the Java Spice Café Emporium on Mitchell St, husband-and-wife Peter and Moya Buckley, had been fined a total of \$73,000 for underpaying two Taiwanese backpackers.

- Read the media release: [Court imposes hefty penalty to deter employers from exploiting overseas backpackers \(www.fair-work.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/november-2015/20151111-java-spice-penalty\)](http://www.fair-work.gov.au/about-us/news-and-media-releases/archived-media-releases/2015-media-releases/november-2015/20151111-java-spice-penalty)

The Fair Work Ombudsman took legal action against Davenport for underpaying four French backpackers a total of \$5940.

Aged between 21 and 25, they performed painting and labouring duties at a local college in December, 2013 and January, 2014.

Davenport paid three of the workers just \$450 for 13 days' work, which equated to hourly rates of between \$4.62 and \$4.71.

A fourth worker was paid \$300 for five days' work – an effective hourly rate of \$11.54.

Under the Building and Construction General On-Site Award, the workers were entitled to more than \$22 an hour for normal hours and over \$38 an hour for weekend work.

Individual underpayments ranged from \$451 to \$1889.

The Fair Work Ombudsman investigated the matter after the backpackers requested assistance from the Agency.

Legal proceedings were initiated after Davenport refused to co-operate with Fair Work inspectors and failed to respond to a Notice to Produce employment documents.

A Court Order earlier this year requiring Davenport to back-pay the workers in full has not been complied with.

Fair Work Ombudsman Natalie James says a minority of rogue employers need to get the message that exploitation of overseas workers is unlawful and unacceptable conduct.

The Fair Work Ombudsman is currently conducting a national review of the wages and conditions of overseas workers in Australia on the 417 working holiday visa.

The Director of the Fair Work Ombudsman's Overseas Workers' Team, Ms Carey Trundle, has met with key stakeholders in Darwin and Alice Springs as part of the review to gain local intelligence.

Formal allegations of non-compliance from overseas workers have increased steadily in recent years to more than 2100 last financial year.

Of these, 930 related to subclass 417 working holiday visas, 315 to 457 temporary skilled work visa-holders and 181 to international students.

Allegations received from overseas workers were highest in Queensland (28 per cent); NSW (25 per cent) and Victoria (22 per cent).

A total of \$1.6 million was recovered for visa-holders in 2014-15, up from \$1.1 million the previous financial year.

Employers and employees seeking assistance can visit www.fairwork.gov.au or contact the Fair Work Infoline on 13 13 94.

Information to assist people from culturally and linguistically diverse backgrounds has been translated into 27 languages.

Overseas workers can call 13 14 50 if they need interpreter services.

The Fair Work Ombudsman has fact sheets tailored to overseas workers and international students on its website.

The Agency has also produced videos in 14 languages and posted them on YouTube to assist overseas workers understand their workplace rights in Australia.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) (http://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork_gov_au](https://twitter.com/fairwork_gov_au) (http://twitter.com/fairwork_gov_au) or find us on Facebook www.facebook.com/fairwork.gov.au (http://www.facebook.com/fairwork.gov.au) .

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Contact us

Fair Work Online: 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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