

2006 - 2007 litigation outcomes

Fourth quarter, April 2007 - June 2007

Employer: W & K Crust Pty Ltd

Date of judgement: 25 June 2007

Court: Federal Magistrates' Court Queensland

Judge: Federal Magistrate Jarrett

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$7,208.12

Penalty: \$16,500.00

Decision: [Martin v W&K Crust Pty Ltd \(PDF 251.2KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Martin-v-WandK-Crust-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Martin-v-WandK-Crust-Pty-Ltd.pdf.aspx)

Employer: ACN 090 444 518 Pty Ltd t/as Granada Tavern & Michael David Hibberd & Jocelyn Maree Berechree

Date of judgement: 19 June 2007

Court: Federal Magistrates' Court Victoria

Judge: Federal Magistrate Burchardt

Nature of Proceedings: Duress

Amount of Underpayment (if any): NA

Penalty: \$31,680

Decision: [Smith v Granada Tavern \(PDF 1.9MB\) \(www.fairwork.gov.au/ArticleDocuments/753/Smith-v-Granada-Tavern.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Smith-v-Granada-Tavern.pdf.aspx)
[Smith v Granada Tavern and Ors \(no.3\) Penalty Decision \(PDF 389.3KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Smith-v-Granada-Tavern-and-Ors-no.3-Penalty-Decision.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Smith-v-Granada-Tavern-and-Ors-no.3-Penalty-Decision.pdf.aspx)

Employer: Amanda Mary MacFarlane & Lindsay Kenneth MacFarlane t/as MacFarlane Bricklayers

Date of judgement: 13 June 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Chambers

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$6,696.00

Penalty: \$11,000.00

Decision: [Shacklock v Amanda Mary MacFarlane & Lindsay Kenneth MacFarlane \(PDF 1.4MB\) \(www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Amanda-Mary-MacFarlane-and-Lindsay-Kenneth-MacFarlane.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Amanda-Mary-MacFarlane-and-Lindsay-Kenneth-MacFarlane.pdf.aspx)

Employer: Bennett & Jouning Pty Ltd

Date of judgement: 31 May 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages and conditions

Amount of Underpayment (if any): \$2,075.00

Penalty: \$2,075.00

Decision: [Bradford v Bennett & Jouning Pty Ltd \(PDF 83.8KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Bradford-v-Bennett-and-Jouning-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Bradford-v-Bennett-and-Jouning-Pty-Ltd.pdf.aspx)

Employer: Quick Step Pty Ltd

Date of judgement: 18 May 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Chambers

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$3,353.47

Penalty: \$12,000

Decision: [Shacklock v Quick Step Pty Ltd \(PDF 930.3KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Quick-Step-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Quick-Step-Pty-Ltd.pdf.aspx)

[Ltd.pdf.aspx](#))

Employer: Andrew Robert Hill & May Johanna Elizabeth Hill t/as Taradale Plumbing

Date of judgement: 2 May 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$2,390.58

Penalty: \$2,500

Decision: [Andrew Robert Hill & May Johanna Elizabeth Hill tas Taradale Plumbing \(PDF 80.5KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Andrew-Robert-Hill-and-May-Johanna-Elizabeth-Hill-tas-Taradale-Plumbing.pdf.aspx\)](#)

Employer: Lidiva Pty Ltd t/as Sheldon Reception & Convention Centre

Date of judgement: 2 May 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$1,420.23

Penalty: \$13,200

Decision: [Lidiva Pty Ltd tas Sheldon Reception & Convention Centre \(PDF 44.7KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Lidiva-Pty-Ltd-tas-Sheldon-Reception-and-Convention-Centre.pdf.aspx\)](#)

Employer: Australian Ophthalmic Supplies Pty Ltd t/a Merringtons

Date of judgement: 20 April 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$17,564.86

Penalty: \$88,000

Decision: [McAlary-Smith v Australian Ophthalmic Supplies Pty Ltd 19 April 2007 \(PDF 441.3KB\) \(www.fairwork.gov.au/ArticleDocuments/753/McAlary-Smith-v-Australian-Ophthalmic-Supplies-Pty-Ltd-19-April-2007.pdf.aspx\)](#)

Employer: Big Chip Pty Ltd

Date of judgement: 18 April 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$3,448.52

Penalty: \$2,500.00

Decision: [Kovacevic v Big Chip Pty Ltd \(PDF 93.2KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Kovacevic-v-Big-Chip-Pty-Ltd.pdf.aspx\)](#)

Employer: ACN 002 254 057 formerly t/as Robert N Hendrey & Associates

Date of judgement: 3 April 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages & Conditions

Amount of Underpayment (if any): \$4,314.19

Penalty: \$7,500

Decision: [Kovacevic v ACN 002 254 057 formerly t/as Robert N Hendrey & Associates \(PDF 192.5KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Kovacevic-v-ACN-002-254-057-formerly-tas-Robert-N-Hendrey-and-Associates.pdf.aspx\)](#)

Third quarter, January 2007 - March 2007

Employer: Kevin Neil Kingsley t/as Wood & Things

Date of judgement: 15 March 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Chambers

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$7,462.56

Penalty: \$5,260

Decision: [Kovacevic v Kevin Kingsley t/as Wood & Things \(PDF 336.4KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Kovacevic-v-Kevin-Kingsley-tas-Wood-and-Things.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Kovacevic-v-Kevin-Kingsley-tas-Wood-and-Things.pdf.aspx)

Employer: Project Aircon

Date of judgement: 1 March 2007

Court: Chief Industrial Magistrates' Court New South Wales

Judge: Magistrate Hart

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$2,162.28

Penalty: \$12,000

Decision: [Polgar v Project Aircon Pty Ltd \(PDF 234KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Polgar-v-Project-Aircon-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Polgar-v-Project-Aircon-Pty-Ltd.pdf.aspx)

Employer: AC & MS Services Pty Ltd

Date of judgement: 22 February 2007

Court: Federal Magistrates' Court South Australia

Judge: Federal Magistrate Raphael

Nature of Proceedings: Agreement making

Amount of Underpayment (if any): n/a

Penalty: n/a

Decision: [Conolly v AC & MS Services ☞ \(http://www.austlii.edu.au/au/cases/cth/FMCA/2007/139.html\)](http://www.austlii.edu.au/au/cases/cth/FMCA/2007/139.html)

Employer: Artistcare (Victoria) Pty Ltd

Date of judgement: 21 February 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$3611.55

Penalty: \$33,000

Decision: [Shacklock v Artistcare \(Victoria\) Pty Ltd \(PDF 218.5KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Artistcare-Victoria-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Artistcare-Victoria-Pty-Ltd.pdf.aspx)

Employer: Glenridge Pty Ltd

Date of judgement: 21 February 2007

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Underpayment

Amount of Underpayment (if any): \$7,339.07

Penalty: \$2,000

Decision: [Kovacevic v Glenridge Pty Ltd \(PDF 82.7KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Kovacevic-v-Glenridge-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Kovacevic-v-Glenridge-Pty-Ltd.pdf.aspx)

Employer: Pow Juice Pty Ltd

Date of judgement: 16 February 2007

Court: Federal Magistrates' Court of Australia Sydney

Judge: Federal Magistrate Lloyd-Jones

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$5,019

Penalty: \$49,500

Decision: [Cotis v Pow Juice Pty Ltd ☞ \(http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/FMCA/2007/140.html?query=POW%20juices\)](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/FMCA/2007/140.html?query=POW%20juices)

Employer: Brochure Flow (Australia) Pty Ltd

Date of judgement: 14 February 2007

Court: Magistrates' Court Victoria - Industrial Division

Judge: Magistrate Hawkins

Nature of Proceedings: Underpayment

Amount of Underpayment (if any): \$5,528.65

Penalty: \$33,000

Decision: [Shacklock v Brochure Flow \(Australia\) Pty Ltd \(PDF 226.2KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Brochure-Flow-Australia-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Brochure-Flow-Australia-Pty-Ltd.pdf.aspx)

Employer: The Italian Eatery t/a Zefferelli's Pizza Restaurant

Date of judgement: 2 February 2007

Court: Federal Magistrates Court ACT

Judge: Federal Magistrate Mowbray

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$5,052.17

Penalty: \$50,000

Decision: [Flattery v The Italian Eatery t/as Zefferelli's Pizza Restaurant ☞ \(http://www.austlii.edu.au/au/cases/cth/FMCA/2007/9.html\)](http://www.austlii.edu.au/au/cases/cth/FMCA/2007/9.html)

Employer: Harrington Corporation Pty Ltd t/a Pangaea Restaurant & Bar

Date of judgement: 16 January 2007

Court: Federal Magistrates' Court ACT

Judge: Federal Magistrate Mowbray

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$3,816.33

Penalty: \$64,000

Decision: [Mason v Harrington Corporation Pty Ltd t/a Pangaea Restaurant & Bar ☞ \(http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/FMCA/2007/7.html?query=pangaea\)](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/FMCA/2007/7.html?query=pangaea)

Employer: Snowline Management t/as Snowline Hotel

Date of judgement: 14 December 2006

Court: Magistrates' Court Victoria - Industrial Division

Judge: Magistrate Chambers

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$3,375.61

Penalty: \$5,000

Decision: [Shacklock v Snowline Management Pty Ltd t/as Snowline Hotel \(PDF 697.1KB\) \(www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Snowline-Management-Pty-Ltd-tas-Snowline-Hotel.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/753/Shacklock-v-Snowline-Management-Pty-Ltd-tas-Snowline-Hotel.pdf.aspx)

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