

2008 - 2009 litigation outcomes

Fourth quarter, April 2009 - May 2009

Employer: Penang Kayu Nasi Kandar Pty Ltd and Poh Meng Hong

Date of judgement: 13 May 2009

Court: Magistrates' Court of Victoria, Melbourne

Judge: Magistrate Hawkins

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any) : \$81,775.00

Penalty: \$183,400.00

Decision: [Iser v Penang Kayu Nasi Kandar Pty Ltd and Poh Meng Hong \(PDF 105KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Iser-v-Penang-Kayu-Nasi-Kandar-Pty-Ltd-Decision.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Iser-v-Penang-Kayu-Nasi-Kandar-Pty-Ltd-Decision.pdf.aspx)

Employer: TKM Investments Pty Ltd and Grania Kathleen Loone

Date of judgement: 17 April 2009

Court: Federal Magistrates' Court, Melbourne

Judge: Federal Magistrate O'Sullivan

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$41,618.76

Penalty: \$241,560.00

Decision: [Klousia v TKM Investments Pty Ltd and Grania Kathleen Loone \(PDF 1.6MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Klousia-v-TKM-Investments-Pty-Ltd-and-Grania-Kathleen-Loone.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Klousia-v-TKM-Investments-Pty-Ltd-and-Grania-Kathleen-Loone.pdf.aspx)

Third quarter, January - March 2009

Employer: Timryl Pty Ltd T/AS Universal Bakery

Date of judgement: 24 March 2009

Court: Melbourne Magistrates Court

Judge: Magistrate AJ Chambers

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$12,023.00

Penalty: \$16,500.00

Decision: [Dwelly v Timryl Pty Ltd \(PDF 698.6KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Dwelly-v-Timryl-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Dwelly-v-Timryl-Pty-Ltd.pdf.aspx)

Employer: Personal Hire Pty Ltd t/as Workforce Extensions and Samson Ensilla Fangaloka

Date of judgement: 20 March 2009

Court: Federal Magistrates' Court, Brisbane

Judge: Federal Magistrate Wilson

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$3,190.55

Penalty: \$42,900.00

Decision: [Lawlor v Personal Hire Pty Ltd T/AS Workforce Extensions and Samson Ensilla Fangaloka \(PDF 1.2MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Lawlor-v-Personal-Hire-Pty-Ltd-TAS-Workforce-Extensions-and-Samson-Ensilla-Fangaloka.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Lawlor-v-Personal-Hire-Pty-Ltd-TAS-Workforce-Extensions-and-Samson-Ensilla-Fangaloka.pdf.aspx)

Employer: Fresho Foods Pty Ltd

Date of judgement: 13 March 2009

Court: Federal Magistrates' Court of Australia, Brisbane

Judge: Federal Magistrate Wilson

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$13,510.27

Penalty: \$80,200.00

Decision: [Martin v Fresho Foods Pty Ltd \(PDF 2.1MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Martin-v-Fresho-Foods-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Martin-v-Fresho-Foods-Pty-Ltd.pdf.aspx)

Employer: Pareker Engineering Corporation (Australia) Pty Ltd and Ferhan Parker

Date of judgement: 18 February 2009

Court: Melbourne Magistrates' Court.

Judge: Magistrate Chambers

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$14,167.37

Penalty: \$60,000.00

Decision: [Kovacevic v Pareker Engineering Corporation \(Australia\) Pty Ltd and Ferhan Parker \(PDF 476.2KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Kovacevic-v-Pareker-Engineering-Corporation-Australia-Pty-Ltd-and-Ferhan-Parker.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Kovacevic-v-Pareker-Engineering-Corporation-Australia-Pty-Ltd-and-Ferhan-Parker.pdf.aspx)

Employer: Saya Cleaning Pty Ltd and Anor

Date of judgement: 29 January 2009

Court: Federal Magistrates' Court of Australia, Adelaide

Judge: Federal Magistrate Simpson

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$3842.60

Penalty: \$288,000.00

Decision: [Workplace Ombudsman v Saya Cleaning Pty Ltd \(PDF 1.8MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Workplace-Ombudsman-v-Saya-Cleaning-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Workplace-Ombudsman-v-Saya-Cleaning-Pty-Ltd.pdf.aspx)

Second quarter, October 2008 - December 2008

Employer: Global GTO Pty Ltd and John Slavic

Date of judgement: 19 December 2008

Court: Chief Industrial Magistrates' Court NSW

Judge: Chief Industrial Magistrate Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$21,986.09

Penalty: \$39,936.00

Decision: [Thio v Global GTO Pty Ltd and John Slavic \(PDF 2.5MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Thio-v-Global-GTO-Pty-Ltd-and-John-Slavic.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Thio-v-Global-GTO-Pty-Ltd-and-John-Slavic.pdf.aspx)

Employer: Zinifex Australia Limited

Date of judgement: 5 December 2008

Court: Federal Court of Australia

Judge: Justice Heerey

Nature of Proceedings: Agreement making

Amount of Underpayment (if any): n/a

Penalty: \$15,000.00

Decision: [Smith v Zinifex Australia Limited No 2 \(PDF 340.8KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Smith-v-Zinifex-Australia-Limited-No-2.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Smith-v-Zinifex-Australia-Limited-No-2.pdf.aspx)

Employer: Planet Floorcoverings Pty Ltd

Date of judgement: 06 November 2008

Court: Chief Industrial Magistrates' Court NSW

Judge: Chief Industrial Magistrate Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$83,795.50

Penalty: \$22,900.00

Decision: No decision available

Employer: Neophone Pty Ltd and Trousov

Date of judgement: 14 October 2008

Court: Chief Industrial Magistrates' Court New South Wales

Judge: Magistrate GJT Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$ 9584.48

Penalty: \$11,200.00

Decision: [Liu v Neophone Pty Ltd and Troussov \(PDF 44KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Liu-v-Neophone-Pty-Ltd-and-Troussov.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Liu-v-Neophone-Pty-Ltd-and-Troussov.pdf.aspx)

First quarter, July 2008 - September 2008

Employer: KNL Group Pty Ltd & Kenneth Lui

Date of judgement: 23 September 2008

Court: Federal Magistrates' Court of Australia

Judge: Federal Magistrate Burchardt

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$8,940.87

Penalty: \$30,000.00

Decision: [Byrne v KNL Group Pty Ltd & Anor \(PDF 370.8KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Byrne-v-KNL-Group-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Byrne-v-KNL-Group-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Tristar Steering and Suspension Australia Ltd

Date of judgement: 13 August 2008

Court: Federal Court of Australia (NSW)

Judge: Gyles J

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): n/a

Penalty: n/a

Decision: [Unsworth v Tristar Steering and Suspension Australia Ltd \(PDF 381.9KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Unsworth-v-Tristar-Steering-and-Suspension-Australia-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Unsworth-v-Tristar-Steering-and-Suspension-Australia-Ltd.pdf.aspx)

Employer: RWH Parcel Delivery Pty Ltd and Anor

Date of judgement: 12 August 2008

Court: Federal Magistrates' Court, Brisbane

Judge: Federal Magistrate Cassidy

Nature of Proceedings: Wages and conditions

Amount of Underpayment (if any): \$27,496.00

Penalty: \$30,000.00

Decision: [Jones vs RWH Parcel Delivery Pty Ltd & Anor \(PDF 367.4KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Jones-vs-RWH-Parcel-Delivery-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Jones-vs-RWH-Parcel-Delivery-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Healthcare Recruiting Australia Pty Ltd & Anor

Date of judgement: 8 August 2008

Court: Federal Magistrates' Court of Australia (NSW)

Judge: Federal Magistrate Smith

Nature of Proceedings: Wages and conditions

Amount of Underpayment (if any): \$15,811.00

Penalty: \$48,000.00

Decision: [Armstrong v Healthcare Recruiting Australia Pty Ltd & Anor \(PDF 2.6MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Armstrong-v-Healthcare-Recruiting-Australia-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Armstrong-v-Healthcare-Recruiting-Australia-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Sweets for You Pty Ltd & Anor

Date of judgement: 05 August 2008

Court: Federal Magistrates' Court, Victoria

Judge: Federal Magistrate Burchardt

Nature of Proceedings: Agreement making / Negotiation / Duress

Amount of Underpayment (if any): n/a

Penalty: \$12,000.00

Decision: [Brobbel v Sweets for You Pty Ltd \(PDF 219.7KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Brobbel-v-Sweets-for-You-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Brobbel-v-Sweets-for-You-Pty-Ltd.pdf.aspx)

Employer: Gregory Prescott and Michael Hibberd

Date of judgement: 04 August 2008

Court: Federal Magistrates' Court, Victoria

Judge: Federal Magistrate O'Sullivan

Nature of Proceedings: Wages and conditions

Amount of Underpayment (if any): \$38,333.00

Penalty: \$9,600.00

Decision: [Dennington v Gregory Prescott & Anor \(PDF 301.1KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Dennington-v-Gregory-Prescott-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Dennington-v-Gregory-Prescott-and-Anor.pdf.aspx)

Employer: Murray Clarke Enterprises Pty Ltd & Anor

Date of judgement: 31 July 2008

Court: Federal Magistrates' Court, New South Wales

Judge: Federal Magistrate Barnes

Nature of Proceedings: Wages and conditions

Amount of Underpayment (if any): n/a

Penalty: \$22,000.00

Decision: [Longmire v Murray Clarke Pty Ltd & Anor \(PDF 2.1MB\) \(www.fairwork.gov.au/ArticleDocuments/755/Longmire-v-Murray-Clarke-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Longmire-v-Murray-Clarke-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Sharx Fish & Chips

Date of judgement: 23 July 2008

Court: Magistrates' Court Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages and conditions

Amount of Underpayment (if any): \$1,482.46

Penalty: \$17,000.00

Decision: [Inspector Iser v Con Papageorgiou - Sharx Fish and Chips \(PDF 43KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Inspector-Iser-v-Con-Papageorgiou-Sharx-Fish-and-Chips.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Inspector-Iser-v-Con-Papageorgiou-Sharx-Fish-and-Chips.pdf.aspx)

Employer: Locarno Management Pty Ltd & Anor

Date of judgement: 15 July 2008

Court: Federal Court Victoria

Judge: Jessup J

Nature of Proceedings: Duress

Amount of Underpayment (if any): n/a

Penalty: \$3,300.00

Decision: [Wells v Locarno Management Pty Ltd & Anor \(PDF 447.6KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Wells-v-Locarno-Management-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Wells-v-Locarno-Management-Pty-Ltd-and-Anor.pdf.aspx)

Employer: A-Mart All Sports Pty Ltd

Date of judgement: 8 July 2008

Court: Federal Magistrates' Court, Tasmania

Judge: Federal Magistrate Burchardt

Nature of Proceedings: Wages & conditions

Amount of Underpayment (if any): \$41,235.50

Penalty: \$52,800.00

Decision: [Smith v A-Mart All Sports Pty Ltd \(PDF 427.4KB\) \(www.fairwork.gov.au/ArticleDocuments/755/Smith-v-A-Mart-All-Sports-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/755/Smith-v-A-Mart-All-Sports-Pty-Ltd.pdf.aspx)

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

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.