

2009 - 2010 litigation outcomes

Fourth quarter, April 2010 - June 2010

Employer: Adamsleigh Pty Ltd (In Liquidation)

Date of judgement: 25 June 2010
Court: Magistrates' Court of Victoria
Judge: Magistrate Holzer
Nature of Proceedings: Wages and conditions
Amount of Underpayment (if any): \$7,975.63
Penalty: \$3,960.00
Decision: No decision available.

Employer: Ringinn Pty Ltd and sole director Gregory Walter Ring

Date of judgement: 25 June 2010
Court: Magistrates' Court of Victoria
Judge: Magistrate Holzer
Nature of Proceedings: Wages and conditions
Amount of Underpayment (if any): \$29,977.37
Penalty: \$21,000.00 (Ringinn Pty Ltd), \$4000.00 (Gregory Walter Ring)
Decision: No decision available.

Employer: Erick Berges

Date of judgement: 17 June 2010
Court: Federal Magistrates' Court, Brisbane
Judge: Federal Magistrate Burnett
Nature of Proceedings: Wages and conditions
Amount of Underpayment (if any): \$14,866.31
Penalty: \$19,800.00
Decision: [Fair Work Ombudsman v Erick Berges \(PDF 863.1KB\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Berges.pdf.aspx) (www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Berges.pdf.aspx)

Employer: Essendene Security Pty Ltd & John Richard Ryan

Date of judgement: 11 June 2010
Court: Federal Magistrates' Court, Sydney
Judge: Federal Magistrate Smith
Nature of Proceedings: Fairness Test
Amount of Underpayment (if any): N/A
Penalty: \$6000.00 (Essendene Security Pty Ltd)
\$800.00 (John Richard Ryan)
Decision: [Fair Work Ombudsman v Essendene Security Pty Ltd & Anor \(PDF 855.7KB\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Essendene-Security-Pty-Ltd-Anor.pdf.aspx) (www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Essendene-Security-Pty-Ltd-Anor.pdf.aspx)

Employer: Sanada Investments Pty Ltd

Date of judgement: 9 June 2010
Court: Federal Magistrates' Court, Brisbane
Judge: Federal Magistrate Jarrett
Nature of Proceedings: Wages and conditions
Amount of Underpayment (if any): \$119,760.92
Penalty: \$33,600.00
Decision: [Fair Work Ombudsman v Sanada Investments Pty Ltd \(PDF 826.8KB\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Sanada-Investments-Pty-Ltd.pdf.aspx) (www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Sanada-Investments-Pty-Ltd.pdf.aspx)

Employer: Maleha Newaz Pty Ltd and Saba Ahammad

Date of judgement: 27 May 2010
Court: Federal Magistrates' Court, Brisbane
Judge: Federal Magistrate Burnett
Nature of Proceedings: Freedom of Association
Amount of Underpayment (if any): N/A
Penalty: \$13,000.00 (Maleha Newaz Pty Ltd), \$2,700.00 (Saba Ahammad)
Decision: [Fair Work Ombudsman v Maleha Newaz Pty Ltd and Saba Ahammad Anor penalty submissions \(PDF 1MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Maleha-Newaz-Pty-Ltd-Saba-Ahammad-Anor-penalty-submissions.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Maleha-Newaz-Pty-Ltd-Saba-Ahammad-Anor-penalty-submissions.pdf.aspx)

Employer: G.O. Plumbing Pty Ltd & Glenn Oag

Date of judgement: 21 May 2010
Court: Chief Industrial Magistrates' Court, Sydney
Judge: Chief Industrial Magistrate Hart
Nature of Proceedings: Wages and conditions
Amount of Underpayment (if any): \$7,551.68
Penalty: \$3,200.00
Decision: Awaiting written decision.

Employer: Kenneth Geoffry Chiswell

Date of judgement: 7 May 2010
Court: Magistrates' Court of Victoria
Judge: Magistrate Holzer
Nature of Proceedings: Wages and conditions
Amount of Underpayment (if any): \$123,035.74
Penalty: \$10,560.00
Decision: Awaiting written decision.

Employer: Honest & Frank Pty Ltd and Paul Hyun

Date of judgement: 29 April 2010
Court: Industrial Relations Court, SA
Judge: Industrial Magistrate Liescke
Nature of Proceedings: Time and Wages Records
Amount of Underpayment (if any): N/A
Penalty: \$29,452.00 (Honest & Frank Pty Ltd)
\$5,890.00 (Paul Hyun)
Decision: [Fair Work Ombudsman v Honest and Frank Pty Ltd & Anor \(PDF 474.1KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Honest-and-Frank-Pty-Ltd-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Honest-and-Frank-Pty-Ltd-Anor.pdf.aspx)

Employer: Oggy Pty Ltd t/as Gloria Jeans Revesby Pty Ltd

Date of judgement: 28 April 2010
Court: Federal Magistrates' Court New South Wales
Judge: Federal Magistrate Lloyd-Jones
Nature of Proceedings: Agreement making / Negotiation / Duress
Amount of Underpayment (if any): N/A
Penalty: \$84,150.00 (Oggy Pty Ltd), \$5,940.00 (Robert Ognenovski), \$5,940.00 (Silvana Ognenovski)
Decision: [Cotis v Oggy Pty Ltd t/as Gloria Jeans Revesby & Anor \(PDF 502.6KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Cotis-v-Oggy-Pty-Ltd-t-as-Gloria-Jeans-Revesby-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Cotis-v-Oggy-Pty-Ltd-t-as-Gloria-Jeans-Revesby-Anor.pdf.aspx)
[Cotis v Oggy Pty Ltd t/as Gloria Jeans Revesby & Anor liability decision \(PDF 1MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Cotis-v-Oggy-Pty-Ltd-tas-Gloria-Jeans-Revesby-Anor-liability-decision.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Cotis-v-Oggy-Pty-Ltd-tas-Gloria-Jeans-Revesby-Anor-liability-decision.pdf.aspx)

Employer: Pride Paints Pty Ltd and Eberhard Peppler

Date of judgement: 13 April 2010
Court: Magistrates' Court, Victoria
Judge: Deputy Chief Magistrate Lauritsen
Nature of Proceedings: Wages and Conditions
Amount of Underpayment (if any): \$25,524.45
Penalty: \$66,000 (Pride Paints Pty Ltd), \$6,600 (Eberhard Peppler)
Decision: [Fair Work Ombudsman v Pride Paints Pty Ltd & Eberhard Peppler \(PDF 3.6MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Pride-Paints-Pty-Ltd-and-Eberhard-Peppler.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Pride-Paints-Pty-Ltd-and-Eberhard-Peppler.pdf.aspx)

Employer: Security Protection Services Pty Ltd and Mr Neil Stewart Ruut and Cindy Michelle Ruut

Date of judgement: 13 April 2010

Court: Federal Magistrates' Court, Hobart

Judge: Federal Magistrate Turner

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$170,599.78

Penalty: \$136,900.00 (Cindy Ruut and Neil Ruut)

Decision: [Fair Work Ombudsman v Security Protection Services Pty Ltd & Ors \(PDF 1.2MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Security-Protections-Services-Pty-Ltd-Ors.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Security-Protections-Services-Pty-Ltd-Ors.pdf.aspx)

Employer: Datasend Pty Ltd & Phillip Gray & Graham Berry

Date of judgement: 9 April 2010

Court: Federal Court, Victoria

Judge: Justice North

Nature of Proceedings: FOA - Employee

Amount of Underpayment (if any): N/A

Penalty: \$25,000.00 (Datasend Pty Ltd), \$4,000.00 (Philip Gray), \$6,000.00 (Graham Berry)

Decision: [Fair Work Ombudsman v Datasend Pty Ltd & Phillip Gray & Graham Berry Order \(PDF 36.3KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Datasend-Pty-Ltd-and-Philip%20Gray-Graham-and-Berry-Order.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Datasend-Pty-Ltd-and-Philip%20Gray-Graham-and-Berry-Order.pdf.aspx)

Employer: Baker Group Management Pty Ltd t/as Angelucci's Restaurant and Bar

Date of judgement: 1 April 2010

Court: Magistrates' Court of Victoria

Judge: Deputy Chief Magistrate Lauritsen

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): N/A

Penalty: \$7,000.00 (Baker Management Pty Ltd), \$3,000.00 (Sam Baker)

Decision: Awaiting written decision.

Employer: BW Metcalfe Pty Ltd

Date of judgement: 1 April 2010

Court: Federal Magistrates' Court, Brisbane

Judge: Federal Magistrate Burnett

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$9,821.41

Penalty: \$6,000.00 (BW Metcalf Pty Ltd)

\$1,200.00 (Mr Brian Wallace Metcalf)

Decision: [Workplace Ombudsman v BW Metcalfe Pty Ltd & Anor \(PDF 514.4KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-BW-Metcalfe-Pty-Ltd-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-BW-Metcalfe-Pty-Ltd-Anor.pdf.aspx)

Employer: Simdo Pty Ltd t/as Tonic Health and Ms Creek

Date of judgement: 1 April 2010

Court: Industrial Relations Court, South Australia

Judge: Industrial Magistrate Ardlie

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$21,728.18

Penalty: \$120,000.00 (Simdo Pty Ltd), \$25,000.00 (Ms Creek)

Decision: [Fair Work Ombudsman v Simdo Pty Ltd \(PDF 874.3KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Simdo-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Simdo-Pty-Ltd.pdf.aspx)

Third quarter, January 2010 - March 2010

Employer: Industrial Roadpavers (WA) Pty Ltd

Date of judgement: 31 March 2010

Court: Federal Magistrates' Court, Perth

Judge: Federal Magistrate Lucev

Nature of Proceedings: Time and Wages Records

Amount of Underpayment (if any): N/A

Penalty: \$6050.00 (Industrial Roadpavers WA Pty Ltd), \$1210.00 (Marc William Skewes)

Decision: [Fair Work Ombudsman v Industrial Roadpavers \(WA\) Pty Ltd & Anor \(PDF 955.3KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Industrial-Roadpavers-WA-Pty-Ltd-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Industrial-Roadpavers-WA-Pty-Ltd-Anor.pdf.aspx)

Employer: South Morang Restaurant Pty Ltd t.as Sofia South Morang

Date of judgement: 30 March 2010

Court: Magistrates' Court, Melbourne

Judge: Magistrate Chambers

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$43,315.96

Penalty: \$21,780.00

Decision: [Fair Work Ombudsman v E and E Mazloun \(PDF 1.1MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-E-and-E-Mazloun.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-E-and-E-Mazloun.pdf.aspx)

Employer: Efes Bakery Pty Ltd

Date: 24 March 2010

Judge: Federal Magistrate Simpson

Court: Federal Magistrates' Court, WA

Nature of proceedings: Wages and Conditions

Amount of underpayments: \$16 204.88

Penalty: \$19 500

Decision: [Fair Work Ombudsman v Efes Bakery Pty Ltd \(PDF 1.3MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Efes-Bakery-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Efes-Bakery-Pty-Ltd.pdf.aspx)

Employer: She Hairdressing Pty Ltd t/as Snip n Shape

Date of judgement: 18 March 2010

Court: Magistrates' Court, Melbourne

Judge: Magistrate Holzer

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$63,759.79

Penalty: \$7000.00

Decision: [Edwards v She Hairdressing Pty Ltd \(PDF 100KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Edwards-v-She-Hairdressing-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Edwards-v-She-Hairdressing-Pty-Ltd.pdf.aspx)

Employer: Roach Golf Enterprises Pty Ltd and Bryan Roach

Date of judgement: 3 March 2010

Court: Chief Industrial Magistrates' Court NSW

Judge: Magistrate O'Shane

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$30,185.00

Penalty: \$16,000 (Roach Golf Enterprises Pty Ltd)

\$34,000 (Bryan Roach)

Decision: No decision available.

Employer: Adelaide Foam Co Pty Ltd

Date of judgement: 22 February 2010

Court: Federal Magistrates' Court South Australia

Judge: Federal Magistrate Simpson

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$72,000.00

Penalty: \$40,000.00

Decision: [Workplace Ombudsman v Adelaide Foam Co. Pty Ltd \(PDF 994.5KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Adelaide-Foam-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Adelaide-Foam-Pty-Ltd.pdf.aspx)

Employer: Ella Enterprises Pty Ltd and Lucas Waller

Date of judgement: 16 February 2010

Court: Federal Magistrates' Court, Queensland

Judge: Federal Magistrate Burnett

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any)

Penalty: \$15,000.00

Decision: [Workplace Ombudsman v Ella Enterprises Pty Ltd & Anor \(PDF 377.1KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Ella-Enterprises-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Ella-Enterprises-Anor.pdf.aspx)

Employer: Tovek Pty Ltd t/as CM's Fashion and Uri Burke

Date of judgement: 15 February 2010

Court: Magistrates' Court of Victoria

Judge: Magistrate Holzer

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$6,941.03

Penalty: \$12,000.00 (Tovek Pty Ltd), \$ 7,500.00 (Uri Burke)

Decision: [Fair Work Ombudsman v Tovek Pty Ltd & Uri Bourke Transcript \(PDF 45.4KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Tovek-Pty-Ltd-and-Uri-Bourke-Transcript.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Tovek-Pty-Ltd-and-Uri-Bourke-Transcript.pdf.aspx)

Employer: Myst Oz Pty Ltd and Rebecca Pearse

Date of judgement: 3 February 2010

Court: Magistrates' Court of Victoria

Judge: Magistrate Holzer

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$40,916.41

Penalty: \$16,500.00 (Myst Oz Pty Ltd), \$3,300.00 (Rebecca Pearse)

Decision: [Fair Work Ombudsman v Myst Oz Pty Ltd Transcript \(PDF 71.6KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Myst-Oz-Pty-Ltd-Transcript.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Myst-Oz-Pty-Ltd-Transcript.pdf.aspx)

Employer: Fortcrest Investments Pty Ltd

Date of judgement: 18 January 2010

Court: Federal Magistrates' Court Darwin

Judge: Federal Magistrate Terry

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$24,526.60

Penalty: \$22,200.00

Decision: [Fair Work Ombudsman v Fortcrest Investments Pty Ltd \(PDF 838.7KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Fortcrest-Investments-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Fortcrest-Investments-Pty-Ltd.pdf.aspx)

Second quarter, October 2009 - December 2009

Employer: Land Choice Pty Ltd t/as Kingsford First National Real Estate

Date of judgement: 17 December 2009

Court: Federal Magistrates' Court, NSW

Judge: Federal Magistrate Barnes

Nature of Proceedings: Sham contracting

Amount of Underpayment (if any): \$20,119.07

Penalty: \$24,600.00 (Land Choice Pty Ltd), \$4,480.00 (Sigiharto Sugiharto)

Decision: [Fair Work Ombudsman v Land Choice Pty Ltd & Anor \(PDF 1.5MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Land-Choice-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Land-Choice-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Crown Trading Group Pty Ltd and Mr Kurt Braune

Date of judgement: 9 December 2009

Court: Federal Magistrates' Court, Hobart

Judge: Federal Magistrate Burchardt

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$28,441.18

Penalty: \$52,800.00 (Crown Trading Group Pty Ltd), \$10,560.00 (Mr Braune)

Decision: [Ikin v Crown Trading Group Pty Ltd & Anor \(PDF 631.1KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Ikin-v-Crown-Trading-Group-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Ikin-v-Crown-Trading-Group-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Bavarian Hospitality Group Pty Ltd

Date of judgement: 8 December 2009

Court: Chief Industrial Magistrates' Court, NSW

Judge: Magistrate GJT Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): n/a

Penalty: \$3,750.00

Decision: [Fair Work Ombudsman v Bavarian Hospitality Group Pty Ltd \(PDF 447.2KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Bavarian-Hospitality-Group-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Bavarian-Hospitality-Group-Pty-Ltd.pdf.aspx)

Employer: Newcastle Bakehouse Pty Ltd

Date of judgement: 04 December 2009

Court: Chief Industrial Magistrates' Court, NSW

Judge: Chief Industrial Magistrate Hart

Nature of Proceedings: Time and Wages Records

Amount of Underpayment (if any): n/a

Penalty: \$17,010.00

Decision: [Fair Work Ombudsman v Newcastle Bakehouse Pty Ltd \(PDF 580.1KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-Newcastle-Bakehouse-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-Newcastle-Bakehouse-Pty-Ltd.pdf.aspx)

Employer: S Huen & T Tai t/as Hair Del Mar

Date of judgement: 04 December 2009

Court: Federal Magistrates' Court, NT

Judge: Federal Magistrate Terry

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$993.65

Penalty: \$1000.00 (Tineil Tai), \$1000.00 (Stanley Huen)

Decision: No decision available.

Employer: W.H. Kwon & W.J. Kwon & Y.H. Kwon & Swan Flooring Pty Ltd t/as Geto Internet Cafe'

Date of judgement: 30 November 2009

Court: Magistrates' Court of Victoria

Judge: Magistrate Holzer

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$33,193.50

Penalty: \$15,500.00 (Swan Flooring), \$3,300.00 (Mr Kwon)

Decision: No decision available.

Employer: RHD Pty Ltd

Date of judgement: 23 November 2009

Court: Federal Magistrates' Court, Northern Territory

Judge: Federal Magistrate Terry

Nature of Proceedings: Agreement making / Duress

Amount of Underpayment (if any): n/a

Penalty: \$16,500.00 (RHD Pty Ltd), \$3,500.00 (Anthony William Easter), \$3,500.00 (Donald Bruce Oldman)

Decision: [Fair Work Ombudsman v RHD Pty Ltd & Ors \(PDF 93.7KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-RHD-Pty-Ltd-Ors.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-RHD-Pty-Ltd-Ors.pdf.aspx)

Employer: SRS Investments (WA) Pty Ltd & Sara Rhiain Sandford

Date of Judgement: 20 November 2009

Court: Federal Magistrates' Court, Perth

Judge: Federal Magistrate Lucev

Nature of proceedings: Time and wages records

Amount of underpayment: N/A

Penalty: \$3850 (SRS Investments Pty Ltd) and \$770 (Ms Sandford)

Decision: [Workplace Ombudsman v SRS Investments \(WA\) Pty Ltd & Anor \(PDF 1.4MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-SRS-Investments-WA-Pty-Ltd-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-SRS-Investments-WA-Pty-Ltd-Anor.pdf.aspx)

Employer: Olara Pty Ltd t/as Exclusive Food Houses; Exofun Pty Ltd t/as Exclusive Food Houses and Harry Friedman, Director of Olara and Exofun

Date of judgement: 9 November 2009

Court: Magistrates' Court of Victoria

Judge: Magistrate Holzer

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): approximately \$32,000

Penalty: \$37,000 (Olara Pty Ltd), \$2,000 (Exofun Pty Ltd), \$15,000 (Mr Friedman)

Decision: [Fair Work Ombudsman v Olara Pty Ltd Ors \(PDF 152.3KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Olara-Pty-Ltd-Ors.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Olara-Pty-Ltd-Ors.pdf.aspx)

Employer: Amalgamated Marketing Pty Ltd

Date of judgement: 21 October 2009

Court: Federal Magistrates Court, Brisbane

Judge: Federal Magistrate M Burnett

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$15,000.00

Penalty: \$8,500 in total (His Honour indicated that penalty would have been \$10,000 but was reduced due to the employer admitting the breaches and saving a hearing on liability).

Decision: No decision available.

Underpayment had been paid in full by the employer prior to proceedings.

Employer: Frank Huang

Date of judgement: 21 October 2009

Court: Chief Industrial Magistrate's Court of NSW

Judge: Chief Industrial Magistrate Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$93,200.13

Penalty: \$52,000.00

Decision: [Workplace Ombudsman v Frank Huang \(PDF 328.5KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace%20Ombudsman_v_Frank_Huang.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace%20Ombudsman_v_Frank_Huang.pdf.aspx)

Employer: BW Marketing Pty Ltd

Date of judgement: 19 October 2009

Court: Chief Industrial Magistrate's Court of NSW

Judge: Chief Industrial Magistrate Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): n/a

Penalty: \$6368.82

Decision: No decision available.

Employer: S & J Roofing Pty Ltd

Date of judgement: 13 October 2009

Court: Magistrates' Court of Victoria

Judge: Magistrate Holzer

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$15,013.83

Penalty: \$92,400.00 (S & J Roofing Pty Ltd), \$13,200.00 (Mr Stephen Walters)

Decision: [Fair Work Ombudsman v S & J Roofing Pty Ltd \(PDF 78.7KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-S-and-J-Roofing-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-S-and-J-Roofing-Pty-Ltd.pdf.aspx)

Employer: The Palcon Group Pty Ltd

Date of judgement: 8 October 2009

Court: Federal Magistrates' Court, NSW

Judge: Federal Magistrate Cameron

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$47,580.34

Penalty: \$22,500.00

Decision: [Fair Work Ombudsman v The Palcon Group Pty Ltd \(PDF 1MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-The-Palcon-Group-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-The-Palcon-Group-Pty-Ltd.pdf.aspx)

Employer: Bundy Market Meats Pty Ltd

Date of judgement: 8 October 2009

Court: Federal Magistrates' Court, Qld

Judge: Federal Magistrate Jarrett

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$4426.23

Penalty: \$52,000.00 (Bundy Market Meats Pty Ltd),

\$10,000.00 (Christopher James Poskitt)

Decision: [Fair Work Ombudsman v Bundy Market Meats Pty Ltd \(PDF 655.1KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Bundy-Market-Meats-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Bundy-Market-Meats-Pty-Ltd.pdf.aspx)

First quarter, July 2009 - September 2009

Employer: Gatton Harvesting Pty Ltd and Sole Director, MR Kin Nam Chol

Date of judgement: 23 September 2009

Court: Federal Magistrates' Court, QLD

Judge: Federal Magistrate Burnett

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$1905.99

Penalty: \$11,540.00

Decision: No decision available.

Employer: Plaza Cameras Pty Ltd t/as Plaza Cameras

Date of judgement: 21 September 2009

Court: Federal Magistrate's Court, WA

Judge: Federal Magistrate Raphael

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$4,792.00

Penalty: \$12,000.00 (Plaza Cameras Pty Ltd), \$3,500.00 (Ashley George Heuchan)

Decision: [Fair Work Ombudsman v Plaza Cameras Pty Ltd & Anor \(PDF 56.7KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Plaza-Cameras-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Plaza-Cameras-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Christopher Bramley

Date of judgement: 01 September 2009

Court: Chief Industrial Magistrates' Court, NSW

Judge: Chief Industrial Magistrate Hart

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$5731.09

Penalty: \$2850

Decision: [Fair Work Ombudsman v Christopher-Bramley \(PDF 537.4KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Christopher-Bramley.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Christopher-Bramley.pdf.aspx)

Employer: Specialist Australian Security Group Pty Ltd

Date of judgement: 26 August 2009

Court: Magistrates' Court, Victoria

Judge: Magistrate Hawkins

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$26,927.88

Penalty: \$35,640.00

Decision: [The Fair Work Ombudsman v Specialist Security Management Pty Ltd \(PDF 899.4KB\) \(www.fairwork.gov.au/ArticleDocuments/756/The-Fair-Work-Ombudsman-v-Specialist-Australian-Security-Management-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/The-Fair-Work-Ombudsman-v-Specialist-Australian-Security-Management-Pty-Ltd.pdf.aspx)

Employer: Marshall Security Service Pty Ltd and Anor

Date of judgement: 10 August 2009

Court: Federal Magistrates' Court, Victoria

Judge: Federal Magistrate Burchardt

Nature of Proceedings: Agreement Making / Duress

Amount of Underpayment (if any): n/a

Penalty: \$21,000.000

Decision: [Fair Work Ombudsman v Marshall Security Service Pty Ltd and Anor \(PDF 274.2KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Marshall-Security-Service-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Marshall-Security-Service-Pty-Ltd-and-Anor.pdf.aspx)

Employer: Dracook International Pty Ltd & Anor

Date of judgement: 5 August 2009

Court: Federal Magistrates' Court, Victoria
Judge: Federal Magistrate Burnett
Nature of Proceedings: Wages and Conditions
Amount of Underpayment (if any): n/a
Penalty: \$4000.00 (Robert Cooke)
\$20,000.00 (Dracook International Pty Ltd)

Decision: [Workplace Ombudsman v Dracook International Pty Ltd & Anor \(PDF 675.5KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsmna-v-Dracook-International-Pty-Ltd-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsmna-v-Dracook-International-Pty-Ltd-Anor.pdf.aspx)

Employer: Patient Transit Care Pty Ltd & Gomed (VIC) Pty Ltd

Date of judgement: 3 August 2009
Court: Federal Court, Victoria
Judge: Justice Middleton
Nature of Proceedings: Agreement Making / Duress
Amount of Underpayment (if any): n/a
Penalty: \$55,000.00

Decision: [Patient Transit Care Pty Ltd and Gomed \(VIC\) Pty Ltd Order \(PDF 141.4KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Patient-Transit-Care-Pty-Ltd-and-Gomed-VIC-Pty-Ltd-Order.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Patient-Transit-Care-Pty-Ltd-and-Gomed-VIC-Pty-Ltd-Order.pdf.aspx)

Employer: Golden Maple Pty Ltd and Cityteam Pty Ltd t/as Shimzu Grand

Date of judgement: 31 July 2009
Court: Federal Magistrates' Court of Australia
Judge: Federal Magistrate Lecev
Nature of Proceedings: Wages and Conditions
Amount of Underpayment (if any): \$11,200.00
Penalty: \$43,425.00

Decision: [Workplace Ombudsman v Golden Maple Pty Ltd & Ors \(PDF 1.5MB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Golden-Maple-Pty-Ltd-and-Ors-2.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Golden-Maple-Pty-Ltd-and-Ors-2.pdf.aspx)

Employer: Cleaners News South Wales Pty Ltd

Date of judgement: 29 July 2009
Court: Federal Magistrates' Court of Australia
Judge: Federal Magistrate Driver
Nature of Proceedings: Agreement Making / Duress
Amount of Underpayment (if any): n/a
Penalty: \$80,000.00

Decision: [Fair Work Ombudsman v Cleaners New South Wales \(PDF 654KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Cleaners-New-South-Wales-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Fair-Work-Ombudsman-v-Cleaners-New-South-Wales-Pty-Ltd.pdf.aspx)

Employer: Securite-E Holdings Pty Ltd (In Liquidation) & Ors

Date of judgement: 23 July 2009
Court: Federal Magistrates' Court of Australia
Judge: Federal Magistrate Raphael
Nature of Proceedings: Wages and Conditions
Amount of Underpayment (if any): n/a
Penalty: \$ 5000.00 (Mr Paul Ritchie)

Decision: [Securite-E Holdings Pty Ltd \(In Liquidation\) & Ors \(PDF 441.1KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Securit-E-Holdings-Pty-Ltd-Ors.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Workplace-Ombudsman-v-Securit-E-Holdings-Pty-Ltd-Ors.pdf.aspx)

Employer: Reiquin Pty Ltd and Richard Timothy Reid

Date of judgement: 17 July 2009
Court: Magistrates' Court of Victoria
Judge: Magistrate Hawkins
Nature of Proceedings: Wages and Conditions
Amount of Underpayment (if any): 4511.35
Penalty: \$ 184,800.00 (Reiquin Pty Ltd), \$ 23,100.00 (Richard Timothy Reid)

Decision: [Reiquin Pty Ltd and Richard Timothy Reid \(PDF 932.6KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Yates-v-Reiquin-Pty-Ltd-and-Richard-Reid.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Yates-v-Reiquin-Pty-Ltd-and-Richard-Reid.pdf.aspx)

Employer: Kohinoor Indian Centre (Blue Elephant)

Date of judgement: 07 July 2009

Court: Federal Court, ACT

Judge: Justice Perram

Nature of Proceedings: Wages and Conditions

Amount of Underpayment (if any): \$74,458.20

Penalty: \$3200.00

Decision: [Lang v Kohinoor Indian Centre \(PDF 433.2KB\) \(www.fairwork.gov.au/ArticleDocuments/756/Lang-v-Kohinoor-Indian-Centre.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/Lang-v-Kohinoor-Indian-Centre.pdf.aspx)

Employer: Primrose Development Company Pty Ltd t/as Donut King, Kingston Hobart

Date of judgement: 07 July 2009

Court: Federal Magistrates' Court, TAS

Judge: Federal Magistrate O'Sullivan

Nature of Proceedings: Agreement Making / Duress

Amount of Underpayment: (if any) n/a

Penalty: \$60,000.00

Decision: [Fair Work Ombudsman v Primrose Development Company Pty Ltd & Anor \(PDF 427.3KB\) \(www.fairwork.gov.au/ArticleDocuments/756/The-Fair-Work-Ombudsman-v-Primrose-Development-Company-Pty%20Ltd%20%20Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/756/The-Fair-Work-Ombudsman-v-Primrose-Development-Company-Pty%20Ltd%20%20Anor.pdf.aspx)

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