

## 2011 - 2012 litigation outcomes

### April 2012 - June 2012

#### **La Kosta Childcare Centre & Kindergarten & Ors**

Date: 29 June 2012

Judge: Federal Magistrate Whelan

Court: Federal Magistrates Court

Nature of proceedings: Underpayment of wages and entitlements

Penalty: \$85,000 (La Kosta Childcare Centre and Kindergarten Pty Ltd) and \$17,000 (Kosta Sterjov)

Decision: [Fair Work Ombudsman v La Kosta Childcare Centre & Kindergarten & Ors \(PDF 12MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-La-Kosta-Childcare-Centre-and-Kindergarten-and-Ors-\[2012\]-FMCA-551.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-La-Kosta-Childcare-Centre-and-Kindergarten-and-Ors-[2012]-FMCA-551.pdf.aspx)

[Fair Work Ombudsman v La Kosta Childcare Centre & Kindergarten & Ors - AUSTLII !\[\]\(d3102649f02e825ddb76dc3de0190154\_img.jpg\) \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/551.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/551.html)

#### **Perfume Health Care Pty Ltd and Peng Fei Lin**

Date: 29 June 2012

Judge: Federal Magistrate O'Dwyer

Court: Federal Magistrates Court

Nature of proceedings: Underpayment

Penalty: \$12 650 (Perfume Health Care Pty Ltd) and \$2 530 (Peng Fei Lin)

Decision: [Fair Work Ombudsman v Perfume Health Care Pty Ltd and Peng Fei Lin \(PDF 847.6KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Perfume-Health-Care-Pty-Ltd-and-Peng-Fei-Lin-\[2012\]-FMCA-567.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Perfume-Health-Care-Pty-Ltd-and-Peng-Fei-Lin-[2012]-FMCA-567.pdf.aspx)

[Fair Work Ombudsman v Perfume Health Care Pty Ltd and Peng Fei Lin - AUSTLII !\[\]\(19d44b37fb4fa155bf9d60c77a3d3cb2\_img.jpg\) \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/567.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/567.html)

#### **True Blue (SA) Pty Ltd**

Date: 21 June 2012

Judge: Federal Magistrate Simpson

Court: Federal Magistrates Court, Adelaide

Nature of proceedings: Underpayment of wages, Failure to maintain adequate employment records and Failure to comply with Notice to Produce

Penalty: \$51 975 (True Blue (SA) Pty Ltd) \$4125 (Filomeno Rillotta)

Decision: [Fair Work Ombudsman v True Blue \(SA\) Pty Ltd \(PDF 288.6KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-True-Blue-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-True-Blue-Pty-Ltd.pdf.aspx)

#### **Maclean Bay Pty Ltd & Wendy Wells**

Date: 31 May 2012

Judge: Justice Marshall

Court: Federal Magistrates Court of Australia, Melbourne

Nature of Proceedings: Sham contracting

Penalty: \$294 360

Decision: [Fair Work Ombudsman v Maclean Bay Pty Ltd & Wendy Wells \(PDF 556.2KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Maclean-Bay-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Maclean-Bay-Pty-Ltd.pdf.aspx)

[Fair Work Ombudsman v Maclean Bay Pty Ltd & Wendy Wells - AUSTLII !\[\]\(8891837fe1b5b26680f2ee7b0ea5318e\_img.jpg\) \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/557.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/557.html)

#### **Offshore Marine Services (OMS) Pty Ltd**

Date: 17 May 2012

Judge: Justice Gilmour

Court: Federal Magistrates Court of Australia, Perth

Nature of Proceedings: Freedom of association

Penalty: \$7500

Decision: [Fair Work Ombudsman v Offshore Marine Services \(OMS\) Pty Ltd \(PDF 576KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-OMS.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-OMS.pdf.aspx)

[Fair Work Ombudsman v Offshore Marine Services \(OMS\) Pty Ltd - AUSTRALIAN COURTS \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/498.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/498.html)

### **MMP Management Services Pty Ltd & Anor**

Date: 16 May 2012

Judge: Federal Magistrate Lucev

Court: Federal Magistrates' Court, Perth

Nature of proceedings: Wages and Conditions

Penalty: \$23 100

Decision: [Fair Work Ombudsman v MMP Management Services Pty Ltd & Anor \(PDF 1.7MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-MMP-Management-Services-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-MMP-Management-Services-Pty-Ltd-and-Anor.pdf.aspx)

[Fair Work Ombudsman v MMP Management Services Pty Ltd & Anor - AUSTRALIAN COURTS \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/207.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/207.html)

### **JDAC Pty Ltd and David James Hoskins**

Date: 15 May 2012

Judge: Federal Magistrate Burnett

Court: Federal Magistrates Court, Brisbane

Nature of Proceedings: Underpayment

Penalty: \$9000

Decision: [Fair Work Ombudsman v JDAC Pty Ltd & Anor - AUSTRALIAN COURTS \(http://www.austlii.edu.au/au/cases/cth/FMCA/2012/807.html\)](http://www.austlii.edu.au/au/cases/cth/FMCA/2012/807.html)

### **Finetune Holdings Pty Ltd Date: 11 May 2012**

Court: Court of Australia, Perth

Nature of proceedings: Failure to comply with Notice to Produce

Penalty: \$1650 (Mr Rechichi)

Decision: [Fair Work Ombudsman v Finetune Holdings Pty Ltd \(PDF 1.2MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Finetune-Holdings-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Finetune-Holdings-Pty-Ltd.pdf.aspx)

[Fair Work Ombudsman v Finetune Holdings Pty Ltd - AUSTRALIAN COURTS \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/349.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/349.html)

### **Ibrahim (Abraham) Ramadan and Tiger Telco Pty Ltd**

Date: 9 May 2012

Judge: Justice Bromberg

Court: Federal Court of Australia, Melbourne

Nature of Proceedings: Discrimination

Penalty: \$5940

Decision: [Fair Work Ombudsman v Ramadan \(Tiger Telco\) \(PDF 2.8MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Ramadan-Tiger-Telco.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Ramadan-Tiger-Telco.pdf.aspx)

[Fair Work Ombudsman v Ramadan \(Tiger Telco\) - AUSTRALIAN COURTS \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/479.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/479.html)

### **Raymond James Bird**

Date: 27 April 2012

Judge: Federal Magistrate Smith

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Underpayment

Penalty: \$11 000

Decision: [Fair Work Ombudsman v Raymond James Bird \(PDF 1.1MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Bird.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Bird.pdf.aspx)

[Fair Work Ombudsman v Raymond James Bird - AUSTRALIAN COURTS \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/312.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/312.html)

### **Gavin Francis Sheehan t/as Greenvale Rose Farm**

Date: 24 April 2012

Judge: Federal Magistrate O'Sullivan

Court: Federal Magistrates' Court, Melbourne

Nature of Proceedings: Underpayment, Time and Wages Records

Penalty: \$11 880

Decision: [Fair Work Ombudsman v Gavin Francis Sheehan \(PDF 271KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Gavin-Francis-Sheehan.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Gavin-Francis-Sheehan.pdf.aspx)

[Fair Work Ombudsman v Gavin Francis Sheehan - AUSTRALIAN LII \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/344.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/344.html)

### **Henna Group Pty Ltd, Sahil Rasul & Bulbula Amin**

Date: 2 April 2012

Judge: Federal Magistrate Riethmuller

Court: Federal Magistrates Court, Melbourne

Nature of Proceedings: Underpayment

Penalty: \$220 000

Decision: [Fair Work Ombudsman v Henna Group Pty Ltd, Sahil Rasul and Bulbula Amin \(PDF 138.8KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Henna-Group.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Henna-Group.pdf.aspx)

[Fair Work Ombudsman v Henna Group Pty Ltd, Sahil Rasul and Bulbula Amin - AUSTRALIAN LII \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/244.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/244.html)

### **Taj Palace Tandoori Indian Restaurant Pty Ltd and Nathi Singh Rawat**

Date: 30 March 2012

Judge: Federal Magistrate Riethmuller

Court: Federal Magistrates Court, Melbourne

Nature of Proceedings: Underpayment

Penalty: \$72 000

Decision: [Fair Work Ombudsman v Taj Palace Tandoori Indian Restaurant Pty Ltd and Nathi Singh Rawat \(PDF 442KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Taj-Palace.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Taj-Palace.pdf.aspx)

[Fair Work Ombudsman v Taj Palace Tandoori Indian Restaurant Pty Ltd and Nathi Singh Rawat - AUSTRALIAN LII \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/258.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/258.html)

## **January 2012 - March 2012**

### **Employer: John Mineeff (Villtruck Pty Ltd in liquidation)**

Date: 27 March 2012

Judge: Federal Magistrate Barnes

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Sham contracting, Non-payment of annual leave upon termination and Record-keeping

Penalty: \$13 024.00

Decision: [Fair Work Ombudsman v John Mineeff \(PDF 261KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Mineeff.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Mineeff.pdf.aspx)

[Fair Work Ombudsman v John Mineeff - AUSTRALIAN LII \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/232.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/232.html)

### **SH Millicent (Sportsmans Hotel)**

Date: 15 March 2012

Judge: Federal Magistrate Simpson

Court: Federal Magistrates' Court, Adelaide

Nature of proceedings: Wages and Conditions

Penalty: \$55 900

Decision: [Fair Work Ombudsman v S H Millicent Pty Ltd & Others \(PDF 1.2MB\) \(www.fairwork.gov.au/ArticleDocuments/758/FWO-v-S-H-Millicent-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/FWO-v-S-H-Millicent-Pty-Ltd.pdf.aspx)

[Fair Work Ombudsman v S H Millicent Pty Ltd & Others - AUSTRALIAN LII \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/178.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/178.html)

### **Blacklight Investments Pty Ltd**

Date: 2 March 2012

Judge: Federal Magistrate Lucev

Court: Federal Magistrates' Court, Perth

Nature of proceedings: Wages and conditions

Penalty: \$16 299.50

Decision: [Fair Work Ombudsman v Blacklight Investments Pty Ltd \(PDF 1.4MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Blacklight-Investments-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Blacklight-Investments-Pty-Ltd.pdf.aspx)

Fair Work Ombudsman v Blacklight Investments Pty Ltd - AUSTLII [☐](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/130.html) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/130.html>)

**Employer: Proplas Industries Pty Ltd and Brendan Leppard**

Date: 2 March 2012

Judge: Federal Magistrate Lucev

Court: Federal Magistrates Court, Parth

Nature of Proceedings: Wages and conditions and Failure to comply with Notice to Produce

Penalty: \$75 900 (Proplas), \$17 820 (Leppard)

Decisions: [Fair Work Ombudsman v Proplas Industries Pty Ltd & Brendan Leppard \(PDF 1.5MB\) \(www.fairwork.gov.au/ArticleDocuments/758/FWO-v-Proplas-Industries-Pty-Ltd-Brendan-Leppard.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/FWO-v-Proplas-Industries-Pty-Ltd-Brendan-Leppard.pdf.aspx)

[Fair Work Ombudsman v Proplas Industries Pty Ltd & Brendan Leppard - AUSTLII ☐](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/130.html) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/130.html>)

**Employer: Garfield Berry Farm Pty Ltd & Anor**

Date: 24 February 2012

Judge: Federal Magistrate Riley

Court: Federal Magistrates Court, Melbourne

Nature of Proceedings: Underpayments and failure to comply with notices to produce documents

Penalty: \$11,550 (Maria Doherty)

Decisions: [Fair Work Ombudsman v Garfield Berry Farm Pty Ltd & Anor \(PDF 279KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Garfield-Berry-Farm-Pty-Ltd-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Garfield-Berry-Farm-Pty-Ltd-Anor.pdf.aspx)

[Fair Work Ombudsman v Garfield Berry Farm Pty Ltd & Anor - AUSTLII ☐](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/103.html) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/103.html>)

**Employer: Promoting U Pty Ltd & Sebastian Boi**

Date: 3 February 2012

Judge: Magistrate Burchardt

Court: Federal Magistrates Court, Melbourne

Nature of Proceedings: Underpayments

Penalty: \$65 000 for the company and \$13 000 for Boi

Decisions: [Fair Work Ombudsman v Promoting U Pty Ltd & Sebastian Boi \(PDF 696KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Promoting-U-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Promoting-U-Pty-Ltd-and-Anor.pdf.aspx)

[Fair Work Ombudsman v Promoting U Pty Ltd & Sebastian Boi - AUSTLII ☐](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/58.html) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2012/58.html>)

**Employer: Wongtas Pty Ltd (in liquidation)**

Date: 2 February 2012

Judge: Justice Cowdroy

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Workplace rights and discrimination

Amount to employee: \$2 207.42

Penalty: \$23 760

Decisions: [Fair Work Ombudsman v Wongtas Pty Ltd \(PDF 594.4KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Wontas.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Wontas.pdf.aspx)

[Fair Work Ombudsman v Wongtas Pty Ltd - AUSTLII ☐](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/30.html) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2012/30.html>)

**Employer: Reacta Staffing Solutions Pty Ltd, Mark Vincent Gulifa and Doreen Mifsud**

Date: 2 February 2012

Judge: Federal Magistrate O'Dwyer

Court: Federal Magistrates Court, Melbourne

Nature of Proceedings: underpayment

Penalty: \$31 680

Decisions: [Fair Work Ombudsman v Reacta Staffing Solutions Pty Ltd \(PDF 739.6KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Reacta.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Reacta.pdf.aspx)

**October 2011 - December 2011**

**Employer: Chamdale Pty Ltd t/as Hungry Jack's Bendigo**

Date: 23 December 2011

Judge: Federal Magistrate Hartnett

Court: Federal Magistrates Court, Melbourne

Nature of Proceedings: Underpayment

Amount of Underpayment: \$104 946.87

Penalty: \$46 200

Decisions: [Fair Work Ombudsman v Chamdale \(PDF 835.7KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Chamdale.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Chamdale.pdf.aspx)

[Fair Work Ombudsman v Chamdale - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/1021.html?stem=0&synonyms=0&query=CHAMDALE\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/1021.html?stem=0&synonyms=0&query=CHAMDALE)

### **Employer: Robert Francis**

Date: 19 December 2011

Judge: Federal Magistrate Smith

Court: Federal Magistrates Court, Sydney

Nature of proceedings: Wages and conditions

Penalty: \$8000

Decision: [Fair Work Ombudsman v Robert Francis \(PDF 724.1KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Francis.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Francis.pdf.aspx)

[Fair Work Ombudsman v Robert Francis - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/1005.html\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/1005.html)

### **Employer: Rosario Pucci**

Date: 16 December 2011

Judge: Federal Magistrate Emmett

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Underpayment

Amount of Underpayment: \$3468.78

Penalty: \$4400

Decisions: [Fair Work Ombudsman v Rosario Pucci \(PDF 705KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Rosario-Pucci.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Rosario-Pucci.pdf.aspx)

[Fair Work Ombudsman v Rosario Pucci - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/997.html?stem=0&synonyms=0&query=PUCCL\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/997.html?stem=0&synonyms=0&query=PUCCL)

### **Employer: National Jet Systems Pty Ltd**

Date: 9 December 2011

Judge: Federal Magistrate Lucev

Court: Federal Magistrates Court, Perth

Nature of Proceedings: Agreement making and Underpayment

Amount of Underpayment: \$123 423.45

Penalty: \$96 030

Decisions: [Crosthwaite v National Jet Systems Pty Ltd \(PDF 1.4MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Crosthwaite-v-National-Jet-Systems-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Crosthwaite-v-National-Jet-Systems-Pty-Ltd.pdf.aspx)

[Crosthwaite v National Jet Systems Pty Ltd - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/136.html?stem=0&synonyms=0&query=national%20jet\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/136.html?stem=0&synonyms=0&query=national%20jet)

### **Respondent: Ron Baruch**

Date: 7 December 2011

Judge: Federal Magistrate Raphael

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Underpayment

Amount of Underpayment: \$7060.52

Penalty: \$18 000

Decision: [Fair Work Ombudsman v Baruch - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/1007.html?stem=0&synonyms=0&query=BARUCH\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/1007.html?stem=0&synonyms=0&query=BARUCH)

### **Employer: Austy Pty Ltd and Kiyomi Maruoka**

Date: 8 November 2011

Judge: Federal Magistrate Raphael

Court: Federal Magistrates Court, Perth

Nature of Proceedings: Wages and conditions

Amount of Underpayment: \$16 340.74

Penalty: \$23 000 (Austy Pty Ltd) and \$2500 (Kiyomi Maruoka)

Decision: [Fair Work Ombudsman v Austy Pty Ltd & Anor \(PDF 417.2KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Austy-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Austy-Pty-Ltd-and-Anor.pdf.aspx)

[Fair Work Ombudsman v Austy Pty Ltd & Anor - AUSTLII](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/867.html?stem=0&synonyms=0&query=austy) [☞](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/867.html?stem=0&synonyms=0&query=austy) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/867.html?stem=0&synonyms=0&query=austy>)

**Employer: Ramsey Food Processing & Stuart Ramsey**

Date: 19 October 2011

Judge: Federal Magistrate Buchanan

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Underpayment

Amount of Underpayment: \$57 847

Penalty: \$115 200

Decisions: [Fair Work Ombudsman v Ramsey \(PDF 1.7MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Ramsey.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Ramsey.pdf.aspx)

[Fair Work Ombudsman v Ramsey - AUSTLII](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2011/1176.html) [☞](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2011/1176.html) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2011/1176.html>)

## July 2011 - September 2011

**Employer: Orwill Pty Ltd & Ors**

Date: 28 September 2011

Judge: Federal Magistrate Lucev

Court: Federal Magistrates Court, Perth

Nature of Proceedings: Record-keeping contraventions of the Workplace Relations Regulations 2006

Amount of Underpayment: N/A

Penalty: \$28 820 total

Decision: [Fair Work Ombudsman v Orwill Pty Ltd \(PDF 1.7MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Orwill-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Orwill-Pty-Ltd.pdf.aspx)

[Fair Work Ombudsman v Orwill Pty Ltd - AUSTLII](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/730.html?stem=0&synonyms=0&query=orwill) [☞](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/730.html?stem=0&synonyms=0&query=orwill) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/730.html?stem=0&synonyms=0&query=orwill>)

**Employer: Australian Shooting Academy Pty Ltd (SA) & Michael Murphy (Director)**

Date: 6 September 2011

Judge: Justice Logan

Court: Federal Court, Queensland

Nature of Proceedings: Adverse action, coercion and undue pressure when employer offered IFAs to employees

Amount of Underpayment: N/A

Penalty: \$25 000 (Australian Shooting Academy Pty Ltd (ASA) and \$5000 (Mr Murphy)

Decision: [Fair Work Ombudsman v Australian Shooting Academy Pty Ltd \(PDF 473KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Australian-Shooting-Academy-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Australian-Shooting-Academy-Pty-Ltd.pdf.aspx)

[Fair Work Ombudsman v Australian Shooting Academy Pty Ltd - AUSTLII](http://www.austlii.edu.au/au/cases/cth/FCA/2011/1064.html) [☞](http://www.austlii.edu.au/au/cases/cth/FCA/2011/1064.html) (<http://www.austlii.edu.au/au/cases/cth/FCA/2011/1064.html>)

**Employer: Damien Love & Tammy Love**

Date: 31 August 2011

Judge: Federal Magistrate Lloyd-Jones

Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Fairness Test

Amount of Underpayment: \$74 389.05

Penalty: \$6000 (Damien Love) and \$1000 (Tammy Love)

Decision: [Fair Work Ombudsman v Love \(PDF 4MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Love.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Love.pdf.aspx)

[Fair Work Ombudsman v Love - AUSTLII](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/671.html?stem=0&synonyms=0&query=love) [☞](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/671.html?stem=0&synonyms=0&query=love) (<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/671.html?stem=0&synonyms=0&query=love>)

**Employer: Drivacam Pty Ltd & Ors**

Date: 9 August 2011

Judge: Federal Magistrate Emmett



Court: Federal Magistrates Court, Sydney

Nature of Proceedings: Discrimination

Amount of Underpayment: 0

Penalty:\$3000 (Drivecam Pty Ltd) and \$300 (Stanislaus Somers)

Decision: [Fair Work Ombudsman v Drivecam Pty Ltd \(PDF 1021.4KB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Drivecam-Pty-Ltd.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Drivecam-Pty-Ltd.pdf.aspx)

[Fair Work Ombudsman v Drivecam Pty Ltd - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/600.html?stem=0&synonyms=0&query=drivecaM\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/600.html?stem=0&synonyms=0&query=drivecaM)

### **Employer: Transport Workers' Union of Australia**

Date: 22 July 2011

Judge: Justice Moore

Court: Federal Court, Sydney

Nature of Proceedings: Decision awarding penalties as a result of TWU & Ors engaging in unlawful industrial action by Qantas baggage handlers on 30 March 2009

Amount of Underpayment: N/A

Penalty: \$38 000 (\$20 000 TWU) (Penalties ordered to be paid to Qantas)

Decision: [Qantas Ltd v Transport Workers Union of Australia \(PDF 2.8MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Qantas-Airways-Ltd-v-Transport-Workers-Union-of-Australia.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Qantas-Airways-Ltd-v-Transport-Workers-Union-of-Australia.pdf.aspx)

[Qantas Ltd v Transport Workers Union of Australia - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2011/816.html?stem=0&synonyms=0&query=title\(qantas%20airways%20and%20transport%20\)\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2011/816.html?stem=0&synonyms=0&query=title(qantas%20airways%20and%20transport%20))

### **Employer: Ballina Island Resort Pty Ltd**

Date of Judgement: 1 July 2011

Court: Federal Magistrates Court, Sydney

Judge: Federal Magistrate Lloyd-Jones

Nature of Proceedings: Failure to comply with a Notice to Produce / Time and Wages Records

Penalty: \$500 (Ballina Island Resort Pty Ltd)

Decisions: [Fair Work Ombudsman v Ballina Island Resort Pty Ltd & Anor \(PDF 2.5MB\) \(www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Ballina-Island-Resort-Pty-Ltd-and-Anor.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/758/Fair-Work-Ombudsman-v-Ballina-Island-Resort-Pty-Ltd-and-Anor.pdf.aspx)

[Fair Work Ombudsman v Ballina Island Resort Pty Ltd & Anor - AUSTLII ☞ \(http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/500.html?stem=0&synonyms=0&query=ballina%20island\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FMCA/2011/500.html?stem=0&synonyms=0&query=ballina%20island)

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