

## 2019 - 2020 litigation outcomes

This section provides information on our litigation outcomes for the 2019 - 2020 financial year.

We use legal activities as one way to achieve compliance with Australian workplace laws. These activities are part of a broader compliance system that makes sure employers and employees comply with these laws.


### July 2019 - June 2020

#### Fair Work Ombudsman v Lindsay F Nelson Manufacturing & Anor

Date: 3 April 2020

Nature of Proceedings: Underpayments, non-compliance with NTP

Penalty: \$60,000 (\$50,000 against Lindsay F Nelson Manufacturing and \$10,000 against Mr Nelson)


Decision: Fair Work Ombudsman v Lindsay F. Nelson Manufacturing Pty Ltd (No.2) [2020] FCCA 718 (3 April 2020) ([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/718.html?context=1;query=%5b2020%5d%20FCCA%20718%20;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/718.html?context=1;query=%5b2020%5d%20FCCA%20718%20;mask_path=)) 

#### Fair Work Ombudsman v Northcoast Security Services Group (in liquidation) & Ors

Date: 13 March 2020

Nature of Proceedings: Underpayments

Penalty: \$68,560 (\$32,560 against Mr Chouhan and \$36,000 against Mr Nelson)


Decision: Fair Work Ombudsman v Northcoast Security Services Group Pty Ltd & Ors (No.3) [2020] FCCA 521 (13 March 2020) ([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/521.html?context=1;query=%5b2020%5d%20FCCA%20521;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/521.html?context=1;query=%5b2020%5d%20FCCA%20521;mask_path=)) 

#### Fair Work Ombudsman v Lovely Care Pty Ltd (No 2) & Anor

Date: 13 February 2020

Nature of Proceedings: Underpayments

Penalty: \$41,580 (\$36,000 against Lovely Care Pty Ltd and \$5,580 against Ms Bonilla)


Decision: Fair Work Ombudsman v Lovely Care Pty Ltd & Anor (No.2) [2020] FCCA 257 (13 February 2020) ([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/257.html?context=1;query=%5b2020%5d%20FCCA%20257%20;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/257.html?context=1;query=%5b2020%5d%20FCCA%20257%20;mask_path=)) 

#### Fair Work Ombudsman v Australian Workers' Union

Date: 7 February 2020

Nature of Proceedings: Industrial Activities - Adverse Action

Penalty: \$18,000 against Australian Workers' Union

Decision: Fair Work Ombudsman v Australian Workers' Union [2020] FCA 60 (7 February 2020) ([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2020/60.html?context=1;query=%5b2020%5d%20FCA%2060;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2020/60.html?context=1;query=%5b2020%5d%20FCA%2060;mask_path=)) 

#### Fair Work Ombudsman v Sinpek Pty Ltd (In Liquidation) & Ors

Date: 20 January 2020

Nature of Proceedings: Underpayments, record keeping, payslips, failure to comply with an NTP

Penalty: \$210,000 (\$120,000 against K Singh and \$90,000 against U Singh)

Decision: [Fair Work Ombudsman v Sinpek Pty Ltd \(In Liquidation\) & Ors \(No.3\) \[2020\] FCCA 88 \(20 January 2020\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/88.html?context=1;query=%5b2020%5d%20FCCA%2088;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/88.html?context=1;query=%5b2020%5d%20FCCA%2088;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2020/88.html?context=1;query=%5b2020%5d%20FCCA%2088;mask_path=))

## **Fair Work Ombudsman v Scott Redmond trading as Cleaning Excellence**

Date: 19 December 2019

Nature of Proceedings: Non-compliance with a compliance Notice, non-compliance with NTP, payslips

Penalty: \$17,190 against Scott Redmond

Decision: [Fair Work Ombudsman v Scott Redmond trading as Cleaning Excellence \[2019\] FCCA 3697 \(19 December 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3697.html?context=1;query=%5b2019%5d%20FCCA%203697;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3697.html?context=1;query=%5b2019%5d%20FCCA%203697;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3697.html?context=1;query=%5b2019%5d%20FCCA%203697;mask_path=))

## **Fair Work Ombudsman v Mamak Pty Ltd (ACN 118 546 857) (In Liquidation) & Ors**

Date: 11 December 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, penalty rates, public holiday allowances, leave loading); Record keeping (providing adequate payslips, making false or misleading records, failing to keep records)

Penalty: -

Decision: [Fair Work Ombudsman v Mamak Pty Ltd \(In Liquidation\) & Ors \[2019\] FCCA 3582 \(11 December 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3582.html?context=1;query=%5b2019%5d%20FCCA%203582;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3582.html?context=1;query=%5b2019%5d%20FCCA%203582;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3582.html?context=1;query=%5b2019%5d%20FCCA%203582;mask_path=))

## **Fair Work Ombudsman v Auspac Hospitality Management Pty Ltd & Anor**

Date: 3 December 2019

Nature of Proceedings: Underpayments (failure to pay loading and penalty rates), Record keeping, payslips

Penalty: \$113,808 (\$75,000 against Auspac Hospitality Management Pty Ltd and \$38,808 against Mr Wang)

Decision: [Fair Work Ombudsman v Auspac Hospitality Management Pty Ltd & Anor \[2019\] FCCA 3489 \(3 December 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3489.html?context=1;query=%5b2019%5d%20FCCA%203489;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3489.html?context=1;query=%5b2019%5d%20FCCA%203489;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3489.html?context=1;query=%5b2019%5d%20FCCA%203489;mask_path=))

## **Fair Work Ombudsman v Bradley Wells**

Date: 3 December 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, industry allowance, loading, over-time and penalty rates); Failure to comply with NTP

Penalty: \$41,040 against Mr Wells

Decision: [Fair Work Ombudsman v Wells \[2019\] FCCA 3488 \(3 December 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3488.html?context=1;query=%5b2019%5d%20FCCA%203488;mask_path=) ([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3488.html?context=1;query=%5b2019%5d%20FCCA%203488;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3488.html?context=1;query=%5b2019%5d%20FCCA%203488;mask_path=))

## **Fair Work Ombudsman v Jewel Bay 2015 Pty Ltd (ACN 600 227 174) & Anor**

Date: 22 November 2019

Nature of Proceedings: Pregnancy discrimination

Penalty: \$37,800 (\$31,500 against Jewel Bay 2015 Pty Ltd and \$6,300 against Mr Tajeddine)

Decision: [Fair Work Ombudsman v Jewel Bay 2015 Pty Ltd & Anor \[2019\] FCCA 3561 \(22 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3561.html?context=1;query=%5b2019%5d%20FCCA%203561;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3561.html?context=1;query=%5b2019%5d%20FCCA%203561;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3561.html?context=1;query=%5b2019%5d%20FCCA%203561;mask_path=))

## **Fair Work Ombudsman v Loke Cheng Wong**

Date: 19 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, loading, penalty rates, overtime, minimum periods); Failure to accrue annual and personal leave entitlements;

Penalty: \$10,125 against Mr Wong

Decision: [Fair Work Ombudsman v PPR Ryde \(NSW\) Pty Ltd & Anor; Fair Work Ombudsman v Gateharvest Pty Ltd & Anor; Fair Work Ombudsman v Wong \[2019\] FCCA 3085 \(19 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3085.html?context=1;query=%5b2019%5d%20FCCA%203085;mask_path=) (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3085.html?context=1;query=%5b2019%5d%20FCCA%203085;mask\_path=) ☐

## **Fair Work Ombudsman v Gateharvest Pty Ltd & Loke Cheng Wong**

Date: 19 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, loading, penalty rates, overtime, minimum periods); Failure to accrue annual and personal leave entitlements; Record keeping, payslips

Penalty: \$142,156 (\$131,626 against Gateharvest Pty Ltd and \$10,530 against Mr Wong)

Decision: [Fair Work Ombudsman v PPR Ryde \(NSW\) Pty Ltd & Anor; Fair Work Ombudsman v Gateharvest Pty Ltd & Anor; Fair Work Ombudsman v Wong \[2019\] FCCA 3085 \(19 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3085.html?context=1;query=%5b2019%5d%20FCCA%203085;mask_path=) (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3085.html?context=1;query=%5b2019%5d%20FCCA%203085;mask\_path=) ☐

## **Fair Work Ombudsman v PPR Ryde (NSW) Pty Ltd & Anor**

Date: 19 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, loading, penalty rates, overtime, minimum periods); Failure to accrue annual and personal leave entitlements; Record keeping, payslips

Penalty: \$155,521 (\$141,751 against PPR Ryde (NSW) Pty Ltd and \$13,770 against Mr Wong)

Decision: [Fair Work Ombudsman v PPR Ryde \(NSW\) Pty Ltd & Anor; Fair Work Ombudsman v Gateharvest Pty Ltd & Anor; Fair Work Ombudsman v Wong \[2019\] FCCA 3085 \(19 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3085.html?context=1;query=%5b2019%5d%20FCCA%203085;mask_path=) (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3085.html?context=1;query=%5b2019%5d%20FCCA%203085;mask\_path=) ☐

## **Fair Work Ombudsman v Desire Food Pty Ltd & Anor**

Date: 15 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, penalty rates, public holiday allowances, leave loading, uniform allowance, meal breaks, minimum engagement, transport allowance); Record keeping, payslips, failure to pay employees regularly, payslips and false/misleading records

Penalty: \$75,400 (\$63,500 against Desire Food Pty Ltd and \$11,900 against Mr Lee)

Decision: [Fair Work Ombudsman v Desire Food Pty Ltd & Anor \[2019\] FCCA 2979 \(15 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2979.html?context=1;query=%5b2019%5d%20FCCA%202979;mask_path=) (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2979.html?context=1;query=%5b2019%5d%20FCCA%202979;mask\_path=) ☐

## **Fair Work Ombudsman v Pulis Plumbing Pty Ltd & Anor**

Date: 15 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, loading and penalty rates); Record keeping, payslips and false/misleading records.

Penalty: \$151,200 (\$124,000 against Pulis Plumbing Pty Ltd and \$27,200 against Mr Pulis)

Decision: [Fair Work Ombudsman v Pulis Plumbing Pty Ltd & Anor \[2019\] FCCA 3192 \(15 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3192.html?context=1;query=%5b2019%5d%20FCCA%203192;mask_path=) (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3192.html?context=1;query=%5b2019%5d%20FCCA%203192;mask\_path=) ☐

## **Fair Work Ombudsman v Abella Travel Pty Ltd & Anor**

Date: 13 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, base rate of pay, annual leave, over-time, loading and penalty rates); Requiring employees to pay back part of their wages; Record keeping, payslips and false/misleading records.

Penalty: \$398,520 (\$332,100 against Abella Travel Pty Ltd and \$66,420 against Mr Lee)


Decision: [Fair Work Ombudsman v Abella Travel Pty Ltd & Anor \[2019\] FCCA 3262 \(13 November 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3262.html?context=1;query=%5b2019%5d%20FCCA%203262;mask_path=) (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3262.html?context=1;query=%5b2019%5d%20FCCA%203262;mask\_path=) ☐

## **Fair Work Ombudsman v QHA Foods Pty Ltd (ACN 166 392 436) & Ors**

Date: 1 November 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, loading and penalty rates); failure to provide minimum engagement for casual and part-time employees; Record keeping, payslips and false/misleading records.

Penalty: \$104,000 (\$80,000 against QHA Foods Pty Ltd, \$12,000 against Mr Kumarasamy and Mr Raghuram respectively)


Decision: [Fair Work Ombudsman v Qha Foods Pty Ltd & Ors \[2019\] FCCA 3120 \(1 November 2019\) \(https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3120.html?context=1;query=%5b2019%5d%20FCCA%203120;mask\\_path=\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/3120.html?context=1;query=%5b2019%5d%20FCCA%203120;mask_path=) 

## **Fair Work Ombudsman v Nobrace Centre Pty Ltd (In Liquidation) (ACN 121 556 447) & Ors**

Date: 22 October 2019

Nature of Proceedings: Underpayments (failure to pay minimum hourly rates, overtime, weekend loading, holiday penalty rates and annual leave entitlements); record keeping, payslips and false/misleading records; failure to pay employee in full and unauthorised deductions; Failure to comply with a NTP

Penalty: \$73,000 (\$18,000 against Mrs Masters and \$55,000 against Mr Masters)


Decision: [Fair Work Ombudsman v NoBrace Centre Pty Ltd \(In Liquidation\) \(ACN 121 556 447\) & Ors \(No.2\) \[2019\] FCCA 2970 \(22 October 2019\) \(https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2970.html?context=1;query=%5b2019%5d%20FCCA%202970;mask\\_path=\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2970.html?context=1;query=%5b2019%5d%20FCCA%202970;mask_path=) 

## **Fair Work Ombudsman v Westside Petroleum Retail 1 Pty Ltd & Ors**

Date: 2 October 2019

Nature of Proceedings: Underpayments

Penalty: \$57,000 (\$45,000 against Westside Petroleum Retail 1 Pty Ltd, \$4,000 against P Riad, F Ieraci and S Khawaja respectively)


Decision: [Fair Work Ombudsman v Westside Petroleum Retail 1 Pty Ltd & Ors \[2019\] FCCA 2784 \(2 October 2019\) \(https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2784.html?context=1;query=%5b2019%5d%20FCCA%202784;mask\\_path=\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2784.html?context=1;query=%5b2019%5d%20FCCA%202784;mask_path=) 

## **Fair Work Ombudsman v Broome Helicopter Services Pty Ltd & Anor**

Date: 27 September 2019

Nature of Proceedings: Underpayments

Penalty: \$40,260 (\$33,550 against Broome Helicopter Services Pty Ltd and \$6,710 against J Calandra)

Decision: [Fair Work Ombudsman v Broome Helicopter Services & Anor \(No.2\) \[2019\] FCCA 2713 \(27 September 2019\) \(https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2713.html?context=1;query=%5b2019%5d%20FCCA%202713;mask\\_path=\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2713.html?context=1;query=%5b2019%5d%20FCCA%202713;mask_path=) 

## **Fair Work Ombudsman v NSW Motel Management Services Pty Ltd & Ors**

Date: 20 September 2019

Nature of Proceedings: Underpayments, record keeping and payslips, failure to provide FW Statement, failure to prepare award compliant rosters, making or keeping false records, adverse action

Penalty: \$280,000 (\$220,000 against NSW Motel Management and \$50,000 against M Parkes and \$10,000 against R Parkes)

Decision: [Fair Work Ombudsman v NSW Motel Management Services Pty Ltd & Ors \(No.2\) \[2019\] FCCA 2638 \(20 September 2019\) \(https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2638.html?context=1;query=%5b2019%5d%20FCCA%202638;mask\\_path=\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2638.html?context=1;query=%5b2019%5d%20FCCA%202638;mask_path=) 

## **Fair Work Ombudsman v A & K Property Services Pty Ltd, Yong Sin Kim, Hyun Jun Kang and Jungpyo Lee**

Date: 16 August 2019

Nature of Proceedings: Underpayments and failure to issue payslips or keep records

Penalty: \$125,700 (\$108,000 against A & K Property Services Pty Ltd, \$10,600 against Yong Sin Kim, \$3,550 against Hyun Jun Kang and \$3,550 against Jungpyo Lee)

Decision: [Fair Work Ombudsman v A & K Property Services Pty Ltd & Ors \[2019\] FCCA 2259 \(16 August 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2259.html?context=1;query=%5b2019%5d%20FCCA%202259;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2259.html?context=1;query=%5b2019%5d%20FCCA%202259;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2259.html?context=1;query=%5b2019%5d%20FCCA%202259;mask_path=))

## Fair Work Ombudsman v Nobrace Centre Pty Ltd and Ari Masters (No. 2)

Date: 6 August 2019

Nature of Proceedings: Failure to comply with a compliance notice

Penalty: \$5,355 (against Ari Masters only)

Decision: [Fair Work Ombudsman v Nobrace Centre Pty Ltd & Anor \(No.2\) \[2019\] FCCA 2144 \(6 August 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2144.html?context=1;query=%5b2019%5d%20FCCA%202144;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2144.html?context=1;query=%5b2019%5d%20FCCA%202144;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2144.html?context=1;query=%5b2019%5d%20FCCA%202144;mask_path=))

## Fair Work Ombudsman v Eagle Tours Pty Limited

Date: 1 August 2019

Nature of Proceedings: Underpayments

Penalty: \$89,250

Decision: [Fair Work Ombudsman v Eagle Tours Pty Limited \[2019\] FCCA 2099 \(1 August 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2099.html?context=1;query=%5b2019%5d%20FCCA%202099;mask_path=) ([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2099.html?context=1;query=%5b2019%5d%20FCCA%202099;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/2099.html?context=1;query=%5b2019%5d%20FCCA%202099;mask_path=))

## Fair Work Ombudsman v A & S Wholesale Fruit & Vegetables Pty Ltd, Stephen Fanous and Etherah Louli

Date: 4 July 2019

Nature of Proceedings: Underpayments, failure to provide pay slips, false and misleading records, making use of false and misleading records and unreasonable hours

Penalty: \$243,000 (\$200,000 against A & S Wholesale Fruit & Vegetables Pty Ltd, \$30,000 against Stephen Fanous and \$13,000 against Etherah Louli)

Decision: [Fair Work Ombudsman v A & S Wholesale Fruit & Vegetables Pty Ltd & Ors \[2019\] FCCA 1838 \(4 July 2019\)](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1838.html?context=1;query=%5b2019%5d%20FCCA%201838;mask_path=)  
([https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1838.html?context=1;query=%5b2019%5d%20FCCA%201838;mask\\_path=](https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2019/1838.html?context=1;query=%5b2019%5d%20FCCA%201838;mask_path=))

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