



We investigated **48 businesses** in  
**Darwin and surrounding areas** in  
September 2021



**76% non-compliant with workplace laws**



**71% (24)** didn't pay staff correctly

**9% (3)** didn't meet pay slip and record-keeping requirements

**20% (7)** breached both monetary and non-monetary obligations



**\$393,453**  
recovered for **479**  
employees from  
**31** businesses



**3** businesses remain  
under investigation

Fair Work Inspectors issued:

**32**

Compliance  
notices

**\$390,177** recovered  
for **465** employees

**10**

Infringement  
notices

**\$12,792** paid in fines

# Darwin food precincts investigation

## What we did and why

In September 2021, we investigated 48 businesses in Darwin and surrounding areas. This proactive investigation was part of a program examining non-compliance in popular food precincts that commenced in 2016.<sup>1234</sup>

Fast food, Restaurants and Cafés (FRAC) sector businesses within these precincts typically employ a high proportion of young and migrant (temporary visa holder) workers. These workers can be vulnerable to exploitation, due to a lack of awareness or understanding of their entitlements, and an unwillingness to raise concerns with their employer or the FWO.

Darwin has a diverse mix of businesses, employers and employees. Anonymous tip offs from workers suggested non-compliance in restaurants and fast food outlets in the area.

We targeted businesses deemed to be at risk of non-compliance, based on one or more of the following characteristics:

- a history of non-compliance with the FWO
- anonymous tip offs and/or customer enquiries received about the business
- employing vulnerable migrant workers (confirmed using Home Affairs data).

Fair Work Inspectors conducted unannounced site visits at 48 businesses over 3 days. They:

- requested employment and payroll records
- interviewed employers, managers and workers
- observed work practices
- noted staff numbers to validate business records.

Pay slips and record-keeping practises were assessed against the requirements of the *Fair Work Act 2009*, the *Fair Work Regulations 2009*, and applicable awards or registered agreements. Most businesses were covered by the *Restaurant Industry Award 2020* or *Fast Food Industry Award 2010*.

---

<sup>1</sup> [Over-1.2-million-recovered-for-food-and-retail-workers– Media releases – Fair Work Ombudsman](#)

<sup>2</sup> [Over \\$300,000 returned to fast food, restaurant and café workers - Media releases - Fair Work Ombudsman](#)

<sup>3</sup> [Over \\$580,000 recovered for Hobart workers - Fair Work Ombudsman](#)

<sup>4</sup> [More than \\$200,000 recovered for Gold Coast workers - Fair Work Ombudsman](#)

## Our findings

34 (76%) of the 45 businesses with finalised investigations had breached workplace laws. Of those:

- 24 (71%) were not paying staff correctly.
- 3 (9%) were non-compliant with pay slip and record-keeping requirements.
- 7 (20%) breached both their monetary and non-monetary obligations.

The most common breaches were:

- failure to pay penalty rates or casual loadings – 28 businesses (82%)
- underpayment of the minimum hourly rate – 13 businesses (38%)
- failure to pay correct overtime allowances – 13 businesses (38%)
- payslip breaches – 7 businesses (21%)
- record-keeping breaches – 4 businesses (12%).

Around two-thirds (63%) of the 48 businesses investigated employed visa holders, and around three-quarters (77%) were found to employ young workers.

## Action taken and next steps

We recovered \$393,453 for 479 employees from 31 businesses<sup>5</sup>. The largest recovery from a single business was \$94,687.

Fair Work Inspectors issued:

- 32 compliance notices (to 32 businesses), recovering \$390,177 for 465 employees
- 10 infringement notices, with \$12,792 paid in fines.

3 businesses are still under investigation for alleged non-compliance with workplace laws.

---

<sup>5</sup> One business rectified underpayments of \$3,276 to 14 employees at the time of our site visits, without Fair Work inspectors needing to investigate further.