



Australian Government

Fair Work

OMBUDSMAN

ENFORCEABLE UNDERTAKING

Between

The Commonwealth of Australia

(as represented by the Office of the Fair Work Ombudsman)

and

Super Max Coffee Pty Ltd (ABN 45 606 449 414)

and

Mr George Younan

ENFORCEABLE UNDERTAKING

PARTIES

1. This Enforceable Undertaking (**Undertaking**) is given to the Fair Work Ombudsman (**FWO**) pursuant to section 715 of the *Fair Work Act 2009* (Cth) (**FW Act**) by:
 - a) Super Max Coffee Pty Ltd trading as Mitte Cafe, ABN 45 606 449 414 (the **Company**), 76 Michael Street, Fitzroy North Victoria 3068; and
 - b) George Younan, Director of the Company (**Mr Younan**).

COMMENCEMENT OF UNDERTAKING

2. This Undertaking comes into effect when:
 - a) the Undertaking is executed by the Company and Mr Younan; and
 - b) the FWO accepts the Undertaking so executed.

BACKGROUND

3. The Company was registered on 16 June 2015 and commenced operations as Mitte Cafe located at 76 Michael Street, Fitzroy North Victoria 3068 (the **Company**).
4. The Mitte Cafe is a sit-down café style establishment and typically employs 11 people at any one time. The Company employed 35 people across the assessment period of the audit referred to in clause 8. All 35 employees were engaged on a casual basis.
5. At all material times, George Younan was the Director of the Company.

Award Coverage

6. The Company is covered by the *Restaurant Industry Award 2010* (**Award**) in respect of its employees who perform duties in accordance with classifications set out in Schedule B of the Award.
7. The employees listed in Attachment A (**Employees**) worked in the cafe performing duties commensurate with the classification Restaurant Employee Level 1 & 2 (Food and Beverage attendant, Kitchen attendant and Cook) during the period 1 July 2017 to 30 June 2018.

Identification of underpayment

8. As a result of an audit commenced by the FWO in July 2018 as part of the Workplace Basics Campaign, it was determined that the Company had underpaid 32 of the 35

employees (current and former) a total of \$38,296.69 over the period 1 July 2017 to 30 June 2018.

Summary of contraventions

9. The FWO has determined, and the Company and Mr Younan admit, that the Company contravened:
 - a) Section 45 of the FW Act, by failing to comply with the following terms of the Restaurant Industry Award:
 - i. Clause 13.1 by failing to pay the Employees applicable minimum casual loadings;
 - ii. Clause 13.5 by failing to pay the Employees overtime rates for hours worked in excess of 38 hours per week;
 - iii. Clause 34.1 by failing to pay the Employees the applicable penalty rate for all hours worked on weekends and Public Holidays.
 - b) The underpayments arising as a result of these contraventions total **\$38,296.69 gross**.
10. Mr Younan admits and agrees that:
 - a) He has been the Director of the Company since 16 June 2015;
 - b) As a result of his office as Director, he was ultimately responsible for the overall direction, management and supervision of the operations at the Company in relation to engaging staff, setting and adjusting pay rates and determining wages and conditions of employment;
 - c) By reason of the matters set out in subclauses (a) and (b) immediately above he was responsible in a practical sense for ensuring the Company complied with its legal obligations.
11. The FWO has found, and Mr Younan admits, that he was involved (as defined by s 550 of the FW Act) in the contraventions set out in clause 9 of this Undertaking.

ENFORCEABLE UNDERTAKING

12. Upon the execution of this Undertaking and for the purposes of section 715 of the FW Act, the Company and Mr Younan undertake to do the following as set out in clauses 13 to 44 below.

Rectify Underpayments

13. Within 28 days from the date of execution of this Undertaking, the Company and Mr Younan will rectify the contraventions as identified in clause 9 of this Undertaking by paying the Employees the amounts listed at Attachment A by electronic funds transfer (EFT).

14. Within two days of rectifying the underpayments referred to in clause 9 of this Undertaking, the Company and Mr Younan will provide evidence to the FWO that the payments have been made to the Employees.
15. Where the Company and Mr Younan are unable to pay an Employee directly, they undertake to make application to the Commonwealth of Australia (through the FWO) in accordance with section 559 of the FW Act to pay money into the Consolidated Revenue Fund (**Fund**). (Any employees that have underpayments paid into the Fund can contact the FWO to claim the money).

Audit Activity

16. At its own expense, the Company undertakes to engage an external accounting professional (for example, a Certified Practising Accountant) or employment law specialist approved by the FWO to perform two (2) audits (**the Audits**) of the Company's compliance with Commonwealth Workplace laws and instruments, including but not limited to the following clauses of the Award and sections of the FW Act:
 - i. Clause 20 Base rate of pay, in accordance with the classification structure at Schedule B;
 - ii. Clause 13.1 Casual loadings;
 - iii. Clause 33 Overtime rates of pay;
 - iv. Clause 34 Penalty rates of pay;
 - v. Section 535 Record keeping;
 - vi. Section 536 Pay slips;
17. The Audits will include all employees of the company and will be completed as follows:
 - a) The Audit of 1 June 2019 to 31 July 2019 (**Initial Audit**) will be finalised by 31 August 2019;
 - b) The Audit 1 June 2020 to 31 July 2020 (**Second Audit**) will be finalised by 31 August 2020.
 - c) 21 days prior to the Audit finalisation dates specified in subclause a) and b) above, the Company will provide for the FWO's approval, details of the methodology to be used to conduct the Audit; and
 - d) Within 14 days of each of the finalisation dates specified in subclause a) and b) above, the Company will provide to the FWO a report on the outcomes of the Audit and all supporting evidence. In the event non-compliance is found, the audit report will:
 - i) identify any clause within the relevant industrial instrument that the Company has not complied with; and
 - ii) record any amount found to be owing to an employee of the Company as a result of the non-compliance.

18. The Company undertakes that it will:

- a) Rectify any underpayments identified by the Audits within 30 days of the finalisation dates specified in clauses 17 a) and 17 b); and
- b) Provide evidence of rectification to the FWO no more than 7 days later.

19. Where the Audits identify an employee as having an underpayment and the Company cannot locate the employee, the Company undertakes to make an application to the Commonwealth of Australia (through the FWO) in accordance with s559 of the FW Act to pay the amount identified into the Fund. The Company also undertakes to complete all required documents supplied by the FWO to undertake this process and make any requirements into the Fund within the timeframes required by the FWO.

20. If requested, the Company must provide the FWO with all records and documents used to conduct the Audits, including any calculations or working documents, within 14 days of such a request being made.

FWO My account registration

21. Within 28 days from the date of execution of this Undertaking, the Company and Mr Younan will:

- a) each register with the FWO My account portal at www.fairwork.gov.au/register and create a My account profile, including information about the Company and award/agreement coverage, through this portal;
- b) using the FWO Pay Calculator, calculate relevant minimum pay rates (and penalty rates where necessary) for all classifications of employees employed by the Company and save these calculations to My account;
- c) provide to the FWO the 'My account' Customer Registration Number (CRN);
- d) subscribe to the FWO's 'Subscribe to email updates' function available at <http://www.fairwork.gov.au/website-information/staying-up-to-date/subscribe-to-email-updates>, choose the relevant State/s and industry, and select information updates on the following topics:
 - i. pay rates and entitlements;
 - ii. new products and resources;
 - iii. about us and our work;
 - iv. updates in my industry; and
 - v. tailored information that's relevant to me.

Workplace relations systems and processes

22. The Company undertakes to comply at all times and in all respects with the FW Act, the *Fair Work Regulations 2009* (Cth) and the Award.

23. Provide the FWO, within 60 days of the date of execution of the Undertaking, details of systems and processes already in place or to be implemented to comply with paragraph 22 above. Without limitation, such systems and processes relating to compliance with the

Award clauses listed at paragraph 16 of the Undertaking, including but not limited to:

- a) Ensuring employees receive the correct minimum rates of pay and entitlements, such as penalty rates and overtime rates;
- b) Issuing payslips to employees within 1 working day of payment;
- c) Keeping accurate and complete records to ensure employees receive their correct wages and entitlements.

24. The Company undertakes to develop and provide to the FWO within 90 days of the execution of the Undertaking an induction pack. The induction pack is required to be provided to all new employees of the Company and is required to include the following as a minimum:

- a) A copy of the Fair Work Information Statement;
- b) A template letter of offer which specifies at least:
 - i. the employee's agreed status (full-time, part-time or casual) and agree number of ordinary hours each roster cycle;
 - ii. the employee's classification according to the relevant industrial instrument;
 - iii. the employee's roster cycle (if applicable);
 - iv. the ordinary hourly rate of pay that applies to their position, and
 - v. encourages all employees to download and use the Record My Hours App and sign-up for My account.

25. For a period of 2 years, from the date of execution of this Undertaking, every 6 months, the Company and Mr Younan undertake to provide a signed declaration (**Attachment E**) to the FWO :

- a) reporting the number of the employees employed to work for the Company;
- b) reporting the type of employment and classification of the employees;
- c) confirming that all employees are remunerated in accordance with the FW Act, Award and all other industrial instrument that may apply from time to time; and
- d) confirming that the Company is adhering to superannuation and taxation legislation.

26. If the Company and Mr Younan are unable to declare any of the matters referred to in clause 25 above, by the date on which the declaration is due, they must provide the FWO with a written statement providing the reasons why they are unable to do so.

Workplace Relations Training

27. Ensure that all persons responsible for management, payroll and Mr Younan complete the educational activities at <http://www.fairwork.gov.au/how-we-will-help/online-training>, as set out in Attachment D.

28. Within 6 months of the execution of the Undertaking, for each person required to complete the educational activities, enter all of the required information in Attachment D and provide copies of the completed attachment to the FWO.

29. For a period of 2 years from the execution of the Undertaking, ensure that the educational

activities are completed by any new or existing employees or contractors who, after the commencement of the Undertaking, acquire managerial, payroll and human resources functions responsibilities.

30. For any persons taking on any of these functions within the 2 year period, complete Attachment D and submit to the FWO within 28 days of taking responsibility for these functions. Copies of the "Certificate of Completion" generated by the FWO website at the conclusion of each online course should also be provided for each person.

Apology

31. Within 14 days from date of execution of this Undertaking, the Company and Mr Younan undertake to send a letter of apology (**Apology Letter**) to the Employees, in the form of Attachment C
32. Within 7 days of the Apology Letter being sent, the Company and Mr Younan undertake to provide to the FWO a copy of the Apology Letter, and proof of delivery to the Employees.

Workplace Notice

33. Within 30 days from the date of execution of this Undertaking, the Company will display (or cause to be displayed) a notice at the Cafe (**Workplace Notice**). The Workplace Notice will be:
 - a) in the form of Attachment B;
 - b) printed in at least A3 size;
 - c) clearly displayed in a location to which all employees who work at the Company have access (for example, by placement on a staff noticeboard);
 - d) displayed for a continuous period of 28 days
34. The Workplace Notice must be displayed in the most commonly spoken language(s) in the workplace.
35. Within 28 days of displaying the Workplace Notice, the Company will provide confirmation, including photographic evidence of display, to the FWO that the Workplace Notice has been displayed at the Cafe, along with a description of the location of the notice in the workplace.
36. At the end of the period of 28 days the Company and Mr Younan will provide confirmation to the FWO that the Workplace Notice has been continuously displayed for the required period, including photographic evidence of its display in the Cafe.

Contribution payment

37. Within 2 months of the execution of this Undertaking, the Company and Mr Younan undertake to make a contribution payment of \$2,000 to the Consolidated Revenue Fund.
38. The Company and My Younan undertake to provide evidence of the payment to FWO within 7 days of making the payment.

Social Media Notice

39. The Company will, within 28 days of, but not prior to the FWO publishing a Media Release on its website in respect of the Undertaking, place a post on its Facebook page which will:
- a) be posted and pinned to the top of the homepage in public view;
 - b) remain on the Facebook page for a continuous period of at least 28 days; and
 - c) be in the form of the Public Notice set out at Attachment B
40. Within 7 days of posting the notice on the Company's Facebook page, provide the FWO with a link to the Public Notice on the Company's Facebook page.

FWO Posts

41. The Company and Mr Younan undertake to monitor and share FWO information posts specifically relating to the Hospitality industry, once every quarter, in addition to the sharing of the 1 July annual wage increase posts, on the Company's Facebook and Twitter social media network. The Company is required to share FWO posts from the date of the execution of the EU for a period of 2 years.
42. The Company and Mr Younan will notify the FWO that the obligation specified in clause 41 has been met, within 7 days of the relevant posts being shared.

Reporting to the FWO

43. The Company and Mr Younan will notify the FWO of any changes of circumstances that could potentially impact on the Company's ability to comply with the terms contained in this Undertaking, within 30 days of becoming aware of such circumstances. These circumstances, include but are not limited to:
- a) sale or potential sale of Super Max Coffee Pty Ltd trading as Mitte Cafe, ABN 45 606 449 414, or part of the Company or business;
 - b) change of or change in details of Company directors, or other officeholder positions;
 - c) change in engagement of workers, for example engaging contractors, labour hire or family members in lieu of employees;
 - d) the Company or its Director(s), including Mr Younan, opening any new establishments or businesses, or acquiring any existing establishments or businesses, whether alone or in partnership with another entity;
 - e) ceasing or an expectation of ceasing to trade;
 - f) the business going in to administration or liquidation, including the likelihood of this occurring.
44. The Company and Mr Younan will provide any evidence requested by the FWO to confirm the event(s) identified in clause 41 above, or any other relevant events, within 30 days of the request.

No Inconsistent Statements

45. The Company and Mr Younan:

- a) must not; and
- b) must ensure that each of their officers, employees or agents, do not, make any statement, orally or in writing or otherwise imply anything that is inconsistent with any admissions or acknowledgements contained in this Undertaking.

ACKNOWLEDGEMENTS

46. The Company and Mr Younan acknowledge that:

- a) the FWO may:
 - i. make this Undertaking (and any of the Attachments hereto) available for public inspection, including by posting it on the FWO internet site at www.fairwork.gov.au;
 - ii. release a copy of this Undertaking (and any of the Attachments hereto) pursuant to any relevant request under the *Freedom of Information Act 1982* (Cth);
 - iii. issue a media release in relation to this Undertaking;
 - iv. from time to time, publicly refer to the Undertaking (and any of the Attachments hereto) and its terms; and
 - v. rely upon the admissions made by the Company and Mr Younan set out in clauses 9 and 11 of this Undertaking in respect of any decision taken regarding enforcement action in the event that the Company and Mr Younan are found to have failed to comply with their work workplace relations obligations in the future.
- b) consistent with the Note to section 715(4) of the FW Act, this Undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct set out herein;
- c) consistent with section 715(3) of the FW Act, the Company and Mr Younan may withdraw from or vary this Undertaking at any time, but only with the consent of the FWO; and
- d) if the Company or Mr Younan contravenes any of the terms of this Undertaking:
 - i. The FWO may apply to any of the Courts set out in section 715(6) of the FW Act, for orders under section 715(7) of the FW Act; and
 - ii. This Undertaking may be provided to the Court as evidence of the admissions made by the Company in clauses 9 and 11 of this Undertaking and also in respect of the question of costs.

Executed as an undertaking

EXECUTED by SUPER MAX COFFEE PTY LTD in accordance with section 127(1) of the Corporations Act 2001:



(Signature of director)

(Signature of director/company secretary)

GEORGE YOUNAN

(Name of director)

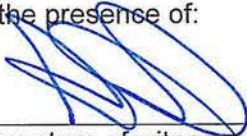
(Name of director/company secretary)

9/5/19

(Date)

(Date)

in the presence of:



(Signature of witness)

in the presence of:

(Signature of witness)

AGATA MOSS

(Name of witness)

(Name of witness)

EXECUTED by George Younan



Signature of George Younan

9/5/19

(Date)

in the presence of:



(Signature of witness)

AGATA MOSS


(Name of witness)

ACCEPTED by the FAIR WORK OMBUDSMAN pursuant to section 715(2) of the *Fair Work Act 2009* on:


pro FAIR WORK OMBUDSMAN

9 MAY 2019
(Date)

in the presence of:


(Signature of witness)

VERA JANCESKI
(Name of witness)

Attachment A – Underpaid and Affected Employees

<u>Employee</u>	<u>Type of Employment</u>	<u>Classification</u>	<u>Underpayment</u>
[REDACTED]	Casual	Food & Beverage Attendant Grade 2	-\$59.01
	Casual	Food & Beverage Attendant Grade 2	-\$452.21
	Casual	Cook Grade 1	-\$2,473.47
	Casual	Cook Grade 1	-\$241.11
	Casual	Cook Grade 1	-\$760.27
	Casual	Food & Beverage Attendant Grade 2	-\$260.47
	Casual	Food & Beverage Attendant Grade 2	-\$355.83
	Casual	Cook Grade 1	-\$1,431.43
	Casual	Food & Beverage Attendant Grade 2	-\$674.92
	Casual	Food & Beverage Attendant Grade 2	-\$3,003.63
	Casual	Food & Beverage Attendant Grade 2	-\$3,453.61
	Casual	Food & Beverage Attendant Grade 1	-\$801.12
	Casual	Food & Beverage Attendant Grade 1	-\$1,226.39
	Casual	Food & Beverage Attendant Grade 2	-\$916.53
	Casual	Kitchen Attendant Grade 1	-\$2,767.67
	Casual	Kitchen Attendant Grade 1	-\$170.34
		Casual	Food & Beverage Attendant Grade 2 (Monday-Friday)

<u>Employee</u>	<u>Type of Employment</u>	<u>Classification</u>	<u>Underpayment</u>
		Food & Beverage Attendant Grade 1 (Saturday/Sunday)	-\$1,248.78
	Casual	Food & Beverage Attendant Grade 2	-\$707.01
	Casual	Food & Beverage Attendant Grade 2	-\$3,582.81
	Casual	Food & Beverage Attendant Grade 2	-\$1,996.95
	Casual	Food & Beverage Attendant Grade 2	-\$185.27
	Casual	Cook Grade 1	-\$216.60
	Casual	Food & Beverage Attendant Grade 1	-\$53.68
	Casual	Food & Beverage Attendant Grade 2	-\$607.45
	Casual	Cook Grade 1	-\$265.98
	Casual	Kitchen Attendant Grade 1	-\$531.43
	Casual	Kitchen Attendant Grade 1	-\$483.42
	Casual	Food & Beverage Attendant Grade 2	-\$720.67
	Casual	Food & Beverage Attendant Grade 2	-\$1,957.07
	Casual	Kitchen Attendant Grade 1	-\$1,936.08
	Casual	Kitchen Attendant Grade 1	-\$1,162.27
	Casual	Food & Beverage Attendant Grade 2	-\$1,858.66
TOTAL			-\$37,520.54

Attachment B – Form of Public and Workplace Notice

Contravention of Fair Work Act by Super Max Coffee Pty Ltd

We refer to the investigation conducted by the Office of the Fair Work Ombudsman (**FWO**) into allegations that Super Max Coffee Pty Ltd trading as Mitte Cafe contravened the *Fair Work Act 2009* (**FW Act**) and *Restaurant Industry Award 2010* (**Restaurant Award**) during the period 1 July 2017 – 30 June 2018 as follows:

- by failing to pay minimum rates of pay for work performed;
- by failing to pay overtime for hours worked in excess of 38 hours per week;
- by failing to pay penalty rates for hours worked on weekends and public holidays.

Super Max Coffee Pty Ltd has formally admitted to the FWO that these contraventions occurred and has entered into an Enforceable Undertaking (**EU**) with the FWO (available at www.fairwork.gov.au) committing to a number of measures to remedy the contraventions, rectify workplace practices and ensure future compliance. Some of the undertakings include:

- Rectifying the underpayments to the employees affected by the contraventions. Where Super Max Coffee Pty Ltd has been unable to pay an employee directly, it has undertaken to make application to the Commonwealth of Australia (through the FWO) in accordance with section 559 of the FW Act to pay money into the Commonwealth Revenue Fund.
- Undertaking an audit of Super Max Coffee Pty Ltd's compliance with all Commonwealth workplace laws and applicable industrial instruments, such as the Restaurant Award within 6 months of the execution of the EU and again within 18 months of the execution of the EU.
- Ensuring that the workplace systems and processes they have implemented or propose to implement complies with their obligations under the FW Act.
 - Super Max Coffee Pty Ltd will make a contribution of \$2,000 to the Consolidate Revenue Fund in recognition of its contrition for its contraventions of the FW Act.

Super Max Coffee Pty Ltd expresses its sincere regret and apologises for the conduct which resulted in the contraventions. Furthermore Super Max Coffee Pty Ltd gives a commitment that such conduct will not occur again as it will comply with all requirements of the Commonwealth workplace relations laws in the future.

If you worked for Super Max Coffee Pty Ltd during the period 1 July 2017 – 30 June 2018 or have questions relating to your employment entitlements, please contact George Younan - Company Director, [REDACTED] or [REDACTED]

Alternatively, anyone can contact the FWO via the website at www.fairwork.gov.au or the Infoline on 13 13 94.

Attachment C – Letter of Apology

<Date>

<Employee Name>

<Employee Address>

Dear <Employee Name>

I am writing to apologise on behalf of Super Max Coffee Pty Ltd trading as Mitte Cafe for its non-compliance with Commonwealth Workplace relations laws.

A recent investigation conducted by the Office of the Fair Work Ombudsman (**FWO**) determined that Super Max Coffee Pty Ltd had contravened the *Fair Work Act 2009* by failing to pay employees the correct entitlements under the *Restaurant Industry Award 2010* as follows:

- minimum casual rates of pay for work performed;
- overtime for hours worked in excess of 38 hours per week;
- penalty rates for hours worked on weekends and Public Holidays.
- Regrettably, the investigation determined that you were affected by the above contraventions.
- Super Max Coffee Pty Ltd is taking steps to remedy the contraventions, including by:
- paying you the amount that you have been underpaid an amount of **[\$INSERT AMOUNT]**; and
- Committing to future compliance with all federal industrial workplace laws and applicable industrial instruments.

You will receive this payment by **[DATE]** and will be provided with a payment advice confirming the payment made.

Super Max Coffee Pty Ltd has formally admitted to the FWO that it did not comply with its obligations under Commonwealth workplace relations laws and have entered into an Enforceable Undertaking with the FWO, a copy of which is available from the FWO website at www.fairwork.gov.au. As part of the Enforceable Undertaking Super Max Coffee Pty Ltd has committed to a number of measures to ensure future compliance with Commonwealth workplace relations laws.

Super Max Coffee Pty Ltd expresses its sincere regret and apologises to you for failing to comply with its lawful obligations.

Should you have any questions, please contact **[NAME OF RELEVANT CONTACT PERSON]** on **[INSERT PHONE NUMBER]**.

Yours sincerely

George Younan

Director

Super Max Coffee Pty Ltd

Attachment D – Online Training Resources

I, _____ (Enter name and position in the organisation)

have undertaken the following tools:

Completed online courses* including:

- Difficult conversations in the workplace – manager course date completed: _____
- Hiring employees date completed: _____
- Managing employees date completed: _____
- Managing performance date completed: _____
- Diversity and discrimination date completed: _____
- Workplace flexibility date completed: _____
- Record-keeping and pay slips date completed: _____

** Please provide printout of the Statement/Certificate of Attainment for each course completed*

Viewed Videos including:

- Welcome to fairwork.gov.au date completed: _____
- Finding information for your industry date completed: _____
- My account date completed: _____
- Introduction to the Pay and Conditions Tool date completed: _____
- PACT – Award classifications date completed: _____
- PACT – Pay summary date completed: _____
- PACT – Penalty rates date completed: _____
- PACT – Allowances date completed: _____
- PACT – Award Coverage date completed: _____

Read Factsheets including:

- Role of the Fair Work Ombudsman date completed: _____
- Contractors and employees – what’s the difference? date completed: _____

Read information on the following:

- ***Pay Overview***

- Minimum wages Page Ref No. _____ date completed: _____

- Penalty rates & allowances Page Ref No. _____ date completed: _____

- ***Leave Overview***

- Annual leave Page Ref No. _____ date completed: _____

- Sick & carer's leave Page Ref No. _____ date completed: _____

- ***Ending Employment Overview***

- Notice & final pay Page Ref No. _____ date completed: _____

- Unfair dismissal Page Ref No. _____ date completed: _____

- ***Employee Entitlements Overview***

- Types of employees Page Ref No. _____ date completed: _____

- National Employment Standards Page Ref No. _____ date completed: _____

- ***Awards & Agreements Overview***

- Awards Page Ref No. _____ date completed: _____

Attachment E - Employee Reporting

During the period ___/___/___ to ___/___/___ the following employees worked for the Company:

Name of employee	Date commenced	Date ceased employment (if applicable)	Status of employment (Full time, Part time or Casual)	Award Classification

In providing this information, I, George Younan declare that the information is true and correct. That all employees are receiving their minimum entitlements in accordance with the *Fair Work Act 2009* and the *Restaurant Industry Award 2010* or any other applicable industrial instrument. I declare that Super Max Coffee Pty Ltd is adhering to superannuation and taxation legislation.

I am aware that providing false or misleading information is a contravention of section 718A of the *Fair Work Act 2009* and is a civil remedy with a maximum penalty of \$63,000 for a body corporate or \$12,600 for an individual.

Providing false or misleading information is also a criminal offense under section 137.1 and 137.2 of the *Criminal Code Act 1995*, which could result in imprisonment for 12 months.

Name and position of person providing the information: _____

Signature of person providing information: _____

Date:/...../.....