

Submission for round 5 of the Royal Commission into Banking and Superannuation

Focus for Round 5 : Superannuation

I worked for a company known as [REDACTED] from 16 October 2003 to June 2012. On numerous occasions I asked my boss what was going on with my superannuation and why I hadn't been paid any. The answer I was given was that I was a casual employee and so I was not entitled to receive superannuation. In fact I was a full-time employee of this company and on many occasions I was expected to travel long distances such as to the Gold Coast and Sunshine Coast on the same day for work. I could never pick up and choose but once a job was given to you, you were expected to take it, otherwise you would miss out on jobs in the future. The issue with casual employment was finally settled by Justice Goldberg in the Melbourne Magistrate Court where it was decided that the structure of the contract signed by [REDACTED] employees was such that they were employees of the company and not sub-contractors, therefore they were entitled to superannuation.

[REDACTED] filed for bankruptcy. Just prior to that the company sent to [REDACTED] [REDACTED] dollars without making good its obligation to pay superannuation, wages, salaries and long-service leave to its employees. The [REDACTED] dollars were used to set up a [REDACTED] company with teenagers as directors of the company who were related to the directors of [REDACTED] here in Australia. Solicitors and accountants were involved and also the administrators [REDACTED] [REDACTED] tried to resolve this matter, but the whole business turned out to be a fiasco, because most of the documents concerning the transfer of money, registration of the company and the purchase of machinery were all in the [REDACTED] language and they couldn't find qualified translators. As a matter of interest, [REDACTED] is the biggest [REDACTED] company in Australia and it is an insult to think that they came up with that excuse to avoid liability.

My former employer [REDACTED] entered into administration on [REDACTED] and it was known as [REDACTED] [REDACTED] I believe that was a deliberate attempt not to pay my super and other benefits I was entitled to. When I joined the above company in October 2003, superannuation was compulsory. When I asked for an increase in my hourly rate, the company told me that they were not making any money while at the same time they were sending [REDACTED] which is considered to be a "tax haven". It is an illegal [REDACTED] out of reach of the arm of international law. The money was used to establish a [REDACTED] which I believe is now defunct. I claim that [REDACTED] committed a criminal offence by sending money abroad and in particular to [REDACTED] [REDACTED] without first making good its obligation to its employees.

I have been financially disadvantaged by my former employer not paying my superannuation. I approached ASIC, but it was a case of too many chiefs and not enough Indians and everyone gave me conflicting advice. I also approached the ATO but they are preoccupied with the events leading to the "disappearance" of [REDACTED] of taxpayers' money [REDACTED]. I believe they had no time to focus on my own predicament and non-payment of my super, which is a small fraction of what taxpayers have lost. I also approached the Australian Federal Police, but they can only act if a complaint is received from the ATO or ASIC and none of them are prepared to liaise or cooperate. I also approached the liquidators named above appointed to [REDACTED] but I was given an indication that they were representing the interests of [REDACTED] and not creditors like me. I was a creditor in June 2011 because money in terms of fees for [REDACTED] was due and payable to me as well as superannuation and long-service leave, the latter of which I managed to retrieve after a long and bitter struggle. As far as superannuation is concerned, none of the agencies listed above are interested in helping me. I also contacted AUSTRAC, but apart from confirming receipt of my letter and the attachments, they were not prepared to divulge any information relating to their investigation, if any, or let me know the outcome.

I believe that you have been appointed to investigate superannuation, amongst other issues. Can I please ask you to investigate my situation and make whatever orders, or take whatever action, is appropriate in order to recover my superannuation.

I am prepared to participate in a telephone conference. Please give me advance warning so that I can prepare myself.

I extend my profound thanks

Steve Kordatos