



**HUMAN TRAFFICKING WORKING GROUP**  
Dr Andreas Schloenhardt (Coordinator)

The University of Queensland  
TC Beirne School of Law

The University of British Columbia  
Centre of International Relations

[www.law.uq.edu.au/humantrafficking](http://www.law.uq.edu.au/humantrafficking)

**CASE REPORT**

Current as on: April 28, 2009

<b>Case Name</b>	<b><i>Inspector RJ Hortle v Aprint (Yu Tu Chuan)</i></b>
<b>Reported in</b>	<i>Inspector Robert John Hartle v Aprint (Aust) Pty Ltd &amp; Anor</i> [2007] FMCA 1547 (unreported 10 Sep 2007, O'Sullivan FM)
<b>Date(s)</b>	March 27, 2006–September 5, 2006 Judgment: September 10, 2007
<b>Court/ Jurisdiction</b>	Federal Magistrates Court (Melbourne)
<b>Matter</b>	Application for Civil Penalties under the <i>Workplace Relations Act 1996</i> (Cth) s 719.
<b>Co-accused</b>	Aprint Pty Ltd, Yu Tu Chuan

## Case Details

Mr Yu Tu Chuan was the manager and majority shareholder of Aprint Pty Ltd, a Melbourne based printing company. In 2005, Mr Chuan travelled to China to obtain the services of a number of qualified printers. He subsequently entered into employment agreements with four men on behalf of Aprint. These men were Mr Qi Hui Hui (Harry), Mr Nie Jian Feng (Nick); Mr Hua Chuan Zhang (Jack); and Mr Yang Li Dong (Frank).

The employment contracts of the four men were then presented to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA, now Department of Immigration and Citizenship, DICA) as a condition of seeking to bring the men to Australia under subclass 457 (temporary work) visas.

While the contracts provided for reasonable working conditions and wages commensurate with industry awards, the men were forced to make repayments of \$200 per week to discharge a debt of \$10,000 that allegedly reflected the cost of their being brought to Australia. They were initially accommodated at the business premises, but were later housed in a nearby building owned by Mr Chuan. He charged the men \$120 per week rent plus additional utilities costs.

The men were not accorded the correct amount of ordinary hours, overtime or payment in cash. In total the men were underpaid to the amount of:

- Mr Qi Hui Hui (Harry) - \$30,946.47
- Mr Nie Jian Feng (Nick) - \$31,706.96
- Mr Hua Chuan Zhang (Jack) - \$30,225.03
- Mr Yang Li Dong (Frank) - \$785.20

By the time the application was presented to court, the first respondent, Aprint Pty Ltd had been placed in liquidation and the application against the company was discontinued. Civil penalties of \$9,240 were imposed on the second respondent, Mr Chuan, pursuant to s 719 *Workplace Relations Act 1996* (Cth).

The victims were repaid the amounts owing within a number of weeks of the application being brought.