

**APPENDIX 1
COMPLAINTS / CLAIMS**

The Industrial Magistrate, during the six months ending **June 30, 2023**, dealt with the under mentioned complaints/claims for breaches of Awards or Industrial Agreements or breach of the *Industrial Relations Act 1979*, *Fair Work Act 2009*, *Minimum Conditions of Employment Act 1993*, *Workplace Relations Act 1996*, *Long Service Leave Act 1958*, *Construction Industry Portable Paid Long Service Leave Act 1985* and the *Children and Community Service Act 2004* or the Regulations made there under. The decision of the Magistrate is briefly noted, but those cases involving points of particular interest or importance are more fully reported.

No. of Complaint	Prosecutor	Accused	Nature of Breach	Decision	Penalty	Costs	Wages
CP 2/2022	Department of Mines, Industry Regulation and Safety	Kuldeep Singh Jodha	Industrial Relations Act 1979 - Alleged breach of Act	Convicted	\$33850.00	\$181.50	
CP 1 – 2/2023	Department of Mines, Industry Regulation and Safety	Ahmed El Sayed Imam	Industrial Relations Act 1979 - Alleged breach of Act	Convicted	\$45800.00	\$968.00	
CP 1 – 2/2023	Department of Mines, Industry Regulation and Safety	Yan Woon Desiree Hui	Industrial Relations Act 1979 - Alleged breach of Act	Convicted	\$44000.00	\$968.00	

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 103/201	Daniel Benjamin Cannon	Euro Car Parts Pty. Limited	Fair Work Act 2009 - Alleged breach of Act	Claim Proven	\$45,000.00		\$51,718.36
M 68/2022	Iman Rahimi	KEC Power Pty Ltd	Fair Work Act 2009 - Alleged Breach of Instrument; Fair Work Act 2009 - Alleged breach of Act	Claim Dismissed			\$6,698.59
M 170/2021	The Civil Service Association of Western Australia Incorporated (the CSA)	Director General, Department of Justice as the employing authority	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim Dismissed			
M 161/2021	Xing (Simon) Yan	Ultima United Ltd	Long Service Leave Act 1958 - Alleged breach of Act; Minimum Conditions of Employment Act 1993 - Alleged breach of Act	Claim Dismissed by Consent			\$25,000.00
M 8/2022	Arthena Howard	Auscor Pty Ltd & Another	Fair Work Act 2009 - Alleged breach of Act; Long Service Leave Act 1958 - Alleged breach of Act	Claim Dismissed			
M 30/2023	Jillian Denise Dixon, Department of Mines, Industry Regulation and Safety	Michael Ferguson	Industrial Relations Act 1979 - Alleged breach of Act	Claim Proven	\$6,160.00	\$115.00	
M 33/2021	Stephen Smith	Pilbara Iron Company (Services) Pty Ltd	Long Service Leave Act 1958 - Alleged breach of Act	Claim Dismissed			
M 34/2021	Michael Hulten	Pilbara Iron Company (Services) Pty Ltd	Long Service Leave Act 1958 - Alleged breach of Act	Claim Dismissed			
M 126/2020	Construction, Forestry, Maritime, Mining, and Energy Union	Mid West Port Authority	Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged Breach of Act	Claim Dismissed by Consent			
M 29/2023	Adryan Rogner Bisan	Cheeky Monkey Brewery CO.	Fair Work Act 2009 - Small Claim	Judgment by Default			\$1146.60

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

M 35/2021*	Thomas Meagher	Voodoo Café Pty Ltd (ACN 624 005 910)	Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged breach of Act	Claim Proven	\$2500.00	\$937.09
M 143/2022	Damiano De Gennaro	SNC – Lavalin Inc	Fair Work Act 2009 - Small Claim	Claim Dismissed		
M 174/2021	Construction, Forestry, Mining and Energy Union of Workers	North Metropolitan Health Service	Industrial Relations Act 1979 (WA) - Alleged breach of Instrument	Claim Dismissed		
M 98/2022	Vanessa Morriss, Department of Mines, Industry Regulation and Safety	Lee Adrian James	Industrial Relations Act 1979 - Alleged Breach of Instrument	Judgment by Default	\$3000.00	\$264
M 51/2021	Alan Mahon	B. K Elsegood & D.S Elsegood & D.K Elsegood & Elsegood Holdings Pty Ltd & S.M Elsegood & Falconcrest Holdings Pty Ltd	Industrial Relations Act 1979 - Enforcement of General Order 2005 WAIRC 01715	Claim Proven	\$1000.00	
M 29/2021 & Others	Craig Bradley Marshall & Others	Ben Traeger Homes Pty Ltd	Fair Work Act 2009 - Alleged breach of Act	Judgment by Default in favour of the Respondent		
M 118/2022	Claire Jordan	The Trustee for BP Trust David Phelps	Industrial Relations Act 1979 - Alleged Breach of Instrument; Long Service Leave Act 1958 - Alleged Breach of Instrument	Judgment by Default in favour of the Respondent		

*Typographical error corrected. Previously incorrectly published as M 35/2023.