

APPENDIX 1

PROSECUTIONS / CLAIMS

The Industrial Magistrates, during the six months ending **December 31, 2025**, dealt with the undermentioned prosecutions/claims for breaches of Awards or Industrial Agreements or breaches of the *Industrial Relations Act 1979* (WA), *Fair Work Act 2009* (Cth), *Minimum Conditions of Employment Act 1993* (WA), *Long Service Leave Act 1958* (WA), *Construction Industry Portable Paid Long Service Leave Act 1985* (WA) and the *Children and Community Services Act 2004* (WA) or the Regulations made thereunder. The decisions of the Industrial Magistrates are briefly noted, but those cases involving points of particular interest or importance are more fully reported.

| No. of Claim | Claimant   | Respondent                               | Nature of Breach  | Decision   | Penalty      | Costs | Wages       | Superannuation |
|--------------|--|--|---|--|--------------|-------|-------------|----------------|
| M 73/2023    | Construction, Forestry and Maritime Employees Union                | Qube Ports Pty Ltd                       | Fair Work Act 2009 - Alleged breach of Instrument   | Pecuniary penalty to be paid   | \$27,500.00  |       |             |                |
| M 23/2024    | Dr. Maurice Walsh  | The Shire of Victoria Plains & Another   | Industrial Relations Act 1979 - Alleged breach of Act   | Preliminary issue determined   |              |       |             |                |
| M 147/2022   | Jillian Dixon, Department of Mines, Industry Regulation and Safety | Kahraman Karakuyu & Another              | Industrial Relations Act 1979 - Alleged Breach of Instrument; Industrial Relations Act 1979 - Alleged Breach of Act | Pecuniary penalty to be paid   | \$132,768.00 |       |             |                |
| M 69/2025    | Paul Vincent Arcuri  | Total Package Production Pty Ltd         | Fair Work Act 2009 - Small Claim  | Claim admitted by respondent   |              |       | \$633.60    |                |
| M 15/2025    | Construction, Forestry and Maritime Employees Union                | Jetwave Marine Services Pty Ltd          | Fair Work Act 2009 - Alleged breach of Instrument   | Claim proven as it relates to cl 10.6 of Jetwave Marine and Maritime Union North West Inshore Agreement (2022) |              |       |             |                |
| M 72/2025    | Jason Michael Garner   | Retail Distribution Group Pty Ltd)       | Fair Work Act 2009 - Small Claim  | Judgment by default  |              |       | \$17,233.81 | \$8,318.50     |
| M 9/2025     | Construction, Forestry and Maritime Employees Union                | Qube Ports Pty Ltd (ABN: 46 123 021 492) | Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged breach of Act                       | Penalty imposed  | \$11,268.00  |       |             |                |
| M 137/2024   | Construction, Forestry and Maritime Employees Union                | Qube Ports Pty Ltd                       | Fair Work Act 2009 - Alleged breach of Instrument   | Penalty imposed  | \$14,650.00  |       |             |                |
| M 39/2025    | Leah Palmer  | Pick Agencies Pty Ltd                    | Fair Work Act 2009 - Small Claim  | Orders issued by consent   | \$8085.00    |       |             |                |
| M 161/2024   | Construction, Forestry and Maritime Employees Union                | Qube Ports Pty Ltd                       | Fair Work Act 2009 - Alleged breach of Instrument   | No penalty imposed   |              |       |             |                |

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

PROSECUTIONS / CLAIMS—*continued*

|            |  |   |   |                                   |             |             |            |
|------------|--|---|---|-----------------------------------|-------------|-------------|------------|
| M 26/2025  | Paul David Callaghan,<br>Department of Energy, Mines, Industry Regulation and Safety | Ahmed El Sayed Imam & Another   | Industrial Relations Act 1979 - Alleged breach of Instrument                                    | Penalty imposed                   | \$31,000.00 | \$343.20    |            |
| M 73/2025  | Riya Rakesh Mungarwadi   | Retail Distribution Group Pty Ltd   | Fair Work Act 2009 - Small Claim  | Judgment by default               |             | \$9,203.04  | \$4,428.57 |
| M 70/2025  | Amani Njau Nishikawa   | Homeland Resources Autz Pty. Ltd  | Fair Work Act 2009 - Small Claim  | Claim proven                      |             | \$315.92    |            |
| M 29/2024  | Phillip Russell Smith  | City of Swan  | Industrial Relations Act 1979 - Alleged breach of Instrument                                    | Claim dismissed                   |             |             |            |
| M 102/2025 | Jonathan Vermeulen   | Fox & Gordon Pty Ltd  | Fair Work Act 2009 - Small Claim  | Claim partially admitted          |             | \$13,552.00 |            |
| M 81/2025  | Yuqian Jiang   | Nextruss Steel Pty Ltd ACN: 650 861 279 ABN: 30 650 861 279                   | Fair Work Act 2009 - Small Claim  | Judgment by default               |             | \$7,124.12  |            |
| M 44/2025  | AB   | The Trustee for Sarahs Family Trust trading as Alyv & Another                 | Industrial Relations Act 1979 - Alleged breach of Act   | Claim dismissed by consent        |             |             |            |
| M 57/2025  | Lakhveer Kaur  | Dtargaryen Pty Ltd  | Fair Work Act 2009 - Small Claim  | Default judgment against claimant |             |             |            |
| M 84/2025  | Christopher Aplin,<br>Department of Local Government, Industry Regulation and Safety | Downings Pty Ltd & Another  | Industrial Relations Act 1979 - Alleged breach of Act   | Judgment by default               | \$308.00    | \$7,251.52  |            |
| M 106/2025 | Man Hung Chan  | Rong Huang as trustee for Huang Trust, trading as Mundaring Child Care Centre | Fair Work Act 2009 - Small Claim  | Claim partially admitted          |             |             | \$2,631.02 |
| M 140/2025 | Martin Sims  | Colonial Interiors Pty Ltd (ACN 679 021 562) & Another                        | Fair Work Act 2009 - Alleged breach of Act; Long Service Leave Act 1958 - Alleged breach of Act | Claim partially admitted          |             | \$16,473.00 |            |
| M 94/2025  | Stacey Rene Jones,<br>Department of Local Government, Industry Regulation and Safety | Annette Balmer  | Industrial Relations Act 1979 - Alleged Breach of Act   | Orders issued by consent          | \$200.00    |             |            |
| M 120/2025 | Arie Henry John Bourbon  | Bartholemews Meadery Pty Ltd  | Fair Work Act 2009 - Small Claim  | Claim partially admitted          |             | \$2,379.44  | \$256.69   |

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

PROSECUTIONS / CLAIMS—*continued*

|            |  |   |  |   |              |          |            |
|------------|--|---|--|---|--------------|----------|------------|
| M 110/2025 | Cloey Barker   | Batek Enterprise Pty Ltd                      | Fair Work Act 2009 – Alleged breach of Instrument  | Orders issued by consent                          |              |          | \$6,083.38 |
| M 2/2024   | Construction, Forestry and Maritime Employees Union                        | Qube Ports Pty Ltd                            | Fair Work Act 2009 - Alleged breach of Instrument  | Quantum determined; penalty imposed               | \$3,000.00   |          | \$2,188.80 |
| M 143/2023 | Julie Maiolo   | Dru Martin Daniels                            | Industrial Relations Act 1979 - Alleged breach of Act  | Claim dismissed by consent                        |              |          |            |
| M 94/2024  | Construction, Forestry and Maritime Employees Union                        | OSM Australia Pty Ltd                         | Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged breach of Act  | Penalty imposed                                   | \$2,000.00   |          |            |
| M 8/2025   | Jillian Dixon, Department of Energy, Mines, Industry Regulation and Safety | Richard Say Ly & Others                       | Industrial Relations Act 1979 - Alleged breach of Instrument; Industrial Relations Act 1979 - Alleged breach of Act                                | Penalty issued                                    | \$217,950.00 | \$640.75 |            |
| M 86/2025  | Jessica Kate Christophers  | Little Nuggets Early Learning Centre Inc      | Fair Work Act 2009 – Small Claim   | Claim dismissed for want of prosecution           |              |          |            |
| M 100/2025 | Wesley Taylor  | Neptune Marine and Towage (ACN: 677 447 371)  | Fair Work Act 2009 - Small Claim   | Cause of action disclosed; directions issued      |              |          |            |
| M 146/2025 | Construction, Forestry and Maritime Employees Union                        | Tidewater Ship Management (Australia) Pty Ltd | Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged breach of Act  | Orders issued by consent, contraventions admitted |              |          |            |
| M 142/2024 | Patricia Angelica Rojo Diaz  | Town of Cambridge                             | Fair Work Act 2009 - Alleged breach of Act; Industrial Relations Act 1979 - Alleged breach of Act  | Claim dismissed                                   |              |          |            |
| M 62/2023  | Phillip Anthony Galanty  | Auscor Pty Ltd                                | Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged breach of Act; Long Service Leave Act 1958 - Alleged breach of Act | Costs order to be issued to respondent            |              |          |            |
| M 16/2025  | Mark Roberts   | Wilson Security Pty Ltd (ACN 127 406 295)     | Fair Work Act 2009 - Alleged breach of Instrument; Fair Work Act 2009 - Alleged breach of Act  | Order issued; claim discontinued                  |              |          |            |