

APPENDIX I
COMPLAINTS

The Industrial Magistrate, during the six months ending **June 30, 2003**, dealt with the under mentioned complaints/claims for breaches of Awards or Industrial Agreements or breach of the Industrial Relations Act 1979, Minimum Conditions of Employment Act 1993, the Workplace Agreements Act 1993, 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	Complainant	Defendant	Nature of Breach	Decision	Penalty	Costs	Wages
CP 202 of 2000	PHILLIP JOHN COOMBES-PEARCE	DIRECTOR GENERAL, MINISTRY OF JUSTICE	Public Service Award 1992	20/08/2003 Discontinued			
CP 1 of 2003	BRIAN APPLEBY, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION OF WORKERS	Industrial Relations Act 1979	22/08/2003 Proven	\$1000.00	\$1000.00	
CP 2 of 2003	KEVIN BARTLEY	DARREN PAUL DEEN	Industrial Relations Act 1979	6/11/2003 Dismissed		\$500.00	
CP 3 of 2003	KEVIN BARTLEY	SILENT VECTOR PTY LTD T/AS SIZER BUILDERS	Industrial Relations Act 1979	6/11/2003 Dismissed		\$500.00	
CP 4 of 2003	KEVIN BARTLEY	DARREN PAUL DEEN	Industrial Relations Act 1979	6/11/2003 Dismissed		\$500.00	
CP 3 of 2003	KEVIN BARTLEY	SILENT VECTOR PTY LTD T/AS SIZER BUILDERS	Industrial Relations Act 1979	6/11/2003 Dismissed		\$500.00	
CP 7 of 2003	LORRAINE FIELD, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	ANTHONY KELLY	Industrial Relations Act 1979	04/12/03 Proven	\$1500	\$400	

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 40 of 2002	THE CONSTRUCTION, FORESTRY MINING & ENERGY UNION OF WORKERS	VM PTY LTD T/AS INTERCERAMICS	State Award Breach – Building Trades Award 1968	19/11/2003 Discontinued			
M 168 of 2002	ANDREW POTTER, CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION OF WORKERS	MIDLAND BRICK COMPANY PTY LTD	State Award Breach – Brick Manufacturing Award R19 of 1979	9/06/2003 Discontinued			
M 178 of 2002	GLENYS GILLETT	PERTH HOSPITALITY PROFESSIONALS PTY LTD	Minimum Conditions of Employment Act 1993	14/07/2003 Discontinued			
M 200 of 2002	JOSE ROGELIA AGUILERA ACOSTA	GERRY BRODERICK & BRIAN STOKES	Industrial Relations (Industrial Agents) Regulations 1997	24/07/2003 Appeal Struck Out			
M 222 of 2003	JAMIE THOMSON	ST BARBARA MINES LIMITED	Workplace Agreements Act 1993	14/11/2003 Discontinued			
M 248 of 2002	GREG LOGAN-SCALES, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	OLTEN PTY LTD T/AS MSA SECURITY	Federal Award Breach – Security Officers (Western Australia) Interim Award 1996	21/08/03	\$500.00	\$3221.97 + \$505.99 interest	
M 279 of 2002	ANTHONY HARRIS, DEPARTMNET OF CONSUMER AND EMPLOYMENT PROTECTION	ROBIN CHARLES WILLIAM LAMMIE T/AS BUNBURY FREIGHT SERVICE	State Award Breach – Transport Workers (General) Award No10 of 1961	16/10/2003	\$500		\$4196.83 + \$331.84 interest
M 289 of 2002	HAPI	NORTH CITY REALTY PTY LTD	Long Service Leave Act 1958	29/08/2003 Discontinued			
M 304 of 2002	THE CONSTRUCTION, FORESTRY, MINING & ENERGY UNION OF WORKERS	WOODSIDE ENERGY LIMITED & CBI CONSTRUCTORS PTY LTD	Industrial Relations Act 1979	10/09/2003 Dismissed			
M 306 of 2002	THE AUSTRALIAN WORKERS' UNION, WEST AUSTRALIAN BRANCH, INDUSTRIAL UNION OF WORKERS	CARGILL AUSTRALIA LTD	State Award Breach – Cargill Australia Limited Salt Production and Processing Award 1988	17/12/2003 Discontinued			
M 314 of 2002	RICHARD JAMES QUINLIVAN	AUSTAL SHIPS PTY LTD	Workplace Agreements Act 1993	9/10/03 Dismissed			
M 330 of 2002	JOYCE KATHLEEN PIMPINELLA	ANGLICAN HOMES (INC)	Federal Award Breach – Aged and Disabled Persons Hostels (ALHMWU) Interim Award 1996	3/07/2003 Discontinued			
M 333 of 2002	DENNIS PETER AGUIAR	GRAEME BAUMGARTEN EXPERT CARPET CLEANING	Minimum Conditions of Employment Act 1993	3/07/2003 Dismissed		\$750 payable to Respondent	
M 5 of 2003	MELANIE JAYNE DI FALCO	DIRECTOR GENERAL DEPARTMENT OF JUSICE	Ministry of Justice Enterprise Agreement 1995/1997 & 2000; Public Service Award 1992	23/12/2003 Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 6 of 2003	CHRISTINE GANNAWAY	MOJACK PTY LTD T/AS BRUMBYS WINTHROP	State Award Breach – Shop and Warehouse (Wholesale and Retail Establishments) Award No. R32 of 1972	8/10/03	\$1000	\$90	\$1068.37 plus interest \$75.29
M 38 of 2003	PATRICK LOUIS	KDB ENGINEERING PTY LTD T/AS K CARE	State Award Breach – Draughtsmen's, Tracers, Planners & Technical Officers Award 1979	23/10/2003 Dismissed			
M 41 of 2003	PAUL KELLY	TIWEST PTY LTD	Workplace Agreements Act 1993	8/07/2003 Discontinued			
M 42 of 2003	TONY JOHNSTONE	TIWEST PTY LTD	Workplace Agreements Act 1993	8/07/2003 Discontinued			
M 50 of 2003	SHARON VERONICA LAWSON	BARRY MATTHEWS, COMMISSIONER OF POLICE	Industrial Relations Act 1979- Western Australia Police Service Enterprise Agreement for Police Act Employees No PSA AG 8 of 2001	25/08/03 Discontinued			
M 55 of 2003	FLAVIO FINOS	TRANSFIELD CONSTRUCTION – WA	State Award Breach – Engine Drivers (Building and Steel Construction) Award	13/10/03 Discontinued			
M 56 of 2003	BOB HASWELL	READY MIX HOLDINGS PTY LTD	Federal Award Breach – CSR Staff (Consolidated) Award 1998, 2000. Minimum Conditions of Employment Act 1993	6/08/2003 Discontinued			
M 57 of 2003	DAYLE CARNACHAN, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	PHILIP RONALD COOK T/AS COOKIES HOT BREAD AND LUNCH BAR JEANETTE LORRAINE COOK T/AS COOKIES HOT BREAD AND LUNCH BAR	Industrial Relations Act 1979	8/08/2003 Discontinued			
M 58 of 2003	PAUL DAVID McGRATH	DERINTON PTY LTD AS TRUSTEE FOR JINDABYNE TRUST AND THE CARDIFF TRUST TRADING AS CARDIFF PASTORAL COMPANY	Industrial Relations Act 1979 Alleged failure to comply with s49D of the Act	27/08/03 Discontinued			
M 59 of 2003	PAUL DAVID McGRATH	DERINTON PTY LTD AS TRUSTEE FOR JINDABYNE TRUST AND THE CARDIFF TRUST TRADING AS CARDIFF PASTORAL COMPANY	State Award Breach – Farm Employees' Award 1985	2/12/2003 Discontinued			
M 61 of 2003	TERENCE GORDON FOY	THE DIRECTORS TERRAQUA PTY LTD REPRESENTED BY ANTHONY JUKES THE DIRECTORS TERRAQUA PTY LTD REPRESENTED BY MELANIE JUKES	Enforcement of a Commission Order	2/07/2003		\$87.00	\$12115.43
M 68 of 2003	ROBERT ARTHUR WARBURTON	MINISTER FOR POLICE	Western Australia Police Service Enterprise Agreement for Police Act Employees No. AG 274 of 1996	28/08/2003 Discontinued			
M 69 of 2003	ROBERT ARTHUR WARBURTON	MINISTER FOR POLICE	Western Australia Police Service Enterprise Agreement for Police Act Employees No. AG 129 of 1998	28/08/2003 Discontinued			
M 70 of 2003	IAN WALTER NEUMANN	DIAB ENGINEERING PTY LTD	State Award Breach – Metal Trades (General) Award	11/07/2003 Discontinued			
M 73 of 2003	DAVID BRIAN WILLIAMS	COMDEK COMPUTERS (WA) PTY LTD	Industrial Relations Act 1979	17/09/2003 Discontinued			
M 76 of 2003	BREARLY HOLLINGSWORTH	BOSS BUSINESS PRINT PTY LTD	Enforcement of a Commission Order	16/07/03 Memorandum of Consent		\$ 500	\$ 1500
M 79 of 2003	SHARON MARINA THEIL-HARKIN	ELIZABETH WIESE AND ASSOCIATES, SOLICITORS	Enforcement of Commission Order	2/09/2003 Discontinued			
M 82 of 2003	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH	NEATCLEAN PTY LTD	Industrial Relations Act 1979	02/09/03 Dismissed			
M 86 of 2003	HOSPITAL SALARIED OFFICERS ASSOCIATION OF WESTERN AUSTRALIA (UNION OF WORKERS)	MR R KUCERA MINISTER FOR HEALTH & ROYAL PERTH HOSPITAL	State Award Breach – Hospital Salaried Officers Award 1968	28/07/03 Memorandum of Consent			
M 87 of 2003	HELEN STAMP	CHAPMANS	Minimum Conditions of Employment Act 1993	28/08/03 Discontinued			
M 92 of 2003	HOSPITAL SALARIED OFFICERS ASSOCIATION OF WESTERN AUSTRALIA (UNION OF WORKERS)	MR R KUCERA MINISTER FOR HEALTH & HEALTH DEPARTMENT OF WA	Enforcement of Commission Order	21/10/2003 Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 93 of 2003	AMANDA PRINGLE	ITSP AUSTRALIA PTY LTD	Enforcement of a Commission Order	27/08/03		\$60	\$ 28 990.68
M 94 of 2003	FORREST PRODUCTS FURNISHING AND ALLIED INDUSTRIES INDUSTRIAL UNION OF WORKERS WA	AIINTREE HOLDINGS PTY LTD T/AS LATROBE CABINETS	State Award Breach – Furniture Trades Award No A6 of 1984	15/07/03 Memorandum of Consent			
M 95 of 2003	PAUL ALLAN FERGUSON	B K KNOTT	State Award Breach – Transport Workers (General) Award 1961	19/08/03 Discontinued			
M 96 of 2003	THE CONSTRUCTION, FORESTRY, MINING & ENERGY UNION	BARCLAY MOWLEM CONSTRUCTION LIMITED, SUBSIDIARY OF BARCLAY MOWLEN HOLDINGS LIMITED	Federal Award Breach National Building and Construction Industry Award 2000	15/07/2003 Discontinued			
M 97 of 2003	JOHN CALHOUN	GEMBUSH PTY LTD	Long Service Leave Act 1958	29/07/2003 Discontinued			
M 98 of 2003	ASHLEY NEALE	MR COLIN McCAVANA, MANAGING DIRECTOR, HADDINGTON RESOURCES LTD	Workplace Relations Act 1996	17/09/03 Discontinued			
M 99 of 2003	PETER LLOYD WEBSTER	MINISTER FOR POLICE	Western Australia Police Service Enterprise Agreement for Police Act Employees AG 274 of 1996	18/11/2003 Discontinued			
M 100 of 2003	PETER LLOYD WEBSTER	MINISTER FOR POLICE	Western Australia Police Service Enterprise Agreement for Police Act Employees AG 129 of 1998	18/11/2003 Discontinued			
M 101 of 2003	PETER LLOYD WEBSTER	BARRY MATTHEWS, COMMISSIONER OF POLICE, WA POLICE SERVICE	Western Australia Police Service Enterprise Agreement for Police Act Employees AG 129 of 1998	18/11/2003 Discontinued			
M 102 of 2003	PETER LLOYD WEBSTER	BARRY MATTHEWS, COMMISSIONER OF POLICE, WA POLICE SERVICE	Western Australia Police Service Enterprise Agreement for Police Act Employees PSAAG 8 of 2001	18/11/2003 Discontinued			
M 106 of 2003	MARION MCFADDEN	CAMBRIDGE INTERNATIONAL COLLEGE	Minimum Conditions of Employment Act 1993	1/08/2003 Discontinued			
M 107 of 2003	MICHELLE JANET MURPHY	JOHN BARNETT, MANAGING DIRECTOR C/- CELESTE CORPORATION	State Award Breach – Commercial Travellers and Sales Representatives Award	6/11/2003 Proven			\$8461.56
M 108 of 2003	DAVID JOHN HAYMAN	DONALD F MUNRO & ASSOCIATES PTY LTD	Long Service Leave Act 1958	28/08/03 Proven		\$40	\$30 865.67 + int \$5856.24
M 113 of 2003	DEREK VINCENT CLARKE	BORAL RESOURCES (WA) LTD	Minimum Conditions of Employment Act 1993	5/09/2003 Discontinued			
M 114 of 2003	THE CONSTRUCTION FORESTRY, MINING & ENERGY UNION OF WORKERS	WUNDA PROJECT AUSTRALIA PTY LTD	State Award Breach – Building Trades (Construction) Award 1987	14/08/03 Discontinued			
M 115 of 2003	BRIAN FREDERICK MOYLE	ELEGANT LANDSCAPES	Long Service Leave Act 1958	4/11/2003 Discontinued			
M 123 of 2003	MICHAEL BUCHAN	WESTLINE SECURITY PTY LTD T/AS WESTLINE SECURITY GUARDS	Alleged breach of s49M(2) of the Industrial Relations Act 1979	14/08/03 Discontinued			
M 127 of 2003	BRENDON LEE LAWSON	AUTOOCO HOLDINGS PTY LTD	State Award Breach – Metal Trades (General) Award	12/09/2003 Discontinued			
M 128 of 2003	JEFFREY SEWELL	ALAN ROBERTSON; MIDWAY TAXI MANAGEMENT	Alleged State Award Breach – Metal Trades (General) Award	21/08/03 Discontinued			
M 129 of 2003	RAY STEIN	CLASSIC PRODUCTS PTY LTD	State Award Breach – Pastrycooks' Award	20/11/2003	\$70.00		\$2444.23
M 130 of 2003	GIUSEPPE FOTI	PCH ACCESS PTY LTD	Long Service Leave Act 1958	3/11/2003 Discontinued			
M 131 of 2003	AUSTRALIAN LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION, WESTERN AUSTRALIAN BRANCH	QUALITY BAKERS AUSTRALIA LIMITED	State Award Breach – Bakers (Metropolitan) Award No. 13 of 1987	9/10/03	\$46		\$76.31
M 133 of 2003	ROSARIO DI-IORIO	JAVA NOMINEES PTY LTD T/AS AVANTI GLASS	State Award Breach – Metal Trades (General) Award Minimum Conditions of Employment Act 1993	27/11/2003 Discontinued			

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COMPLAINTS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 134 of 2003	JANET ALPIN	SUNSET COAST LEISUREWEAR PTY LTD	State Award Breach – Clerks (Wholesale and Retail Establishments) Award	29/08/2003 Discontinued			
M 135 of 2003	ROBERT PAUL HANTSCHKE	AUSTRALIAN LABORATORY SERVICES PTY LTD	Workplace Relations Act 1996	29/10/2003 Discontinued			
M 136 of 2003	PATRICIA DOUSE	SUNSET COAST LEISUREWEAR PTY LTD	State Award Breach – Shop and Warehouse Award	29/08/2003 Discontinued			
M 137 of 2003	JULIE PIKE-CLARKE	SUNSET COAST LEISUREWEAR PTY LTD	State Award Breach – Shop and Warehouse Award	29/08/2003 Discontinued			
M 138 of 2003	LEANNE GREGORY	SUNSET COAST LEISUREWEAR PTY LTD	State Award Breach – Shop and Warehouse Award	29/08/2003 Discontinued			
M 139 of 2003	KERRY COLEMAN	SUNSET COAST LEISUREWEAR PTY LTD	Minimum Conditions of Employment Act 1993	29/08/2003 Discontinued			
M 144 of 2003	TERENCE GEORGE ROCHFORD	PLANTATION LOGGING CO	State Award Breach – Earthmoving & Construction Award; Timber Workers Award	20/10/2003 Discontinued			
M 145 of 2003	AUSTRALIAN MUNICIPAL ADMINISTRATIVE SERVICES AND CLERICAL UNION	CITY OF MANDURAH	Local Government Officers (Western Australia) Award	26/11/2003 Discontinued			
M 146 of 2003	DEAN SMITH	HON, ATTORNEY GENERAL	Minimum Conditions of Employment Act 1993	11/11/2003 Discontinued			
M 148 of 2003	BRENDAN MCKENNA	D.P. MCKENNA PTY LTD	State Award Breach – Electrical Contracting Award 1978	17/10/03 Discontinued			
M 150 of 2003	AARON MARK RAISSIS	MARINE POWER INVESTMENTS PTY LTD	State Award Breach – Clerks Award	3/12/2003 Dismissed			
M 152 of 2003	GRANT TRIVETT	THE LOCAL ADVERTISING GROUP PTY LTD	Workplace Agreements Act 1993, Minimum Conditions of Employment Act 1993	14/11/2003 Discontinued			
M 153 of 2003	RICHARD MOODY	GOLDEN HOTELS PTY LTD	Minimum Conditions of Employment Act 1993	13/11/2003 Memorandum of Consent			
M 158 of 2003	KATHRYN ELIZABETH UPHILL	STARFISH LANE PTY LTD	State Award Breach – Shop and Warehouse (Wholesale & Retail Establishments) Award 1977	11/11/2003 Discontinued			
M 160 of 2003	MARIA DONOHOE	ANTE ZOROTOVIC & ASHLEY DAVID WILSON	Long Service Leave Act 1958	10/12/2003 Memorandum of Consent			
M 161 of 2003	TAMMIE LEANNE KERR	MARK ROBERT HILLBRICK	State Award Breach – Security Officers' Award	15/12/2003 Discontinued			
M 162 of 2003	TAMMIE LEANNE KERR	NEPTUNE SECURITY GROUP PTY LTD	State Award Breach – Security Officers' Award	15/12/2003 Discontinued			
M 163 of 2003	TAMMIE LEANNE KERR	NEPTUNE SECURITY GROUP PTY LTD	State Award Breach – Security Officers' Award	15/12/2003 Discontinued			
M 164 of 2003	ROBERT GERALD CATENA	BELL POTTER SECURITIES LIMITED	Enforcement of a Commission Order	4/12/2003	\$500	\$1000	
M 169 of 2003	PETER JOHN DELLA-FRANCA	WA BUSINESS NEWS	Workplace Relation Act 1996	7/11/2003 Discontinued			
M 177 of 2003	GREGORY MOLGA	MR GLENN WILLIAM LOW AND MRS JAHNA LOW BOTH DIRECTORS OF TANGIBAR PTY LTD T/AS GLENN LOW FIRST NATIONAL REAL ESTATE AND CURRENTLY T/AS GLENN LOW PROPERTIES PTY LTD	Enforcement of Commission Order	17/12/03 Proven		\$150	\$12 900.47

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 178 of 2003	PRANEE PAWABOOT(ILEY)	MR GLENN WILLIAM LOW AND MRS JAHNA LOW BOTH DIRECTORS OF TANGIBAR PTY LTD T/AS GLENN LOW FIRST NATIONAL REAL ESTATE AND CURRENTLY T/AS GLENN LOW PROPERTIES PTY LTD	Enforcement of Commission Order	17/12/03 Proven		\$150	\$6 294.53
M 179 of 2003	FRANCESCANTONIO RECHICHI	MR GLENN WILLIAM LOW AND MRS JAHNA LOW BOTH DIRECTORS OF TANGIBAR PTY LTD T/AS GLENN LOW FIRST NATIONAL REAL ESTATE AND CURRENTLY T/AS GLENN LOW PROPERTIES PTY LTD	Enforcement of Commission Order	17/12/03 Proven		\$150	\$32 920.12
M 180 of 2003	RITA MARGARET CHONG	MR GLENN WILLIAM LOW AND MRS JAHNA LOW BOTH DIRECTORS OF TANGIBAR PTY LTD T/AS GLENN LOW FIRST NATIONAL REAL ESTATE AND CURRENTLY T/AS GLENN LOW PROPERTIES PTY LTD	Enforcement of Commission Order	17/12/03 Proven		\$150	\$6 327.00
M 182 of 2003	DIANNE MARY GEORGE AND RODNEY FRANCIS GEORGE	STEPHENSON INVESTMENT TRUST T/AS EJEDA LODGE	Enforcement of Commission Order	17/12/03 Proven			\$15 000.00
M 184 of 2003	CIVIL SERVICE ASSOCIATION OF WESTERN AUSTRALIA (INC)	DIRECTOR GENERAL DEPARTMENT OF JUSTICE	State Award Breach – Public Service Award 1992	12/12/2003 Discontinued			