

**APPENDIX 1  
COMPLAINTS / CLAIMS**

The Industrial Magistrate, during the six months ending **December 31, 2006**, 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 and the Workplace Relations Act 1996 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.

<b>No.of Complaint</b>	<b>Complainant</b>	<b>Defendant</b>	<b>Nature of Breach</b>	<b>Decision</b>	<b>Penalty</b>	<b>Costs</b>	<b>Wages</b>
CP 2 of 2006	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPETITIVE FOODS PTY LTD	Industrial Relations Act 1979 – Breach of Section 190(1) of the Children and Community Services Act 2004	Plea of guilty entered	\$1000	\$412.50	
CP 3 of 2006	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPETITIVE FOODS PTY LTD	Industrial Relations Act 1979 – Breach of Section 190(1) of the Children and Community Services Act 2004	Plea of guilty entered	\$2000	\$412.50	
<b>No. of Claim</b>	<b>Claimant</b>	<b>Respondent</b>	<b>Nature of Breach</b>	<b>Decision</b>	<b>Penalty</b>	<b>Costs</b>	<b>Wages</b>
M 114 of 2005	JACQUELINE TESTER	THE CITY OF MELVILLE	Workplace Relations Act (Cth) 1996 – Alleged Breach of the Local Government Officers' (Western Australia) Award	Discontinued			
M 127 of 2005	ANTHONY RAYMOND FISK	SSS AUTO PARTS	Industrial Relations Act 1979 – Alleged breaches of the Shop & Warehouse Wholesale & Retail Establishments Award	Claim proved	\$1280	\$6000 and \$345.79	\$3295.11
M 129 of 2005	TIM BARTON	ROCOM PTY LTD	Industrial Relations Act 1979 – Alleged breach of Metal Trades (General) Award 1966-Section 6(3)	Claim dismissed			
M 131 of 2005	GLENN KERSHAW	SUNVALLEY AUSTRALIA PTY LTD	Alleged breaches of Section 24 of the Minimum Conditions of Employment Act 1993 and Section 9 of the Long Service Leave Act 1958.	Claim allowed in part			\$34,000 + interest at 6% pa.
M 132 of 2005	WAYNE HANCOCK	NU-TECH ENGINEERING PTY LTD	Alleged breaches of Clauses 23(1), 24(1) and 23(6) of the Metal Trades (General) Award 1966, in the alternative Sections 24, 19 and 30 of the Minimum Conditions of Employment Act 1993.	Claim dismissed. No order as to costs.			
M 152 of 2005	KATHERINE SAMPSON	SPRING 99 PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Restaurant Tearoom & Catering Workers Award R48 of 1978 – clauses 11,13 and 21.	Claim proved	\$750	\$73	\$4018.58 + \$471.90 interest
M 153 of 2005	KATHERINE SAMPSON	SPRING 2002 PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Restaurant Tearoom & Catering Workers Award R48 of 1978 – clauses 11,13 and 21.	Claim proved	\$750	\$72	\$4571.18 + \$309.75 interest.
M 12 of 2006	TRANSPORT WORKERS UNION INDUSTRIAL UNION OF WORKERS WESTERN AUSTRALIAN BRANCH	GLOBAL TRANSPORT LOGISTICS PTY LTD	Industrial Relations Act 1979 – Breach of the Transport Workers (General) Award – failure to pay accrued annual leave on termination	Discontinued			
M 16 OF 2006	MARI ANDREEVA	ALL HOURS ENTERPRISES PTY LTD T/A FAST EDDYS MORLEY	Industrial Relations Act 1979 – Alleged breaches of the Restaurant Tearoom Workers Award	Default Judgment	\$40.00	\$1000	3159.17
M 18 of 2006	THOMAS MICHAEL ROVIS-HERMANN	NATIONWIDE NEWS PTY LTD TRADING AS "THE SUNDAY TIMES"	Workplace Relations Act 1996 – Alleged breach of an Australian Workplace Agreement (Clause 3.3)	Discontinued			
M 23 of 2006	CYNTHIA ELLEN CURRIE	DIGITAL DOCUMENTS CO (WA) PTY LTD	Industrial Relations Act 1979 – Breach of the Commercial Travellers and Sales Representatives Award	Claim proved			\$11540.04

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 25 of 2006	TRANSPORT WORKERS UNION OF AUSTRALIA	BRINKS AUSTRALIA PTY LTD	Workplace Relations Act 1996 – Alleged breach of the Transport Workers (Armoured Vehicles) Award 2004	Discontinued			
M 26 of 2006	IAN PHILLIP BUTLER	STARPAC CORPORATION PTY LTD	Industrial Relations Act 1979 – Breach of the Redundancy General Order. Minimum Conditions of Employment Act 1993 – Failure to pay sick leave. Failure of pay in lieu of notice.	Part Proved			\$280 incl. tax of \$58.
M 29 of 2006	JENNIFER CARTER	NGUNYTJU TJITJI PIRNI ABORIGINAL CORPORATION	Industrial Relations Act 1979 – Failure to comply with the order issued on 28 November 2005 in matter No. 494 of 2005. Amended Final Order dated 29 November 2006	Claim upheld in part.	\$750		\$75540.37
M 41 of 2006	JOSEPHINE CELENZA	ALLHOURS ENTERPRISES PTY LTD T/A FAST EDDY'S MORLEY	Industrial Relations Act 1979 – Failure to comply with the order issued on 24 March 2006 in matter No. 533 of 2005.	Default Judgment	\$400	\$40	\$795.85
M 46 of 2006	MIRKA DI SALVIO	ALLHOURS ENTERPRISES PTY LTD T/A FAST EDDY'S MORLEY	Industrial Relations Act 1979 – Enforcement of Order handed down by Commissioner Maymen on 24 March 2006 Application. 532 of 2005	Default Judgment	\$400	\$40	\$800.42
M 50 of 2006	MALCOLM CAMERON	BRISTOW HELICOPTERS AUSTRALIA PTY LTD	Workplace Relations Act 1996 – Alleged breach of Clause 12 of the Bristow Helicopters (Aircraft Engineers) Agreement 1999 (C No. 39579 of 1999)	Discontinued			
M 51 of 2006	LOUISE MARIANNE JOHNSRU	COP THAT PTY LTD., CAN 114 056 049 T/A STARGATE SUPER DELI	Industrial Relations Act 1979 – Alleged breaches of the Shop and Warehouse (Wholesale and Retail Establishments) Award, 1977.	Discontinued			
M 52 of 2006	KELVIN FRANCIS PINNER	SARA AND COOK PTY LTD T/A SARACAN	Industrial Relations Act 1979 – Alleged breaches of the Shop and Warehouse (Wholesale and Retail Establishments) Award 1977 – Clause 27 Sick Leave.	Discontinued			
M 54 of 2006	CONSTRUCTION FORESTRY MINING AND ENERGY UNION OF WORKERS	SPINWAY PTY LTD T.A. MOOREPOWER PLUMBING & GAS	Industrial Relations Act 1979 – Alleged breach of the Building Trades (Construction) Award 1987, No. 14 of 1978.	Discontinued			
M 56 OF 2006	BROOKE MARSHALL	RURAL PRESS REGIONAL MEDIA (WA) PTY LTD	Workplace Relations Act 1996 – Breach of the Journalists (Country Non-Daily) Newspapers) Award and Journalists (Country Non-Daily Newspapers) Agreement 2003.	Discontinued			
M 57 of 2006	TREVOR BLY	TEVOR JESSIE GILLIES T/A T J'S GREASY SPOON DINER	Industrial Relations Act 1979 – Breach of the Restaurant, Tearoom and Catering Award	Default Judgment		\$50.00	\$701.70
M 58 of 2006	RICHARD STERN	SILVERBIRD NOMINEES PTY LTD	Industrial Relations Act 1979 – Enforcement of order made by Commissioner Harrison on 1 June 2006, Appl 791 of 2005.	Default Judgment	\$300	\$50.00	\$1200/00
M 59 of 2006	ALLAN HAYES	SKIPPERS AVIATION PTY LTD	Workplace Relations Act 1996 – Breach of the Skippers Aviation Pty Ltd Pilots Enterprise Bargaining Agreement	Settled at pre-trial.			\$1000 less tax.
M 62 of 2006	STEVEN O'HALLORANT	THORNETT NOMINEES PTY LTD T/AS GLOBAL TRANSPORT LOGISTICS	Industrial Relations Act 1979 – Breach of the Transport Workers' (General) Award	Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 63 of 2006	ALAN BELL	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 64 of 2006	RICHARD BELLCHAMBERS	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 65 of 2006	PIERRE BURETTE	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 66 of 2006	COLIN DENNISON	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 67 of 2006	NICHOLAS EMERY	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 68 of 2006	CARL FREEMAN	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 69 of 2006	STEVEN GRAY	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 70 of 2006	RALPH LEWIS	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 71 of 2006	RAYMOND OLIVER	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 72 of 2006	NICHOLAS ROGERS	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 73 of 2006	MARK SCHNIERER	TNT AUSTRALIA PTY LTD T/AS TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 74 of 2006	JOHN TOLLEY	TNT AUSTRALIA PTY LTD T/A S TNT EXPRESS	Workplace Relations Act 1996 – Breach of the McPhee Transport Perth Continuous Improvement Agreement 1999/2000 (M2734)	Discontinued			
M 75 of 2006	MELISSA JOYCE	JODIKEN PTY LTD (SMALL WORLD CHILDCARE)	Workplace Relations Act 1996 – Alleged breach in relation to the Child Care (Long Day Care) WA Award 2003	Discontinued			
M 76 of 2006	LEO VICTOR ZUCCHIATTI	LOVES BUS AND TAXI SERVICE	Industrial Relations Act 1979 – Enforcement of order of Commissioner Wood on 28 June 2006, Application 816 of 2005.	Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 77 of 2006	COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION, POSTAL, PLUMBING AND ALLIED WORKERS' UNION OF AUSTRALIA	WESTERN POWER CORPORATION	Workplace Relations Act 1996 – Alleged Breach of the Western Power Corporation	Discontinued			
M 78 of 2006	GINA CROFT	SGS AUSTRALIA PTY LTD	Workplace Relations Act 1996 – Alleged breach of the Analabs Consent Award 1997.	Discontinued			
M 79 of 2006	ANDREW HERZFELD	ANTHONY & SONS PTY LTD T/A OCEANIC CRUISES	Industrial Relations Act 1979 – Enforcement of an Order made by Commissioner Gregor on 16 June 2006, Appl 206 of 2005.	Discontinued			
M 80 of 2006	KERRY LOUISE CONNELLY	PHIL SEITZ 9NEERABUP FARM FRESH MARKETS)	Industrial Relations Act 1979 – Alleged breach of the Shop and Warehouse Wholesale and Retail Establishment Award	Discontinued			
M 81 of 2006	RODNEY PIMLOTT	HOLLETT DPT PTY LTD	Industrial Relations Act 1979 – Alleged breach of Transport Workers' (General) Award No. 10 of 1961	Discontinued			
M 85 of 2006	MORWENNA JAYNE RITACCA	IMTRADE PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Clerks (Wholesale and Retail) Award No. 38 of 1947.	Discontinued			
M 87 of 2005	KRZYSZTOF GAGATEK	BLOWFLEX MOULDINGS PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Enterprise Bargaining Agreement AG 249 of 2001	Discontinued			
M 88 of 2006	KATHLEEN MARY DUZEVICH	KILLARNEY PROPERTIES PTY LTD	Industrial Relations Act 1979 – Alleged Breach of the Clerks (Wholesale and Retail Establishments) Award	Discontinued			
M 92 of 2006	KATHLEEN MARY DUZEVICH	KILLARNEY PROPERTIES PTY LTD T/AS PERM A PLEAT	Industrial Relations Act 1979 – Breach of the Clothing Trades Award 1999 and Long Service Leave Act.	Discontinued			
M 93 of 2006	SAM BURGESS	THORNETT NOMINEES PTY LTD T/AS GLOBAL TRANSPORT LOGISTICS	Industrial Relations Act 1979 – Failed to pay for 2 days of work completed, and accrued annual leave on termination	Discontinued			
M 94 of 2006	CFMEUW	KJ & AJ COMLEY	Industrial Relations Act 1979 – Breaches of the Earth Moving and Construction Award, No 10 of 1963.	Discontinued			
M 95 of 2006	LYDIA HELEN MITTON	BLUEJACS PTY LTD	Industrial Relations Act 1979 – Enforcement of order by Commissioner Smith on 23/8/2006 – Citation 2006 WAIRC 05335	Respondent cautioned		\$50.00	\$1740/00
M 100 of 2006	ALISTAIR BUTCHER	ECONOMIC REGULATION AUTHORITY	Industrial Relations Act 1979 – Alleged breach of the Public Service General Agreement	Discontinued			
M 101 of 2006	PETER JONES	KNOWLES TRANSPORT PTY LTD	Workplace Relations Act 1996 – Alleged Breach of the Public Service General Agreement	Discontinued			
M 102 of 2006	TIMOTHY JOHN CLARKE	COMMERCIAL SEWING (WA) PTY LTD	Industrial Relations Act 1979 – Enforcement of order made by Commissioner Smith on 9 August 2006 (APPL 910 of 2005).	Claim proved	\$500		\$4392.38 gross less any payment already made.