

**APPENDIX 1  
COMPLAINTS / CLAIMS**

The Industrial Magistrate, during the six months ending **June 30, 2007**, 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.

No.of Complaint	Complainant	Defendant	Nature of Breach	Decision	Penalty	Costs	Wages
CP 1 of 2007	BRADLEY ROBERT TRIGGER	HUNGRY JACK'S PTY LTD	Children and Community Services Act 2004 –Breach of s.190(1)	Plea of Guilty	\$50,000		
CP 2 of 2007	BRADLEY ROBERT TRIGGER	HUNGRY JACK'S PTY LTD	Children and Community Services Act 2004 –Breach of s.190(1)	Plea of Guilty	\$15,000		
CP 3 of 2007	BRADLEY ROBERT TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	GUSMAN HOLDINGS PTY LTD	Children and Community Services Act 2004 - Breach of s.190(1)	Plea of Guilty	\$4,000		
CP 4 of 2007	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	McDONALD'S AUSTRALIA LIMITED ACN: 088 496 928	Children and Community Services Act 2004 - Breach of s.190(1)	Plea of Guilty	\$8,000		
CP 5 of 2007	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	RAH NOMINEES PTY LTD ACN: 074 121 172	Children and Community Services Act 2004 - Breach of s.190(1)	Plea of Guilty	\$25,000		
CP 6 of 2007	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	McDONALD'S AUSTRALIA LIMITED ACN: 088 496 928	Children and Community Services Act 2004 - Breach of s.190(1)	Plea of Guilty	\$20,000		
CP 7 of 2007	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	McDONALD'S AUSTRALIA LIMITED ACN: 088 496 928	Children and Community Services Act 2004 - Breach of s.190(1)	Plea of Guilty	\$30,000		
CP 8 of 2007	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	McDONALD'S AUSTRALIA LIMITED ACN: 088 496 928	Children and Community Services Act 2004 - Breach of s.190(1)	Plea of Guilty	\$30,000		

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 238 of 2004	TERENCE WILLIAM MILES	BRENDON PENN NOMINEES PTY LTD	Workplace Relations Act 1996 – Alleged breach of the Mobile Crane Hiring Award 1996	Claim proved in part		\$152.80	\$6677.50
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 119 of 2005	CAROLINE JAN SPIVEY	THE FROSH PERSONNEL TRUST	Industrial Relations Act 1979 – Enforce Order of Commissioner Wood in Appl. 1151 of 2004 delivered 22 August 2005	Default Judgment	\$1000	\$300	\$7072 less tax
M 2 of 2006	JANET MILLER	NATIONAL FOODS MILK (WA) LTD ACN 008 671 761	Industrial Relations Act 1979 – Alleged breach of the Commercial Travellers and Sales Representatives' Award 1978 No. R43 of 1978.	Discontinued			
M 3 of 2006	PAULINE LEGG	NATIONAL FOODS MILK (WA) LTD ACN 008 671 761	Industrial Relations Act 1979 – Alleged breach of the Commercial Travellers and Sales Representatives' Award 1978 No. R43 of 1978.	Discontinued			

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COMPLAINTS / CLAIMS—continued

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 4 of 2006	JANE JORDON	NATIONAL FOODS MILK (WA) LTD ACN 008 671 761	Industrial Relations Act 1979 – Alleged breach of the Commercial Travellers and Sales Representatives' Award 1978 No. R43 of 1978.	Discontinued			
M 5 of 2006	MARILYN BIRKUS	NATIONAL FOODS MILK (WA) LTD ACN 008 671 761	Industrial Relations Act 1979 – Alleged breach of the Commercial Travellers and Sales Representatives' Award 1978 No. R43 of 1978.	Discontinued			
M 6 of 2006	GILLIAN DUNCAN	NATIONAL FOOD MILK (WA) LTD CAN 008 671 761	Industrial Relations Act 1979 – Alleged breach of the Commercial Travellers and Sales Representatives' Award 1978 No. R43 of 1978.	Discontinued			
M 19 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	FRESH FIELDS AGED CARE PTY LTD T/AS HALL & PRIOR AGED CARE ORGANIATION, ASCOT NURSING HOME, BAYSWATER	Workplace Relations Act 1996 – Alleged breach of Hall & Prior Aged Care Organisation, Ascot nursing Home, Bayswater.	Discontinued			
M 20 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	HAMERSLEY NURSING HOME (WA) PTY LTD T/AS HALL & PRIOR AGED CARE ORGANISATION, WINDSOR PARK NURSING HOME, CARLISLE.	Workplace Relations Act 1996 – Alleged breach of Hall & Prior and LHMU WA Aged Care Facilities Certified Agreement 2005.	Discontinued			
M 21 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	VARNA PTY LTD T/AS HALL & PRIOR AGED CARE ORGANISATION, FRESHWATER BAY NURSING HOME, MOSMAN PARK	Workplace Relations Act 1996 – Alleged breach of Hall & Prior and LHMU WA Aged Care Facilities Certified Agreement 2005	Discontinued			
M 22 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	DANVERO PTY LTD T/AS HALL & PRIOR AGED CARE ORGANISATION, BELMONT NURSING HOME, RIVERVALE	Workplace Relations Act 1996 – Alleged breach of Hall & Prior and LHMU WA Aged Care Facilities Certified Agreement 2005	Discontinued			
M 48 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	CHUBB SECURITY AUSTRALIA PTY LTD	Workplace Relations Act 1996 – Alleged breach of Order No. PR924684	Discontinued			
M 49 of 2006	RONALD ERNEST MIDDLETON	CLINTON TROY FARR T/AS RIGHT PRICE TAX	Minimum Conditions of Employment Act 1993 – Alleged breach of s.24	Discontinued			
M 53 of 2006	KENNETH GERALD FITZGERALD	B & R FITZGERALD	Industrial Relations Act 1979 – Alleged breach of the Farm Employees Award and/or Minimum Conditions of Employment Act 1993	Discontinued			
M 61 of 2006	LEIGH ERNEST JORDAN	FAIRBRONZE PTY LTD TRUSTEE FOR THE ROSS FAMILY TRADING AS ROSCOS	Industrial Relations Act 1979 – Alleged breach of the Vehicle Builders Award 1971	Discontinued			
M 82 of 2006	BRETT RAYMOND HEEDES	AUZ ENTERPRISES PTY LTD	Industrial Relations Act 1979 – Alleged Breach of the Brick Manufacturing Award	Discontinued			
M 83 of 2006	DANIEL JAMES EDWIN HART	BARRY FRANK DRYSDALE; MITZI GAIL DRYSDALE T/AS NORTHSIDE MUSIC	Industrial Relations Act 1979 – Alleged breach of The Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977	Respondent Cautioned			\$5000

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 89 of 2006	DANNY MICHAEL PAGODA	WESLEY COLLEGE	Industrial Relations Act 1979 – Alleged breach of the Independent Schools' (Boarding House) Supervisory Staff Award (No. A9 of 1990)	Claim Proved			\$52075.72 Plus a deposit of \$3923.02 for superannuation
M 90 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	ST JOHN AMBULANCE AUSTRALIA (WESTERN AUSTRALIA) INC	Workplace Relations Act 1996 – Alleged breach of the West Australian Ambulance Service Award 1995 and the West Australian Ambulance Service Award 2004	Claim Dismissed			
M 91 of 2006	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	SUBICARE CHILD CARE CENTRE (INC)	Workplace Relations Act 1996 – Alleged breach of the Child Care (Long Day Care) WA Award 2005	Discontinued			
M 99 of 2006	WARREN GRAHAM MILWARD, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	MELROSE FARM PTY LTD T/A MILES AWAY TOURS	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (Passenger Vehicles) Award 1978	Judgment for the Claimant			
M 103 of 2006	PAUL STELMACH	IAN R ALLEN	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (General) Award No. 10 of 1961	Discontinued			
M 104 of 2006	KAREN SMITH	GUS IRDI AS A DIRECTOR OF IRDI LEGAL	Industrial Relations Act 1979 – Alleged breach of the General Order for Redundancy	Discontinued			
M 105 of 2006	RAYMOND HUDSON	MALAVOCA PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (General) Award No. 10 of 1961.	Discontinued			
M 106 of 2006	SAM BURGESS	THORNETT NOMINEES PTY LTD T/AS GLOBAL TRANSPORT LOGISTICS	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (General) Award No. 10 of 1961.	Default Judgment	\$300	\$60.70	\$1230
M 107 of 2006	STEVEN O'HALLORAN	THORNETT NOMINEES PTY LTD T/AS GLOBAL TRANSPORT LOGISTICS	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (General) Award No. 10 of 1961	Default Judgment	\$250	\$60.70	\$707.52
M 108 of 2006	RODNEY PIMLOTT	HOLLETT/DPT PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (General) Award No. 10 of 1961	Default Judgment	\$500	\$60.70	\$1400
M 109 of 2006	GRANT THOMSON	DIGITAL DOCUMENTS CO (WA) PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Commercial Travellers and Sales Representatives Award 1978.	Discontinued			
M 111 of 2006	GRADIMIRA GRETA GAZARBARIC	HAMERSLEY IRON PTY LIMITED	Workplace Relations Act 1996 – Alleged breach of Australian Workplace Agreement	Discontinued			
M 112 of 2006	PRICE SWESEY	BROADSPECTRUM WA PTY LTD	Workplace Relations Act 1996 – Alleged breach of Australian Workplace Agreement	Discontinued			

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 114 of 2006	THE CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION OF WORKERS	JOHN HOLLAND PTY LTD – WESTERN REGION	Workplace Relations Act 1996 – Failed to comply with the John Holland Pty Ltd – Western Region New metro Rail Package “A” Project Certified Agreement 2006.	Discontinued			
M 115 of 2006	JOHN GRIDA	DEBIN PTY LTD T/A FREQ MACHINERY	Workplace Relations Act 1996 – Alleged breach of s.836	Discontinued			
M 116 of 2006	DEBORAH LEAH BOWEY	JULIE COE TRADING AS PERTH CITY MOTEL	Minimum Conditions of Employment Act 1993	Discontinued			
M 117 of 2006	JAMES ODIAM	JOHN CODY, PRESIDENT OF KWINANA GOLF CLUB INC. AND GARY MARKS, VICE PRESIDENT OF KWINANA GOLF CLUB INC.	Minimum Conditions of Employment Act 1993	Discontinued			
M 118 of 2006	KURT WILSON	FIRST OPTICAL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Minimum Conditions of Employment Act 1993	Discontinued			
M 119 of 2006	PAULA BOWEN	SPOTLESS P AND F PTY LTD	Workplace Relations Act 1996 – Alleged breach of Spotless P and F Pty Ltd National Union of Workers Enterprise Agreement (Defence Contracting) 2004-2007	Discontinued			
M 1 of 2007	BRADLEY TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPOWER ACES (WA) PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Air Conditioning and Refrigeration Industry (Construction and Servicing) Award No. 10 of 1979	Default Judgement	\$800	\$66	\$2044.55
M 2 of 2007	BRADLEY TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPOWER ACES (WA) PTY LTD	Minimum Conditions of Employment Act 1993 – Alleged breach of s.24	Default Judgement	\$200		\$907.36
M 3 of 2007	BRADLEY TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPOWER ACES (WA) PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Air Conditioning and Refrigeration Industry (Construction and Servicing) Award No. 10 of 1979	Default Judgement	\$600		\$973.72
M 4 of 2007	BRADLEY TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPOWER ACES (WA) PTY LTD	Industrial Relations Act 1979 – Alleged breach of Metal Trades (General) Award 1966	Default Judgement	\$200		\$255.76
M 5 of 2007	BRADLEY TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPOWER ACES (WA) PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Air Conditioning and Refrigeration Industry (Construction and Servicing) Award No. 10 of 1979	Default Judgement	\$300		\$560.48
M 6 of 2007	BRADLEY TRIGGER, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	COMPOWER ACES (WA) PTY LTD	Industrial Relations Act 1979 – Alleged breach of Metal Trades (General) Award 1966	Memorandum of Consent and Final Orders			
M 9 of 2007	PETA MARY BIZZILL	PENZAR PTY LTD, ABN 63 059 474 752 T/F GOW FAMILY TRUST, T/A GOW REAL ESTATE	Industrial Relations Act 1979 – Enforcement of Order by Commissioner Smith delivered on 29 November 2006.	Discontinued			

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 10 of 2007	PATRICK ARTHUR KING	PERTH AUTO ALLIANCE PTY LTD	Long Service Leave Act 1958	Discontinued			
M 11 of 2007	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	SERCO AUSTRALIA PTY LTD (ACN 003 677 352)	Workplace Relations Act 1996 – Small Claims Procedure	Discontinued			
M 12 of 2007	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION	ACK PROPRIETARY LIMITED T/A BELROSE CARE	Workplace Relations Act 1996 – Contravened s. 767	Discontinued			
M 13 of 2007	KONG-WAI WONG	NORTH EAST EQUITY PTY LTD	Workplace Relations Act 1996 – Alleged breach of Australian Workplace Agreement	Discontinued			
M 14 of 2007	GOH YUE CHEW	NORTH EAST EQUITY PTY LTD	Workplace Relations Act 1996 – Alleged breach of Australian Workplace Agreement	Discontinued			
M 15 of 2007	WARREN GRAHAM MILWARD, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	CHRISTINE ANE MILES & RICHARD GLINTON MILES T/as MILES AWAY TOURS	Industrial Relations Act 1979 – Alleged breach of the Transport Workers' (Passenger Vehicles) Award 1978.	Judgment for the Claimant			
M 17 of 2007	MATTHEW SYMONS	THIESS PTY LTD	Workplace Relations Act 1996 – Alleged breach of s.661(2)	Discontinued			
M 19 of 2007	RICHARD MORAN	AIDINVILLE FARMS PTY LTD (ACN 102 288 639) AND DARREN MICHAEL BAUM	Workplace Relations Act 1996 – Breach of the Farm Employees Award	Discontinued			
M 22 of 2007	KOBE ARMSTRONG	PARKSTONE HOLDINGS PTY LTD T/A HEAD STUDIO URBAN RETREAT – VIC PARK	Workplace Relations Act 1996 – Breach of Hairdressers Award	Discontinued			
M 23 of 2007	LISA BUSWELL	PARKSTONE HOLDINGS PTY LTD T/A HEAD STUDIO URBAN RETREAT – VIC PARK	Workplace Relations Act 1996 – Breach of Hairdressers Award	Discontinued			
M 27 of 2007	JODIE LOUISE HEWITT	AUZ ENTERPRISES PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Brick Manufacturers Award No. R 19 of 1979	Discontinued			
M 28 of 2007	TRANSPORT WORKERS' UNION OF AUSTRALIA, INDUSTRIAL UNION OF WORKERS, WESTERN AUSTRALIAN BRANCH	NASCATRANS EXPRESS PTY LTD	Minimum Conditions of Employment Act 1993	Default Judgement	\$500	\$60.20	\$900
M 30 of 2007	ELISE BEST	ASPACIA PTY LTD T/A THE COSMETIC STUDIO; JAMES BUCHANAN; KATINA ELFIS; AND YIEN YEO	Workplace Relations Act 1996 – Alleged Breach of the Clerks (Commercial Social and Professional Services) Award R 14 of 1972	By consent claims dismissed.			
M 31 of 2007	THOMAS HUTTON	CHINA SOUTHERN WEST AUSTRALIAN FLYING COLLEGE	Minimum Conditions of Employment Act 1993	Discontinued			
M 34 of 2007	BORAL RESOURCES (WA) LIMITED	RODNEY MacGREGOR	Alleged Breach of the Long Service Leave Act 1958 – Section 27	Discontinued			
M 37 of 2007	ANDREW JONES	WESTRAC PTY LTD	Alleged breach of the Workplace Relations Act 1996 in relation to an Australian Workplace Agreement	Discontinued			