

APPENDIX 1

COMPLAINTS / CLAIMS

The Industrial Magistrate, during the six months ending **June 30, 2008** 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 1/2008	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	MORCANN PROPRIETARY LTD	Section 190(1) of the Children and Community Services Act 2004		\$4500		
CP 2/2008	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	KINGPASS PROPRIETARY LIMITED	Section 190(1) of the Children and Community Services Act 2004		\$4,000		

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 42 of 2007	DEON OOSTHUIZEN	MACHIEL BADENHORST T/AS MURRAY DISTRICT ELECTRICAL AND MURRAY DISTRICT ELECTRICAL PTY LTD	Industrial Relations Act 1979 – Alleged breach of the Electrical Contracting Industry Award R 22 of 1978; Minimum Conditions of Employment Act 1993.	Discontinued			
M 44 of 2007	ROB RYAN	COHE CASTINGS PTY LIMITED	Workplace Relations Act 1996 – Alleged breach of an Australian Workplace Agreement	Discontinued			
M 46 of 2007	TRANSPORT WORKERS' UNION OF AUSTRALIA	D & L TRUCKING PTY LTD	Workplace Relations Act 1996 – Failure to provide payslips	Discontinued			
M 51 of 2007	JANE CHRISTINE CARGILL	RE/MAX HARBOUR CITY REAL ESTATE PTY LTD	Workplace Relations Act 1996 – Failed to comply with the provisions of an Australian Workplace Agreement (AWA Reg No. A301576693)	Claim proved			
M 53 of 2007	JOHN VARDY	AIBEL PTY LTD 9FORMERLY VETCO AIBEL AUSTRALIA PTY LIMITED0 ABN 55 106 317 793	Long Service Leave Act 1958 – Underpayment of entitlement	Discontinued			
M 59 of 2007	TRANSPORT WORKERS' UNION OF AUSTRALIA	D & L TRUCKING PTY LTD	Workplace Relations Act 1996 – Failure to provide employee Trevor Brown with payslips.	Discontinued			
M 61 of 2007	ROSEMARY VAN HELVOORT	COLIN PAUL GARBER	Alleged breach of the Minimum Conditions of Employment Act 1993 – Failure to pay accrued annual leave and to allow sick leave and bereavement leave.	Discontinued			
M 63 of 2007	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION, WESTERN AUSTRALIAN BRANCH	NORBILL NOMINEES PTY LTD T/A WOODY'S NEWMARKET TAVERN (ACN 009 128 198)	Workplace Relations Act 1996 – Alleged breach of the Hotel and Tavern Workers' Award	Discontinued			
M 64 of 2007	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION, WESTERN AUSTRALIAN BRANCH	NORBILL NOMINEES PTY LTD T/A WOODY'S NEWMARKET TAVERN (ACN 009 128 198)	Industrial Relations Act 1979 – Alleged breach of the Hotel and Tavern Workers' Award	Discontinued			
M 67 of 2007	TRANSPORT WORKERS' UNION OF AUSTRALIA	TOLL TRANSPORT PTY LTD T/AS TOLL LIQUID DISTRIBUTION	Minimum Conditions of Employment Act 1993 – Unauthorised deduction from pay on termination	Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 68 of 2007	BRIAN WILLIAM RICE	TOTAL MARINE SERVICES PTY LTD	Workplace Relations Act 1996 – Failure to comply with Clause 24 of the Total Marine Services Pty Ltd – Australian Institute of Marine and Power Engineers Union Collective Agreement 2006.				
M 69 of 2008	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION, WESTERN AUSTRALIAN BRANCH	RINGTHANE PTY LTD T/AS TRADEWINDS HOTEL (ACN 009 372 785) (ABN 91 607 015 260)	Industrial Relations Act 1979 – Contravened the provisions of the Hotel and Tavern Workers' Award, 1978 No. R31 of 1977.	Discontinued			
M 70 of 2007	LIQUOR, HOSPITALITY AND MISCELLANEOUS UNION, WESTERN AUSTRALIAN BRANCH	RINGTHANE PTY LTD T/AS TRADEWINDS HOTEL (ACN 009 372 785) (ABN 91 607 015 260)	Workplace Relations Act 1996 – Contravened the provisions of the Hotel and Tavern Workers' Award, 1978 No. R31 of 1977.	Discontinued			
M 71 of 2007	GAYLE BALDING, WORKPLACE OMBUDSMAN	LIQUID ENGINEERING 2003 PTY LTD (ACN 104 341 657)	Workplace Relations Act 1996 - Alleged breach of the Commercial Sales (Victoria) Award 1999	Dismissed			
M 72 of 2007	KEVIN McBRYDIE	GLOBAL SUPERVISION AND MANAGEMENT PTY LTD	Industrial Relations Act 1979 - Alleged breaches of the Cleaners and Caretakers (Car and Caravan Parks) Award 1975	Discontinued			
M 73 OF 2007	RICHARD MALONE	DEPARTMENT OF CORRECTIVE SERVICES	Industrial Relations Act 1979 - Alleged breaches of the Prison Officers Award	Discontinued			
M 74 OF 2007	DERRICK JAMES	DEPARTMENT OF CORRECTIVE SERVICES	Industrial Relations Act 1979 - Alleged breaches of the Prison Officers Award	Discontinued			
M 75 of 2007	JOY MAUREEN REDDEY	JOINT PRINTING COMMITTEE, PARLIAMENT OF WESTERN AUSTRALIA	Alleged breach of the Long Service Leave General Order.	Discontinued			
M 76 of 2007	GAYLE BALHORN	SPOTLIGHT PTY LTD	Alleged breach of section 9 of the Long Service Leave Act.	Discontinued			
M 77 of 2007	STEVEN DE BEST	L Js CAFÉ	Industrial Relations Act 1979 – Failed to comply with the Restaurant Tea Room and Catering Workers Award	Discontinued			
M 81 of 2007	MARK KEVIN SWAIN	COMMISSIONER OF POLICE	Industrial Relations Act 1979 – Alleged breach of Clause 33 of the Western Australia Police Industrial Agreement 2006, No. PSAAG 20 of 2006.	Claim dismissed			
M 82 of 2007	DAVID MICHAEL KRAUSKOPF	CITY OF WANNEROO	Workplace Relations Act 1996 – Alleged breach of City of Wanneroo Certified Agreement 2005	Discontinued			
M 88 of 2007	COLIN HILL	DEPARTMENT OF CORRECTIVE SERVICES	Industrial Relations Act 1979 – Institution Officers Allowances and Conditions Award 1977, No. 3 of 1977.	Discontinued			
M 89 of 2007	JEFFERY PETER PROTHERO	ESS ENGINEERING SERVICE & SUPPLIES PTY LTD	Long Service Leave Act 1958 – Metal Trades (General) Award	Discontinued			
M 2 of 2008	SC OTT BATTEN	DEPARTMENT OF CORRECTIVE SERVICES	Industrial Relations Act 1979 - Alleged breaches of the Prison Officers Award	Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 3 of 2008	BRUCE JOHN CHALK, DOCEP	MR BON LEVI	Industrial Relations Act 1979 – Breach of Section 102(1)(a)- failure to provide records.	Discontinued			
M 4 of 2008	CAROLYN SUSAN POOLE	BRAEDON PTY LTD T/A BETA SOUVENIRS	Breaches of Section 11 – Long Service Leave Act 1958 and Section 43, Schedule 8 and Part 14 Division 2 – Workplace Relations Act 1996.	Discontinued			
M 8 of 2008	JULIE HOWELL	MERCATOR GOLD AUSTRALIA PTY LTD	Workplace Relations Act 1996 – Alleged failure to give notice of termination	By Consent			\$1403.85
M 19 of 2008	LARAIN JENNIFER WIESE, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	LARS BO AND MELLISSA CARLYLE JACOBSEN T/A PIONEER BAKERY	Industrial Relations Act 1979 – Alleged breach of the Restaurant, Tearoom and Catering Workers Award 1979 (WA)	Discontinued			
M 20 OF 2008	JACQUELINE TRACY MASSEY	ELDERS HILLSIDE	Alleged breach of Minimum Condition of Employment Act 1993	Default judgment	\$500.00	\$55.50	\$4893.66
M 22 of 2008	LEE VAN DER BURGT	WENDTREV PTY LTD ACN 115 996 766	Workplace Relations Act 1996 – Alleged breach of the Restaurant, Tearoom and Catering Workers Award 1979.	Discontinued			
M 23 of 2008	SALLY ANNE BRYANT, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	PARKFORM INVESTMENTS PTY LTD T/A COOLBELLUP HOTEL	Long Service Leave Act 1958 – Alleged Breach of Section 8(3)	Discontinued			