

**APPENDIX 1  
COMPLAINTS / CLAIMS**

The Industrial Magistrate, during the six months ending **December 31, 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 3 of 2008	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	GOLD MOUNTAIN ENTERPRISES PTY LTD	Breach of section 190(1) of the Children and Community Services Act 2004	Acquitted		\$4,500.00	
CP 4 of 2008	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	DOMINO'S PIZZA ENTERPRISES LIMITED T/A DOMINO'S PIZZA INGLEWOOD	Breach of section 190(1) of the Children and Community Services Act 2004	Guilty plea	\$7,500.00		
CP 5 of 2008	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	RED ROOSTER FOODS PTY LTD T/A RED ROOSTER FOODS - ESPERANCE	Breach of section 190(1) of the Children and Community Services Act 2004	Guilty plea	\$3,000.00		
CP 6 of 2008	DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	RONALD ANTHONY STEELE	Breach of section 190(1) of the Children and Community Services Act 2004	Acquitted			

  

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 83 of 2005	MARCUS THOMAS CLARKE, AN INSPECTOR APPOINTED PURSUANT TO SECTION 84 OF THE WORKPLACE RELATIONS ACT 1996	PETER GERALD LEVY AND ROGER ALEKNAVICIUS	Breach of Barclay Mowlem Construction Ltd, Thornlie Railway Station and Bridge Structural Work Project Certified Agreement 2004-2005 and contravention of section 170MN of the Workplace Relations Act 1996	Contravention admitted	\$750 each		
M 99 of 2006	WARREN GRAHAM MILWARD, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	MELROSE FARM PTY LTD T/AS MILES AWAY TOURS	Industrial Relations Act 1979 – Breach of the Transport Workers (Passenger Vehicles) Award 1978 Children's Services	Remitted back by Full Bench  Order issued for pre-judgment interest			
M 15 of 2007	WARREN GRAHAM MILWARD, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	CHRISTINE ANNE MILES & RICHARD GLINTON MILES T/AS MILES AWAY TOURS	Industrial Relations Act 1979 – Breach of the Transport Workers (Passenger Vehicles) Award 1978 Children's Services	Remitted back by Full Bench  Order issued for pre-judgment interest			
M 78 of 2007	JOHN ALEXANDER	MITCHELL CORPORATION PTY LTD	Breach of Minimum Conditions of Employment Act 1993	Discontinued			
M 79 of 2007	JOHN ALEXANDER	RAPSCALLION PTY LTD	Breach of Minimum Conditions of Employment Act 1993	Discontinued			
M 80 of 2007	RON DAVIES	DAROGI TRANS EXPRESS PTY LTD	Breach of Minimum Conditions of Employment Act 1993	Discontinued			
M 84 of 2007	LIQUOR HOSPITALITY MISCELLANEOUS UNION	CUDDLES MANAGEMENT PTY LTD	Workplace Relations Act 1996 – Breach of the Western Australian Childrens' Services (Interim) Award 1996; Childrens' Services (Long Day Care) Award 2003 and Child Care (Long Day Care) Award 2005	Dismissed by consent			

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COMPLAINTS / CLAIMS—continued

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 85 of 2007	LIQUOR HOSPITALITY AND MISCELLANEOUS UNION, WESTERN AUSTRALIAN BRANCH	CUDDLES MANAGEMENT PTY LTD	Industrial Relations Act 1979 – Breach of Children’s Services (Private) Award 2006 and Children’s Services (Private) Award A10 of 1990	Dismissed by consent			
M 86 of 2007	LIQUOR HOSPITALITY AND MISCELLANEOUS UNION, WESTERN AUSTRALIAN BRANCH	CUDDLES MANAGEMENT PTY LTD	Workplace Relations Act 1996 – Breach of the Notional Agreement Preserving the Childrens’ Services (Private) Award 2006	Orders by consent  Penalty imposed	\$13000.00		
M 1 of 2008	CHERYL THOMAS	CARE OPTIONS INC	Workplace Relations Act 1996 – Breach of the Social and Community Services Award 2002	Discontinued			
M 5 of 2008	COLIN HILL	COMMISSIONER OF CORRECTIVE SERVICES	Industrial Relations Act 1979 – Breach of The Juvenile Custodial Officers Agreement, the institution Officer’s Allowances and Conditions Award and the Minimum Conditions of Employment Act	Judgment by default - dismissed			
M 7 of 2008	SALLY ANNE BRYANT, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	BEN DAVIS T/A CYBER ROCK EMPLOYMENT	Breach of Minimum Conditions of Employment Act 1993	Judgment by default	\$400.00	\$162.80	\$437.20
M 10 of 2008	JANINE MAREE DAWSON	MONSON AGENCIES AUSTRALIA PTY LTD	Workplace Relations Act 1996 – Breach of Clerical Industry – Shipping Officers Award 2003	Discontinued			
M 11 of 2008	MICHAEL SMITH	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			
M 12 of 2008	LORETTA PEGRUM	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			
M 13 of 2008	ABIGAIL FRANCES WILLIAMS	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			
M 14 of 2008	TREVOR TAN	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			
M 15 of 2008	JAMES JOHN KIRBY	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 16 of 2008	TREVOR NAYAR	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			
M 17 of 2008	MARCELLA CASAS	SOUL COMMUNICATIONS PTY LTD	Workplace Relations Act 1996 – Breach of Minimum Conditions of Employment Act 1993 and the General Order of the WAIRC dated 1/08/2005	Discontinued			
M 18 of 2008	TRANSPORT WORKERS UNION OF AUSTRALIA	WESTGYPT PTY LTD	Workplace Relations Act 1996 – Failure to pay for work done and for pay in lieu of notice	Dismissed on application of claimant			
M 20 of 2008	JACQUELINE TRACY MASSEY	GOLDWING INVESTMENTS PTY LTD T/A ELDERS HILLSIDE	Breach of Minimum Conditions of Employment Act 1993	Default judgment set aside – Memorandum of Consent to Orders			
M 21 of 2008	JOSH REEVES	ADAM SALPIETRO	Workplace Agreements Act 1993 – Failure to pay agreed rate and bonuses	Dismissed by consent			
M 25 of 2008	RUSSELL JAMES HENDY	TREVOR JOHN CUMMINGS	Industrial Relations Act 1979 – Enforcement of order issued on 10 March 2008 in matter No B 160/2007	Judgment by default	\$250.00	\$50.00	\$2,134.20
M 27 of 2008	SANDRA HANSEN	J TEC ELECTRICAL SERVICES (JOSEPH THOMAS)	Industrial Relations Act 1979 – Enforcement of order issued on 28 April 2008 in matter No U 202/2007 and B 202/2007	Judgment by default	\$500.00	\$170.00	\$4,710.69
M 28 of 2008	A SESTINI	PERTH PRIMARY CARE NETWORK	Industrial Relations Act 1979 – Breach of s105; Workplace Relations Act 1996 – Breach of s792; Occupational Safety and Health Act 1984 – Breach	Discontinued			
M 31 of 2008	ROBERT PEMBERTON	CIVIL SERVICE INSURANCE AGENCY PTY LTD AND OTHERS	Workplace Agreements Act 1993 – Claim pursuant to section 43, Schedule 8 and Part 14 Division 2	Dismissed			
M 35 of 2008	ROSS PEET	INTERLEC (WA) PTY LTD	Workplace Relations Act 1996 – Breach of Ravensthorpe Nickel Project and Interlec WA Pty Ltd Union Collective Agreement 2006	Discontinued			
M 36 of 2008	URSULA HARBIN	KIM SNOWBALL, WA COUNTRY HEALTH SERVICE	Breach of Minimum Conditions of Employment Act 1993 and ANF Award	Discontinued			
M 37 of 2008	SALLY ANNE BRYANT, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	PETER WILLIAM BALL T/A WANNEROO COFFEE LOUNGE	Industrial Relations Act 1979 – Breach of the Restaurant, Tearoom and Catering Workers Award 1978	Memorandum of Consent to Orders			
M 38 of 2008	DAVID BULLOCK	JASPAL TRANSPORT	Workplace Relations Act 1996 – Breach of	Discontinued			

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 43 of 2008	CIVIL SERVICE ASSOCIATION OF WESTERN AUSTRALIA INCORPORATED	DEPARTMENT OF FISHERIES	Industrial Relations Act 1979 – Breach of the Public Service Award 1992	Discontinued			
M 44 of 2008	BENEDICT SCOTT DIAMOND	DOWNER EDI MINING PTY LTD	Workplace Relations Act 1996 – Breach of Section 235(2) – Annual Leave	Discontinued			
M 45 of 2008	LARAIN JENNIFER WIESE, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	MARY THESEIRA T/A OMEGA SKIN SPA	Breach of Minimum Conditions of Employment Act 1993	Discontinued			
M 46 of 2008	THE CIVIL SERVICE ASSOCIATION OF WESTERN AUSTRALIA (INCORPORATED)	DISABILITY SERVICES COMMISSION	Industrial Relations Act 1979 – Breach of the Social Trainer (Division for the Intellectually Handicapped, Mental Health Services) Allowances and Conditions Agreement 1982 and Others	Discontinued			
M 47 of 2008	SARAH MORRISSEY	SOPHIA BASSI	Industrial Relations Act 1979 – Breach of the Hairdressers Award 1989	Memorandum of Consent to Orders			
M 49 of 2008	DEBORAH JANE SUTTON	ANTONIO STRANGIO AND ROYAUTO SANUIDI TRADING AS AR DENTAL CARE MINDARIE	Workplace Relations Act 1996 – Breach of Hospital Salaried Officers (Dental Therapists) Award 1980	Discontinued			
M 54 of 2008	DAVID HUGH McBROOM	COOGEE RESOURCES	Industrial Relations Act 1979 – Breach of the Coogee Resources / AIMPE FPSO Enterprise Agreement 2004	Discontinued			
M 55 of 2008	DAVID HUGH McBROOM	AIBEL PTY LTD	Industrial Relations Act 1979 – Breach of the Modec M.S./AIMPE “Modec Venture 11” FPSO Enterprise Agreement 2005	Discontinued			
M 56 of 2008	HEALTH SERVICES UNION OF WESTERN AUSTRALIA (UNION OF WORKERS)	THE DIRECTOR GENERAL FOR HEALTH IN RIGHT OF THE MINISTER FOR HEALTH AS SIR CHARLES GAIRDNER HOSPITAL IN THE PERSON OF MR DAVID EACOTT, ASSISTANT DIRECTOR, WA HEALTH INDUSTRIAL RELATIONS SERVICE	Industrial Relations Act 1979 – Breach of the Health Services Union WA Health State Industrial Agreement 2006	Discontinued			
M 59 of 2008	SARAH LOUISE HAYNES, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	SEAN P EVANS AND DAWN L SEWELL	Industrial Relations Act 1979 – Breach of section 102(1)(a) – failure to produce records	Discontinued			
M 60 of 2008	PREETI SYDELLE DEMELLO, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	VAN HUNG TRAN T/A SIVER COAST BAKERY	Industrial Relations Act 1979 – Breach of the Restaurant Tearoom and Catering Workers Award 1978	Discontinued			
M 62 of 2008	CRAIG IAN McGOWN	DJ CARMICHAEL PTY LIMITED	Breach of Long Service Leave Act 1958	Discontinued			

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 63 of 2008	NICHOLAS JAMES EVERETT, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	SOUTHERN FORESTS MOTEL HOTEL	Industrial Relations Act 1979 – Breach of the Hotel and Tavern Workers Award 1978	Discontinued			
M 72 of 2008	ROADWEST TRANSPORT AND EQUIPMENT SALES PTY LTD (ABN 92155802566)	DEFU WANG	Workplace Relations Act 1996 – Breach of Australian Workplace Agreement	Discontinued			