

## APPENDIX 1 COMPLAINTS / CLAIMS

The Industrial Magistrate, during the six months ending **December 31, 2009**, 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 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 1/2009	CHRISTOPHER BELL, DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION	RAYDALE HOLDINGS PTY LTD TRADING AS TAMBREY TAVERN AND FUNCTION CENTRE ACN: 106193837	Breach of s 190(1) of the Children and Community Services Act 2004	Plea of Guilty	\$6,000.00		
No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 12/2009	TRANSPORT WORKERS' UNION OF AUSTRALIA	VANS HOLDINGS PTY LTD	Workplace Relations Act 1996 - Alleged breach of clause 9.1 Transport Workers' (General) Award NAPSA	Discontinued			
M 14/2009	TRANSPORT WORKERS' UNION OF AUSTRALIA	MITCHELL WEST PTY LTD	Workplace Relations Act 1996 - Alleged breach of Mitchell West Pty Ltd Australian Workplace Agreement 2007	Discontinued			
M 15/2009	JEFFREY LOEL TOWNEND, DEPARTMENT OF COMMERCE	BENJAMIN DEN BOER TRADING AS THE DECKING SPECIALIST	Industrial Relations Act 1979 - Alleged breach of Building Trades (Construction) Award 1987	Claim proven	\$2,000	\$301.90	\$2,067.05
M 17/2009	RUPESH KUMAR KULSHRESTHA	CVD ENGINEERING AND FABRICATION	Industrial Relations Act 1979 - Enforcement of Commission Order issued on 27/03/2009 in matter no. B 147/2009	Discontinued			
M 18/2009	GEOFFREY S. HOLT	DIRECTOR GENERAL, DEPARTMENT OF EDUCATION AND TRAINING	Industrial Relations Act 1979 - Alleged breach of The School Education Act Employees' (Teachers and Administrators) General Agreement 2006, Public Sector Management Act, 1994 and School Education Act, 1999	Claim proven	Caution	\$379.95	\$39,439.42
M 19/2009	FERNANDO FERRANTE	CHEM CENTRE	Industrial Relations Act 1979 - Alleged breach of Chem Centre Agreement regarding purchased leave.	Discontinued			
M 20/2009	CHOONG TAN	ANVIL MINING LIMITED (ARBN 107 912 550)	Workplace Relations Act 1996 - Alleged breach of Termination, Change and Redundancy General Order (2005 WAIRC 01715) (NAPSA)	Discontinued			
M 21/2009	SOPHIE GUITTIERE	FREMANTLE GOURMET COFFEE ROASTERS PTY LTD	Workplace Relations Act 1996 - Alleged breach of the Restaurant, Tearoom and Catering Workers' Award, 1979	Judgement by Default			\$6,253.86
M 22/2009	AUTOMOTIVE, FOOD, METALS, ENGINEERING, PRINTING AND KINDRED INDUSTRIES UNION	INGHAMS ENTERPRISES PTY LTD	Workplace Relations Act 1996 - Alleged breach of Inghams Enterprises (Osborne Park) Workplace Collective Agreement 2006	Discontinued			
M 23/2009	KIM MAREE IVORY-JAMES	SHIRE OF BROOME	Workplace Relations Act 1996 - Failed to comply with Shire of Broome Inside Staff Collective Union Workplace Agreement 2007 ("CWA") and Local Government Officers (Western Australia)	Deed of Settlement			
M 28/2009	WILLIAM MASLEN	PLUMMERS INDUSTRIES PTY LTD	Workplace Relations Act 1996 - Alleged breach of Sheet Metal Workers' Award No. 10 of 1973	Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 29/2009	COLIN DOWSON	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LTD	Workplace Relations Act 1996 - Alleged breach of the Australian Fair Pay and Conditions Standard	Discontinued			
M 36/2009	MICHELLE THEODOSIOU	GEORGINA MACDOUGALL T/AS ELITE SKIN AND BODY CENTRE	Fair Work Act 2009 - Alleged breach of the Hairdressers Award 1989	Judgement by Default			\$156.94
M 37/2009	BERNADETTE MARGARET BUTLER	DIRECTOR GENERAL OF HEALTH AS DELEGATE OF MINISTER FOR HEALTH IN HIS INCORPORATED CAPACITY UNDER S.7 OF THE HOSPITALS AND HEALTH SERVICES ACT 1927  TRACEY SIMONAITIS  GARY ADAMS	Industrial Relations Act 1979 - Alleged breach of the Health Services Union - WA Health State Industrial Agreement 2008	Deed of Settlement			
M 38/2009	NEIL CHAMBERLAIN	KORDA MENTHA PTY LTD AS RECIEVERS FOR MID WEST VANADIUM	Fair Work Act 2009 - Alleged breach	Discontinued			
M 39/2009	RUPESH KUMAR KULSHRESTHA	K & V TORVI PTY LTD TRADING AS CVD ENGINEERING & FABRICATION	Industrial Relations Act 1979 - Enforcement of Commission Order issued on 27/03/2009 in matter no. B 147/2009	Judgement by Default			\$3,841.81
M 40/2009	FRANK DIBISCEGLIE	ARCADIAN NOMINEES (INSTANT WASTE MANAGEMENT)	Long Service Leave Act 1958 - failed to pay pro-rata (Long Service Leave)	Discontinued			
M 41/2009	CAROLYN ELIZABETH DITRI	SOUTHERN FOREST HOTEL MOTEL		Discontinued			
M 48/2009	CHRISTOPHER SHARPE	DAVID A KELLY	Industrial Relations Act 1979 - Alleged breach of SSTUWA Salary Sacrifice Arrangements Participation Agreement	Struck Out			
M 49/2009	SHANE SIMMS	PHOENIX REFRACTORIES AUSTRALIA PTY LTD (ACN 075 472 687)	Long Service Leave Act 1958 - failed to pay pro-rata (Long Service Leave)	Order issued in terms of Memorandum of Consent			
M 50/2009	TRANSPORT WORKERS' UNION OF AUSTRALIA	FREMANTLE CONTAINER DEPOT (1996) PTY LTD	Workplace Relations Act 1996; Fair Work Act 2009 - Alleged breach of Fremantle Container Depot (1996) Pty Ltd Australian Workplace Agreement	Discontinued			
M 126/2009	WA HIAB SERVICES	HENDERSON RESOURCE INVESTMENTS PTY LTD TRADING AS RESOURCE FABRICATION SERVICES	Industrial Relations Act 1979 - Enforcement of Commission Order issued on 18/09/2009 in matter no. RFT 13 of 2009	Judgement by Default			\$3,426.50
M 127/2009	WA HIAB SERVICES	SEAVIEW ASSET PTY LTD TRADING AS SAFE RIDE TYRES	Industrial Relations Act 1979 - Enforcement of Commission Order issued on 18/09/2009 in matter no. RFT 13 of 2009	Judgement by Default			\$1,232.00
M 128/2009	KATHRINA MARCELO	KALHAVEN HOLDINGS PTY LTD TRADING AS DISCOVER WEST HOLIDAYS	The Workplace Relations Act 1996 - Alleged breach of Act	Discontinued			
M 130/2009	BENJAMIN HURN	CLICK PRINTING PTY. LTD	Industrial Relations Act 1979; Minimum Conditions of Employment Act 1993 - Alleged breach of Act	Discontinued			