

APPENDIX 1

COMPLAINTS / CLAIMS

The Industrial Magistrate, during the six months ending **December 31, 2015**, dealt with the under mentioned complaints/claims for breaches of Awards or Industrial Agreements or breach of the *Industrial Relations Act 1979*, *Fair Work Act 2009*, *Minimum Conditions of Employment Act 1993*, *Workplace Relations Act 1996*, *Long Service Leave Act 1958*, *Construction Industry Portable Paid Long Service Leave Act 1985* and the *Children and Community Service Act 2004* 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 Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 125/2012	Dr Li-On Lam	The Minister for Health in his incorporated capacity under s.7 of the Hospitals and Health Service Act 1927 (WA) as the Hospitals formerly comprised in the Metropolitan Health Service Board	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim proven in part			\$20,499.55
M 126/2012	Dr T Leys	The Minister for Health in his incorporated capacity under s.7 of the Hospitals and Health Service Act 1927 (WA) as the Hospitals formerly comprised in the Metropolitan Health Service Board	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim proven in part			\$29,698.39
M 127/2012	Dr M Scaddan	The Minister for Health in his incorporated capacity under s.7 of the Hospitals and Health Service Act 1927 (WA) as the Hospitals formerly comprised in the Metropolitan Health Service Board	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim proven in part			\$49,683.32
M 128/2012	Prof Richard Carey Smith	The Minister for Health in his incorporated capacity under s.7 of the Hospitals and Health Service Act 1927 (WA) as the Hospitals formerly comprised in the Metropolitan Health Service Board	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim proven in part			\$39,201.32
M 21/2014	Xu Qin	VIP Freight (WA) P/L	Fair Work Act 2009 - Small Claim	Claim proven in part			\$394.07
M 92/2014	Pratyasha Gungabissoon	Ashani Holdings Pty Ltd	Fair Work Act 2009 - Small Claim	Claim proven in part		\$40.00	\$2,510.36
M 122/2014	United Voice WA	The Director General Department of Education	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 183/2014	Andrew Forster	Paul Long	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim dismissed			
M 185/2014	Matthew Daniel	Jeremy Locke trading as Carpentry West	Industrial Relations Act 1979 - Alleged breach of Award	Judgement by default			\$1777.27
M 3/2015	Morgan Grant Clein	Jambou Pty Ltd t/a Marsue Transport	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 6/2015	Peter Vose	Minister for Corrective Services - Joe Francis and Acting Superintendent Hakea Prison - Andy Hughes	Industrial Relations Act 1979 - Alleged breach of Act	Discontinued			
M 10/2015	Garry John Guley	Damian Withers trading as Withers Electrical Services	Industrial Relations Act 1979 - Alleged breach of Instrument	Consent orders issued			\$4,000.00
M 26/2015	Alexander Joseph Winter	Forest Products Commission	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim dismissed			

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No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 28/2015	Tracy Rawlings	Raybrook Holdings Pty Ltd	Fair Work Act 2009 – Alleged breach of Act	Dismissed by Consent			
M 29/2015	Alan Alfred Weber	Catholic Education Western Australia	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 48/2015	Construction Industry Long Service Leave Payments Board	Supercut Concrete Sawing & Drilling Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Judgement by default	\$500.00		
M 51/2015	Sandra Whitehead	Honeywell Health Medical Group Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 56/2015	Hui Shu Ning	Struga Nominees Pty Ltd T/A PPM Corporate	Fair Work Act 2009 - Alleged breach of Act	Judgement by default		\$40.00	\$2,790.47
M 57/2015	David Walmsley	Colliers International (WA) Pty Ltd	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 63/2015	Brian Barnfield	Ludowici Water Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by default			\$19,649.12
M 64/2015	Nelson E Petallo	Compass Group (Australia) Pty Ltd	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 66/2015	Timothy William Barlow	FWA Media Pty Ltd, Trading As Fishing Western Australia Protackle	Fair Work Act 2009 - Small Claim	Claim proven in part		\$40.00	\$146.45
M 67/2015	Paul Burke	OK Youth Services Inc	Industrial Relations Act 1979 - Enforcement of Commission Order	Judgement by default		\$50.00	\$6,473.68
M 68/2015	Paul Hardman	Maersk Crewing Australia Pty Ltd	Fair Work Act 2009 – Alleged breach of Instrument	Discontinued			
M 81/2015	Vicki Kim Wainwright	Gracewise Pty Ltd (ABN: 83055266870)	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 84/2015	Jessica Beltran Chaves	Tang & Cheng Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 85/2015	Glenda Herbert	Swan Transit Services Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 86/2015	Neil Marsden	National Patient Transport Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 87/2015	Adele Jolene Pate	Fleafealy Pty Ltd T/AS Huntingvale Veterinary Centre	Long Service Leave Act 1958; Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 88/2015	Mr Anthony Csermelyi	Cascarl Pty Ltd trading as Perth Powerlines Trevor Hanks	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 89/2015	Construction Industry Long Service Leave Payments Board	Broad Spectrum Enterprises Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 90/2015	Construction Industry Long Service Leave Payments Board	Robert Alford	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 91/2015	Construction Industry Long Service Leave Payments Board	Hillmore Holdings Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			

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No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 92/2015	Construction Industry Long Service Leave Payments Board	DEH Electrical Services Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 93/2015	Construction Industry Long Service Leave Payments Board	Diamond Security Fencing Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 94/2015	Construction Industry Long Service Leave Payments Board	Jag Traffic Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Judgement by default	\$500.00		
M 95/2015	Construction Industry Long Service Leave Payments Board	Gravel's Contracting Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 96/2015	Construction Industry Long Service Leave Payments Board	Jenkins Roofing Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 97/2015	Construction Industry Long Service Leave Payments Board	Peter McMartin	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Judgement by default	\$400.00		
M 98/2015	Construction Industry Long Service Leave Payments Board	Tiger Trac Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 99/2015	Construction Industry Long Service Leave Payments Board	Perry Read	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 100/2015	Construction Industry Long Service Leave Payments Board	Swan Installations Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Judgement by default	\$500.00		
M 101/2015	Construction Industry Long Service Leave Payments Board	Cassbail Lifting Solutions Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 102/2015	Construction Industry Long Service Leave Payments Board	Kimberley Pipelines Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 103/2015	Construction Industry Long Service Leave Payments Board	Rigging & Construction Services Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 105/2015	David John Needham	Mainform Corporation Pty Ltd	Fair Work Act 2009 – Alleged breach of Act	Discontinued			
M 106/2015	Diana Grbavac	West Australian Academy of Arts & Music Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by default		\$50.00	\$3,734.64
M 109/2015	Robyn Atkins	Manjimup Bakery Pty Ltd	Industrial Relations Act 1979; Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 111/2015	Neasa Ni Loaghaire	M&M Group WA Pty Ltd	Fair Work Act 2009 – Alleged breach of Instrument	Discontinued			

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No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 124/2015	Construction Industry Long Service Leave Payments Board	SRG Building (Western) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 125/2015	Construction Industry Long Service Leave Payments Board	Beneficial Services Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Discontinued			
M 126/2015	Construction Industry Long Service Leave Payments Board	Citylight Holdings Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 127/2015	Construction Industry Long Service Leave Payments Board	Premier Commercial and Industrial Builders Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 129/2015	Construction Industry Long Service Leave Payments Board	Crewest Painting Service Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Judgement by default	\$800.00		
M 130/2015	Construction Industry Long Service Leave Payments Board	JGS Glass and Glazing Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 131/2015	Construction Industry Long Service Leave Payments Board	Pipeline Technics Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Discontinued			
M 132/2015	Construction Industry Long Service Leave Payments Board	D.M.I Electrical Pty Ltd	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 133/2015	Construction Industry Long Service Leave Payments Board	NYFL Housing & Construction Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 134/2015	Construction Industry Long Service Leave Payments Board	Grant Nicholson	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 135/2015	Construction Industry Long Service Leave Payments Board	John Karelis	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Judgement by default	\$400.00		
M 136/2015	Construction Industry Long Service Leave Payments Board	Kreshel Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Claim dismissed			
M 137/2015	Construction Industry Long Service Leave Payments Board	Starsands Nominees Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 138/2015	Construction Industry Long Service Leave Payments Board	T & M Pipelines Pty Ltd	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 139/2015	Construction Industry Long Service Leave Payments Board	Legend Contractors Pty Ltd	Alleged breach of Construction Industry Portable Long Service Leave Act 1985	Discontinued			

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No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 140/2015	Construction Industry Long Service Leave Payments Board	O'Keeffe Heneghan Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 141/2015	Construction Industry Long Service Leave Payments Board	WES West Pty Limited	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 143/2015	Rita Maria Thomas	Western Geotechnics Pty Ltd (ACN 162 174 996) trading as Clockwork	Fair Work Act 2009 - Small Claim	Discontinued			
M 145/2015	Christine Rose Belser	The Western Australian Deputising Medical Service (Inc) (ABN: 67 475 694 782)	Fair Work Act 2009; Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 147/2014	Gunjan Rajeshkumar Shah	Gogo's Food Service Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Claim proven in part		\$50.00	\$34,323.54
M 153/2014	Dayle Somers	S.E.T.S Enterprises Pty Ltd Kevin James Broadbent	Fair Work Act 2009 - Alleged breach of Act	Claim dismissed			
M 157/2015	Department of Commerce	Christopher Irwin Flanagan	Industrial Relations Act 1979 - Alleged breach of Act	Discontinued			
M 165/2015	Darren Cotes	Inkcot Pty Ltd t/as Countrywide Freightlines	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 166/2015	Bradley Arthur Belbin	W Grove, AH Grove & JW Grove t/a Indian Ocean Hotel	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 174/2015	Construction Industry Long Service Leave Payments Board	Bouvell Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 178/2015	Construction Industry Long Service Leave Payments Board	Remec Electrics Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 180/2015	Construction Industry Long Service Leave Payments Board	Seymour Roofing Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 182/2015	Construction Industry Long Service Leave Payments Board	Tracs (WA) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 205/2015	Construction Industry Long Service Leave Payments Board	Kinetic Australia Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 211/2015	Construction Industry Long Service Leave Payments Board	Antonio Villamagna	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			