

**APPENDIX 1**  
**COMPLAINTS / CLAIMS**

The Industrial Magistrate, during the six months ending **December 31, 2016**, 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 123/2014	Maurice Czarniak	Stockbridge (WA) Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 32/2015	Jing Tao Sun	Success Motors Service Pty Ltd	Fair Work Act 2009 - Small Claim	Claim Proven			\$20,000.00
M 144/2015	Niall Godley	Kentz Pty Ltd	Fair Work Act 2009 - Alleged breach of Act	Discontinuance			
M 155/2015	Craig Steele	Resolve Financial Solutions Pty Ltd	Fair Work Act 2009 & Long Service Leave Act 1958 - Alleged breach of Act	Claim Dismissed by Consent			
M 163/2015	Hector Damian Pereira	Sprayworx Perth Pty Ltd (ABN 36 600 278 340)	Fair Work Act 2009 - Small Claim	Claim Proven			\$2,539.57
M 167/2015	Australian Medical Association (WA) Incorporated	Minister for Health in his incorporated capacity under Section 8 of the Hospitals and Health Services Act 1927 as the Metropolitan Health Service	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinuance			
M 169/2015	Mr John William Sherington	Mr Jared Smith	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 172/2015	Noel Hardwick	Qantas Ground Services Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Claim Dismissed			
M 173/2015	William McGlue	Qantas Ground Services Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Claim Dismissed			
M 183/2015	Saman Kumara Liyanage	RL Sharpe, DP Sharpe, CR Sharpe, EJ Sharpe, PR Sharpe, AL Sharpe trading as Trustruct Structural Solutions	Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			
M 188/2015	Mr Leslie George Magyar	Director General of Education	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim Dismissed			
M 190/2015	Terry Barrell	Morris Corporation (WA) Pty Ltd	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 10/2016	Chantelle Debbie Marie Lopes	Commelec Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Judgment by Default			\$2,872.00
M 14/2016	Vincent John Ciccarelli	Hazdra Pty Ltd T/AS Banken Building (ACN 009 262 006)	Fair Work Act 2009 - Alleged breach of Instrument	Claim Proven in Part			\$16,793.97
M 17/2016	Olivia Madeleine Kay	Compass Group Australia	Fair Work Act 2009 - Small Claim	Discontinued			
M 18/2016	Gary Tanner	Navra Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 20/2016	Achille Demetrio Nicolo	Nirmal Nominees Pty Ltd	Fair Work Act 2009 - Small Claim	Judgment by Default		\$40.00	\$3,535.10
M 21/2016	Daryl Bruce Spauil	Total Business Technology Pty Ltd and Luke Anderson and Alan Green	Fair Work Act 2009; Long Service Leave Act 1958 - Alleged breach of Act	Claim Proven in Part, Penalty issued	\$30,240	\$3,862.40	
M 24/2016	Matthew Peter Bell - Department of Commerce	Hydraulic Manifolds Australia Pty Ltd as trustee for the Hydraulic Trust and HMA No 7 Pty Ltd as Trustee for the Bralan Trust	Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			

WESTERN AUSTRALIAN INDUSTRIAL GAZETTE

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 25/2016	Matthew Peter Bell - Department of Commerce	Hydraulic Manifolds Australia Pty Ltd as trustee for the Hydraulic Trust and HMA No 7 Pty Ltd as Trustee for the Bralan Trust	Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			
M 26/2016	Mr James Cunniffe	WorkClaims International Pty Ltd /Trading as Workclaims Australia	Fair Work Act 2009 - Alleged breach of Instrument	Judgement by Default	\$8,925.00	\$4,000.00	\$14,244.74
M 28/2016	Wayne Jason Ngauma	Mazric Pty Ltd trading as South West Express ABN: 18 067 829 716	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 29/2016	Matthew Peter Bell - Department of Commerce	Tubend Dynaform Pty Ltd	Long Service Leave Act 1958 - Alleged breach of Act	Judgement by Default			\$13,977.39
M 49/2016	Allan Robert Keogh	Dr Karl O'Callaghan, Commissioner of Police, Western Australia Police	Industrial Relations Act 1979 - Alleged breach of Act	Discontinued			
M 59/2016	Alan Clark	Mary Melanie Murphy and Martin Daniel Murphy	Fair Work Act 2009 - Small Claim	Discontinued			
M 60/2016	Brayden Clarence West	Stargap Pty Ltd T/AS Adventure Out Australia	Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			
M 61/2016	Katrina Dowson	Water Corporation of Western Australia	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 63/2016	Construction Industry Long Service Leave Payments Board	D A Woods Electrical Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 64/2016	Construction Industry Long Service Leave Payments Board	Mechwest Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 65/2016	Construction Industry Long Service Leave Payments Board	All Fixed Electrical Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 66/2016	Construction Industry Long Service Leave Payments Board	Max Construction (Australia) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 67/2016	Construction Industry Long Service Leave Payments Board	Leading Electrical WA Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 68/2016	Construction Industry Long Service Leave Payments Board	Town and Country Limestone Pty. Ltd.	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 69/2016	Construction Industry Long Service Leave Payments Board	Prestige Group WA Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 70/2016	Construction Industry Long Service Leave Payments Board	Catal Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 71/2016	Construction Industry Long Service Leave Payments Board	Peter Vowles	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 72/2016	Construction Industry Long Service Leave Payments Board	Jason Dronow	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 73/2016	Construction Industry Long Service Leave Payments Board	Luke David Ouwendyk	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 74/2016	Construction Industry Long Service Leave Payments Board	Nigel Aden Groves	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 75/2016	John Green	South Metropolitan Personnel Inc	Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			
M 76/2016	Joanne Louise Chisholm	Skylink Holdings Pty Ltd T/AS Baldivis Family Medical Centre	Fair Work Act 2009 - Alleged breach of Instrument	Discontinuance			
M 78/2016	David Hartley	Lend Lease Engineering Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 82/2016	Justin Matthew Lane	North Metropolitan TAFE	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 84/2016	Matthew Peter Bell - Department of Commerce	Hydraulics Group Pty Ltd as trustee for The Hydraulic Trust and HMA No 7 Pty Ltd as trustee for The Bralan Trust	Long Service Leave Act 1958 - Alleged breach of Act	Judgement by Default			\$9,806.83
M 85/2016	Matthew Peter Bell - Department of Commerce	Hydraulics Group Pty Ltd as trustee for The Hydraulic Trust and HMA No 7 Pty Ltd as trustee for The Bralan Trust	Long Service Leave Act 1958 - Alleged breach of Act	Judgement by Default			\$5,642.18
M 89/2016	Li-An Everett	The Minister for Health in his incorporated capacity under s.7 of the Hospitals and Health Services Act 1927 (WA) as the Hospitals formerly comprised in the Metropolitan Health Service Board.	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinuance			
M 94/2016	David Brooking	Fortune 888 Migration and Employment Pty Ltd As Trustee of the Fortune 888 Migration and Employment Trust	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 96/2016	Matt Gordon	Simon Robinson (Perina Plumbing + Gas)	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 98/2016	Brian Fieldes	Sandalwood Holdings Pty Ltd (formerly trading as Augusta Bakery and Café)	Fair Work Act 2009 - Small Claim	Discontinuance			
M 100/2016	Cambell Richard Purvis	Idig WA Landscaping Contractors Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 105/2016	Ms. Anna Maria Sciberras	Sandalwood Holdings Pty Ltd (formerly trading as AUGUSTA BAKERY AND CAFE)	Fair Work Act 2009 - Small Claim	Discontinued			
M 108/2016	Mrs Leslie Casella	Dr Stephen Philip McCallum and Oxford Street Dental Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 109/2016	Mark James Thakhin	Oxford Street Dental Pty Ltd and Stephen Phillip McCallum	Fair Work Act 2009 - Small Claim	Discontinued			
M 112/2016	Construction Industry Long Service Leave Payments Board	Royal Glass & Aluminium Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 113/2016	Construction Industry Long Service Leave Payments Board	Isolar Energy Pty. Ltd.	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 114/2016	Construction Industry Long Service Leave Payments Board	Mathew James Somers	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgment by Default	\$800.00		

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COMPLAINTS / CLAIMS—*continued*

No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 115/2016	Construction Industry Long Service Leave Payments Board	Contra-Flow Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 115/2015	Maria Jose Diaz Gubern	Mimi Family Daycare Service Pty Ltd	Fair Work Act 2009 - Small Claim	Claim Proven		\$50.00	\$20,000.00
M 116/2016	Construction Industry Long Service Leave Payments Board	Sub Surface Australia Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgment by Default	\$1,000.00		
M 117/2016	Construction Industry Long Service Leave Payments Board	Eco Plumbing and Gas Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 118/2016	Construction Industry Long Service Leave Payments Board	Softail Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 119/2016	Construction Industry Long Service Leave Payments Board	Seymour Roofing Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgment by Default	\$1,000.00		
M 120/2016	Construction Industry Long Service Leave Payments Board	Jenkins Roofing Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 121/2016	Construction Industry Long Service Leave Payments Board	Blue Point Electrical Pty. Ltd.	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 122/2016	Construction Industry Long Service Leave Payments Board	Reliance Recruitment Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 123/2016	Construction Industry Long Service Leave Payments Board	Micorp Electrics (WA) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 124/2016	Construction Industry Long Service Leave Payments Board	Gantheaume Bay Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 125/2016	Construction Industry Long Service Leave Payments Board	Peter McMartin	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgment by Default	\$1,600.00		
M 126/2016	Construction Industry Long Service Leave Payments Board	John Karelis	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 127/2016	Construction Industry Long Service Leave Payments Board	Australian Height Safety Pty. Ltd.	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 128/2016	Construction Industry Long Service Leave Payments Board	Draco Air Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinuance			
M 136/2016	Mr Leslie George Magyar	Director General of Education	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 141/2016	Louisa Ann Mumford	VIP Employment Pty Ltd	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 144/2016	Matthew Crowley	Department of Commerce	Industrial Relations Act 1979; Public Sector Management Act 1994 - Alleged breach of Act	Discontinued			
M 154/2016	Australasian Meat Industry Employees Union, South and Western Australian Branch	Pride Meats Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			