

APPENDIX 1

COMPLAINTS / CLAIMS

The Industrial Magistrate, during the six months ending **June 30, 2018**, 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 Complaint	Prosecutor	Accused	Nature of Breach	Decision	Penalty	Costs	Wages
CP 1/2017	Janine Marie Callan - Department of Commerce	Patrick Allan Nugawela	Industrial Relations Act 1979 - Alleged breach of Act	Conviction entered, Penalty imposed	\$6,280	\$1,267	
No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 55/2016	Nam Thanh Nguyen	North Metropolitan Health Service	Industrial Relations Act 1979 - Alleged breach of Instrument	Claim Dismissed			
M 92/2016	Jacqueline Julie Van Wyngaarden	David Hartree Design Associates Pty Ltd T/A Hartree & Associates Architects	Fair Work Act 2009 - Alleged breach of Act	Orders issued by Consent			
M 93/2016	Peter Ogilvy Blythe	David Hartree Design Associates Pty/Ltd T/A Hartree and Associate Architects	Fair Work Act 2009 - Alleged breach of Act	Claim Stayed Permanently			
M 101/2016	The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch	Public Transport Authority of Western Australia	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 129/2016	Australasian Meat Industry Employees Union, South and Western Australian Branch	Tang Family Pty Ltd Paula Tang	Long Service Leave Act 1958; Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 133/2016	Sandra Churches	The Trustee for Coalcliff Plant Hire Unit Trust T/A Coalcliff Plant Hire & Civil Contracting ABN 11202533991	Fair Work Act 2009 - Alleged breach of Act; Long Service Leave Act 1958 - Alleged breach of Act	Orders issued by Consent			
M 1/2017	Cameron Branch	Boom Logistics Ltd (ACN 095 466 961)	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 15/2017	Valentina Colavito	Baselink Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Orders issued by Consent			
M 40/2017	Jacqueline Fiona Leonard	D & S Jandakot Pty Ltd Jag Traffic Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 42/2017	Colin Sharrock	Downer EDI Mining Pty Ltd	Fair Work Act 2009 - Small Claim	Claim Dismissed			
M 43/2017	Sonia Garmony	Smart Produce Pty Ltd (ACN 159952397)	Fair Work Act 2009 - Small Claim	Judgement by Default			\$4,775
M 73/2017	Sidney William Patrick Golding	Jag Traffic Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 76/2017	Lara Selena Erueti	Fantastic Nominees Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Default		\$1,495	\$11,234.01
M 81/2017	Mr Leslie George Magyar	Director General of Education	Industrial Relations Act 1979 - Alleged breach of Instrument	Orders issued by Consent			
M 86/2017	Stephanie Morton	Rossi Child Care Center Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 95/2017	Christopher Barry	Motere Pty Ltd ATF the Frank Zapletal Family Trust	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 97/2017	Anna Ferguson	Judith Lake	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 110/2017	Kieran Gosden	Go Offshore Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 111/2017	Anthony Tuck	Four Corners Plant Hire Pty Ltd (ACN 109 179 964)	Fair Work Act 2009 - Alleged breach of Instrument	Orders issued by Consent			
M 123/2017	Lucy Browne	Darrell Scott The Royal Automobile Club of WA (inc.)	Fair Work Act 2009 - Small Claim	Orders issued by Consent			

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No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 124/2017	Lucy Browne	The Royal Automobile Club of WA (inc.)	Fair Work Act 2009 - Small Claim	Orders issued by Consent			
M 146/2017	Steven Williams	Bathroom West Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Default			\$5,331.34
M 148/2017	David Engelbrecht	Norton Gold Fields Ltd - Paddington Mine site	Fair Work Act 2009 - Small Claim	Orders issued by Consent			
M 151/2017	Colin David Wragg	Chevron Australia Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 153/2017	Bhagwan Sharma	Wilson Security Pty Ltd	Fair Work Act 2009 - Alleged Breach of Instrument	Discontinued			
M 154/2017	Maud Debreczeni	The Kitchen Factory Malaga Pty Ltd (ACN 115 624 185)	Fair Work Act 2009 - Alleged breach of Instrument; Long Service Leave Act 1958	Discontinued			
M 158/2017	Lorraine Potter	Robert Lyster Thomson Fiesta Pty Ltd (ACN 064 016 333)	- Alleged breach of Act Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			
M 161/2017	Noel Hiram Perez-Falcon	Tecnicas Reunidas Australia Pty Ltd (ABN 72 131 951 945)	Fair Work Act 2009 - Alleged breach of Act	Discontinued			
M 168/2017	Carol Mills	Wilson Security Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 169/2017	Australasian Meat Industry Employees Union, South and Western Australia Branch	Willowbrook Gourmet Pty Ltd trading as Willowbrook Butchery Matt Blanchard	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 173/2017	Mr Joshua Tisson Andres Arevalo	Sam Koranis	Fair Work Act 2009 - Small Claim	Discontinued			
M 174/2017	Chun-Yi Lu	Elias & Dianna Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Default			\$7,258.44
M 176/2017	Construction Industry Long Service Leave Payments Board	Daniel Anthony Thorne	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 178/2017	Construction Industry Long Service Leave Payments Board	ACB Contracting Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgement by Default	\$500		
M 180/2017	Construction Industry Long Service Leave Payments Board	Hannhill Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 186/2017	Construction Industry Long Service Leave Payments Board	Indian Ocean Air Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 188/2017	Beverly Anne Farrant	Shelley Adrienne Hannah and Grant Laughlan McPherson t/as Peppermint Tree Lodge	Industrial Relations Act 1979; Long Service Leave Act 1958 - Alleged breach of Instrument	Discontinued			
M 189/2017	Construction Industry Long Service Leave Payments Board	Sarens (Australia) Pty Limited	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 190/2017	Construction Industry Long Service Leave Payments Board	2G's SMI Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 196/2017	Peter Robert Borgogno	Steinhoff Bedding Australia Pty Ltd	Long Service Leave Act 1958 - Alleged breach of Act	Discontinued			
M 197/2017	Alan McNeill	Sullivan Logistics Pty Ltd ABN 11 092 349 178	Fair Work Act 2009 - Small Claim	Judgement by Default		\$50	\$2,160
M 203/2017	William Ewing McCreddie	Bristow Helicopters Australia Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 208/2017	Graham John Piper	AEG Ogden Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 210/2017	Christopher James O'Brien	Urban Habitat Real Estate Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 213/2017	Mr Leslie George Magyar	Director General of Education	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 214/2017	Francesco Ciaramitaro	Golden International Resources Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Default			\$491.04
M 215/2017	Alexandre Guy-Philippe Forget	Z-Filter Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 217/2017	Construction Industry Long Service Leave Payments Board	Ubique (Aus) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 218/2017	Construction Industry Long Service Leave Payments Board	Red Dust Holdings Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgement by Default	\$900		
M 219/2017	Construction Industry Long Service Leave Payments Board	Cortez Stonemasonry Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 220/2017	Construction Industry Long Service Leave Payments Board	Wellard Land Holdings (WA) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 221/2017	Construction Industry Long Service Leave Payments Board	Quadrio Earthmoving Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 222/2017	Construction Industry Long Service Leave Payments Board	Brajkovich Demolition & Salvage (WA) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 223/2017	Construction Industry Long Service Leave Payments Board	Vertech Group Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 224/2017	Construction Industry Long Service Leave Payments Board	Aston Corporation Australia Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 225/2017	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 226/2017	Construction Industry Long Service Leave Payments Board	RHG Contractors Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 227/2017	Construction Industry Long Service Leave Payments Board	Render FX Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 228/2017	Construction Industry Long Service Leave Payments Board	Reliance Recruitment Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 229/2017	Construction Industry Long Service Leave Payments Board	Regenerate Industries Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 230/2017	Construction Industry Long Service Leave Payments Board	Happy Golden Pig Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 231/2017	Construction Industry Long Service Leave Payments Board	Cosa Group Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 232/2017	Construction Industry Long Service Leave Payments Board	Total Earthmoving (WA) Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 234/2017	Munzi Ferdinando	Golden International Resources Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Default			\$491.04
M 235/2017	Corey Rogers	Timiama Nominees Pty Ltd (Allwood Stud)	Fair Work Act 2009 - Small Claim	Discontinued			
M 1/2018	The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch	Public Transport Authority of Western Australia	Industrial Relations Act 1979 - Alleged breach of Instrument	Orders issued by Consent			

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No. of Claim	Claimant	Respondent	Nature of Breach	Decision	Penalty	Costs	Wages
M 2/2018	Emanuele Livigni	Josh Gibbens	Industrial Relations Act 1979 - Enforcement of Commission Order	Judgement by Default			\$19,850.04
M 3/2018	The State School Teachers' Union of W.A. (Inc)	Director General, Department of Education	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 4/2018	Samuel Walker	Golden International Resources	Fair Work Act 2009 - Small Claim	Judgement by Default			\$1,186.06
M 7/2018	Frank Milbrandt	Sin Aus Nanga Bay Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Admission		\$47.25	\$333.44
M 8/2018	Phyllis Milbrandt	Sin Aus Nanga Bay Pty Ltd	Fair Work Act 2009 - Small Claim	Judgement by Admission		\$47.25	\$333.44
M 12/2018	Shane Adams	Majestic Stairs (WA) Pty Ltd	Fair Work Act 2009 - Alleged breach of Instrument	Discontinued			
M 15/2018	Nicolo Andrea Piras	Advanced Traffic Management Pty Ltd	Fair Work Act 2009 - Small Claim	Discontinued			
M 20/2018	Kim Anthony Buswell	Anthony Benich	Industrial Relations Act 1979 - Alleged breach of Instrument	Discontinued			
M 24/2018	Dane McFadzean	Ocean Connection International Pty Ltd (ACN 163 546 932) t/a Glengarry IGA	Long Service Leave Act 1958 - Alleged breach of Instrument	Discontinued			
M 25/2018	Gaik Ee Teow	Zhong Wei Qui & Al Qun Qiu t/as Foo Lok Midland	Long Service Leave Act - Alleged breach of Act	Discontinued			
M 27/2018	Marija (Maria) Janceska	Blagojce Djoneski (Bill)	Industrial Relations Act 1979 - Enforcement of Commission Order	Judgement by Default		\$50	\$3,552.50
M 39/2018	Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union	Komatsu Australia Pty Ltd (ACN 134 476 626) Grant Morgan	Fair Work Act 2009 - Alleged breach of Instrument	Orders issued by Consent			
M 40/2018	Rong Zhang	Enjoy Going (Australia) Pty Ltd	Industrial Relations Act 1979 - Enforcement of Commission Order	Judgement by Default			\$125,000.62
M 43/2018	Adela Budkova	Scarlett Canteen Pty Ltd Trading As Caffissimo	Fair Work Act 2009 - Small Claim	Judgement by Default		\$40	\$3,429.05
M 48/2018	Quoc Minh Tran	Hoang Trang Family Trust and Phi and Mai Family Trust Trading as Lido Restaurant	Industrial Relations Act 1979 - Enforcement of Commission Order	Judgement by Default			\$3,204
M 49/2018	Construction Industry Long Service Leave Payments Board	Paul Jason Morrissy	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgement by Default	\$300		
M 50/2018	Construction Industry Long Service Leave Payments Board	Akita Plasterers Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 51/2018	Construction Industry Long Service Leave Payments Board	Wilkinson Brothers Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgement by Default	\$900		
M 52/2018	Construction Industry Long Service Leave Payments Board	Kenneth Gregory Hastie	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 53/2018	Construction Industry Long Service Leave Payments Board	Newreef Nominees Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 54/2018	Construction Industry Long Service Leave Payments Board	All Sorts Plumbing and Gas Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 55/2018	Construction Industry Long Service Leave Payments Board	Kane Rory Blaquiere	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 56/2018	Construction Industry Long Service Leave Payments Board	Rhino (WA) 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 57/2018	Construction Industry Long Service Leave Payments Board	Mudge Plumbing and Gas Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 58/2018	Construction Industry Long Service Leave Payments Board	RTM Electrical Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 59/2018	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	Discontinued			
M 60/2018	Construction Industry Long Service Leave Payments Board	Jag Traffic Pty. Ltd.	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Judgement by Default	\$750		
M 61/2018	Construction Industry Long Service Leave Payments Board	Anchor Plumbing & Gas Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 62/2018	Construction Industry Long Service Leave Payments Board	Terra Concrete Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 63/2018	Construction Industry Long Service Leave Payments Board	S McGlasson Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 64/2018	Construction Industry Long Service Leave Payments Board	Taddei United Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 65/2018	Construction Industry Long Service Leave Payments Board	Centrefield Holdings Pty Ltd	Alleged breach of Construction Industry Portable Paid Long Service Leave Act 1985	Discontinued			
M 73/2018	Industrial Relations Act 1979 - Enforcement of Commission Order	Enjoy Going (Australia) Pty Ltd	Industrial Relations Act 1979 - Enforcement of Commission Order	Judgement by Default			\$14,902.59