



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-117/119

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	21
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 29 May 2019 4:48:51 PM

---

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

All email correspondence between Andrew Parkinson and Matt McCann in relation to the application by WR Electrical t/as Affinity Electrical Technologies for Secure Local Jobs Certificate number 167.
---

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Friday, 31 May 2019 4:58:59 PM

---

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:



### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

All email correspondence between Andrew Parkinson and Matt McCann or the Electrical Trades Union in relation to WR Electrical Pty Ltd t/as Affinity Electrical Technologies.

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2019-117 & 119



via email: [redacted]

Dear [redacted]

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 29 May 2019, in which you sought access to:

- All email correspondence between Andrew Parkinson and Matt McCann in relation to the application by WR Electrical t/as Affinity Electrical Technologies for Secure Local Jobs Certificate number 167.

On 31 May 2019 you submitted a second request being:

- All email correspondence between Andrew Parkinson and Matt McCann or the Electrical Trades Union in relation to WR Electrical Pty Ltd t/as Affinity Electrical Technologies.

On 14 June 2019, [redacted] of [redacted] refined the scope of the second request to:

- “...relevant documents from 1 January 2018 to date”

Section 43(2) of the Act allows for a respondent to consider two or more applications as one application if the applications are related and are made by the same applicant. As both requests are from the same applicant and related closely to each other a decision has been made to combine the requests and respond using the timeline of the first application (CMTEDDFOI 2019-117).

### **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 27 June 2019 however due to third party consultation the due date was extended to 18 July 2019.

## **Decision on access**

Searches were completed for relevant documents and 6 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to three documents relevant to your request. I have decided to grant partial access to three documents as I consider them to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

## **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

## **Exemption claimed**

My reasons for deciding not to grant access to and components of these documents are as follows:

### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest under Schedule 2.1:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Factors favouring nondisclosure in the public interest under Schedule 2.2:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to the administration of justice generally, including procedural fairness by allowing you to have a complete record of the emails between Mr Matt McCann and Mr Andrew Parkinson for the date range as specified.

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy especially when personal information about these individuals has been provided as supplementary information to the main purpose of the correspondence is a significant factor for consideration. I consider that these individuals are entitled to expect that the personal information about them which has been provided by a third party will be dealt with in a manner that protects their privacy. Accordingly, I consider it appropriate to remove their names from the documents to be released.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Folios 4-6 of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act or they contain information which is out of scope.

**Charges**

Processing charges are not applicable for this request because the number of pages to be released to you is less than 50.

**Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3 July 2019. Your personal contact details will not be published.

You may view CMTEDD disclosure log at  
<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

28 June 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	All email correspondence between Andrew Parkinson and Matt McCann or the Electrical Trades Union in relation to WR Electrical Pty Ltd t/as Affinity Electrical Technologies.	2019-119

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Email chain	22-Mar-2019	Full release	N/A	Yes
2	2	Email	21-Mar-2019	Full release	N/A	Yes
3	3	Notice of Tender Submissions as attachment to above email	21-Mar-2019	Full release	N/A	Yes
4	4	Email	15-Mar-2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	5	Notice of Listing as attachment to above email	15-Mar-2018	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	6-7	Email	03-Jul-2018	Partial release	Sch 2 s2.2 (a)(ii)	Yes
<b>Total No of Docs</b>						
6						



**From:** "Parkinson, Andrew"  
**Sent:** 22/03/2019 12:22 AM  
**To:** "Matt McCann" <matt.mccann@etunsw.asn.au>  
**Cc:** "Mick Koppie" <mickk@etunsw.asn.au>; "Secure Local Jobs Code" <securelocaljobs@act.gov.au>  
**Subject:** RE: Street light contractors

UNCLASSIFIED

Matt

Thanks for the email. At the moment I'm probably the best person to forward these issues on to.

I've already had a conversation with the area responsible for the tender advising they only have a single code covered entity on their list. They understand what is required under the Secure Local Jobs section of the Government Procurement Act.

Regards

---

Andrew Parkinson | Secure Local Jobs Code Registrar  
**Phone 02 6205 4593** | Mobile 0478 301 085  
**Secure Local Jobs** | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**  
GPO Box 158 CANBERRA ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



---

**From:** Matt McCann <matt.mccann@etunsw.asn.au>  
**Sent:** Friday, 22 March 2019 10:58 AM  
**To:** Parkinson, Andrew <Andrew.Parkinson@act.gov.au>  
**Cc:** Mick Koppie <mickk@etunsw.asn.au>  
**Subject:** Street light contractors

Hi Andrew

Not sure if you're the right person to forward this stuff to, please advise who or where I should send this to if not you.

I received this today and noted that two of the tendering entities are not secure local jobs code certified. That would be Civelec and Affinity. Can we get these companies off the tender list please.

Regards

Matt McCann

ACT/Southern NSW Officer  
Electrical Trades Union of Australia (NSW Branch)  
CEPU, Electrical Trades Union Division, NSW Branch  
25-27 Darling St Mitchell ACT 2911, Australia  
P: (02) 61636602 F: (02) 61636667 M: 0416 236646  
E: [matt.mccann@etunsw.asn.au](mailto:matt.mccann@etunsw.asn.au) W: [www.etunsw.com.au](http://www.etunsw.com.au)



**From:**"Matt McCann" <matt.mccann@etunsw.asn.au>  
**Sent:**21/03/2019 11:57 PM  
**To:**"Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>  
**Cc:**"Mick Koppie" <mickk@etunsw.asn.au>  
**Subject:**Street light contractors  
**Attachments:**29971.340 RespondentReport102107.pdf

Hi Andrew

Not sure if you're the right person to forward this stuff to, please advise who or where I should send this to if not you.

I received this today and noted that two of the tendering entities are not secure local jobs code certified. That would be Civelec and Affinity. Can we get these companies off the tender list please.

Regards

Matt McCann

ACT/Southern NSW Officer  
Electrical Trades Union of Australia (NSW Branch)  
CEPU , Electrical Trades Union Division, NSW Branch  
25-27 Darling St Mitchell ACT 2911, Australia  
P: (02) 61636602 F: (02) 61636667 M: 0416 236646  
E: [matt.mccann@etunsw.asn.au](mailto:matt.mccann@etunsw.asn.au) W: [www.etunsw.com.au](http://www.etunsw.com.au)



# Tenders ACT - ACT Government

## Notification of Tender Submissions

---

### Tender Details

**Tender Number:** 29971.340  
**Tender Title:** Streetlighting Improvements  
**Directorate/Agency:** Transport Canberra and City Services  
**Closing Date/Time:** 21/03/2019 2.00 PM

---

### Responses

<b>Supplier</b>	<b>ABN</b>
Affinity Electrical Technologies	42094182779
Civlec Services PTY LTD	67616901369
Ecowise Services	23083075030

**From:** "Matt McCann" <matt.mccann@etunsw.asn.au>  
**Sent:** 15/02/2019 4:15 AM  
**To:** "Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>  
**Subject:** WR Electrical T/A Affinity Electrical and Associated Entities  
**Attachments:** FWA\_DOC003 - Notice of Listing.pdf

Hi Andrew,

It is quite likely that WR Electrical Pty Ltd T/A Affinity Electrical Technologies (AFT) will be applying for certification under the new Secure Local Jobs Code. As I understand it companies that apply must include associated entities in the application. AFT have an associated entity based in Wagga called JRC Electrical, the administrative functions for JRC are carried out by Affinity here in Canberra, this includes payroll, HR and IR direction to name a few. Pretty much nothing happens at JRC unless it is approved through AFT.

Last year the CEPU through its lawyers Slater and Gordon, lodged an application in the Fair Work Commission under section 789 – application to stop bullying. See attached notice of listing. I thought it would be prudent to flag this with you just in case they do make application and fail to mention if they have had any proceedings made against them or any of their associated entities.

Whilst not much came of this matter other than some recommendations from Deputy President Kovacic to make the peace between the parties with some compromise being made on both sides, the commissioner left the matter open for six weeks. Remarkably approx. 8 weeks later the company (JRC) announced a "restructure" which in the end resulted in the need to reduce staff numbers by 1 employee. Without any process such as calling for volunteers or any method to determine who should go it was no surprise that our member was the one that had to go. Mr **Sch 2.2(a)(ii)** was by this stage a beaten man and he had had enough so we negotiated a slightly better than entitlement redundancy package and was signed off under a deed of release. Two days after the deed was executed the company advertised on seek for the position to be filled. A fine way to treat a man **Sch 2.2(a)(ii)**. All of the termination proceedings were dealt with by Affinity Chief Operating Officer Kelvin Aumont. Happy to provide any supporting documentation if you need it.

Regards

Matt McCann

ACT/Southern NSW Officer  
Electrical Trades Union of Australia (NSW Branch)  
CEPU, Electrical Trades Union Division, NSW Branch  
25-27 Darling St Mitchell ACT 2911, Australia  
P: (02) 61636602 F: (02) 61636667 M: 0416 236646  
E: [matt.mccann@etunsw.asn.au](mailto:matt.mccann@etunsw.asn.au) W: [www.etunsw.com.au](http://www.etunsw.com.au)





FairWork  
Commission

# Notice of Listing

---

**Title of Matter:** Application by **Sch 2.2(a)(ii)**  
**Section:** s.789FC - Application for an order to stop bullying  
**Subject:** Application for an FWC order to stop bullying  
**Matter Number:** AB2018/122

---

## Listing Details:

The above matter is listed for Conference, by Telephone, before Deputy President Kovacic at:

**10:00 am**  
**Tuesday, 27 March 2018**  
**Australian Eastern Daylight Time**  
**ACT Time**

Parties will be contacted on the telephone numbers below.

**If any amendment is required (e.g. add an attendee or change the telephone number) kindly advise Chambers by close of business on Friday, 23 March 2018.**

**All persons listed below are expected to participate in the conference. Those unable to attend should seek permission (in writing) from the Commission to be excused.**

Notified	Contact details
<b>Sch 2.2(a)(ii)</b> <i>Slater &amp; Gordon Lawyers</i>	(02) 6257 1922
<b>Sch 2.2(a)(ii)</b> <i>Applicant</i>	
Mr Lucie Hood <i>Canberra Business Chamber</i>	(02) 6154 6161
Mr Robert Ellison <i>JRC Electrical Services Pty Ltd</i>	(02) 6921 6903
Mr Matt Connellan	
Mr Rob O'Connell	
Mr Robert Ellison	
Mr Scott Damberg	

**Inquiries:** All inquiries relating to this notice are to be directed to Michelle Robinson  
Phone: (02) 6152 2911, email: chambers.kovacic.dp@fwc.gov.au, Fax: (02) 6247 9774.

**Fair Work Commission, 15 March 2018 08:40 am**

**From:** "Matt McCann" <matt.mccann@etunsw.asn.au>  
**Sent:** 03/07/2018 7:05 AM  
**To:** "Whitehouse, Michael" <Michael.Whitehouse@act.gov.au>  
**Cc:** "Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>  
**Subject:** Affinity Electrical Technologies/ JRC Electrical

Hi Mick,

Further to our discussion yesterday and in relation to the ongoing brief against AET here in Canberra and their associated entity in Wagga JRC, I need to provide the following update;

- In late October last year a JRC employee worked excessive hours into the early AM performing call outs whilst "on Call".
- The employee reported to his manager that he was fatigued due to the hours being called out the previous night and would need to take his 10 hour break. The company made it clear it was not normally condoned and he had put them out by not coming in to work at 7:30am
- The employee put "stand down" for 7 hours on his time sheet for the day in question. The following week his pay was short by 7 hours.
- The union wrote to company in very strong terms that this was not only a serious fatigue management issue but that the company had misled the union in previous discussion when the company claimed it was ok with employees claiming stand down if they were too fatigued to work normal hours following heavy call out frequencies after hours.
- From late January 2018 the company commenced a campaign of bullying behaviour against the employee. This went on for several months with the tactics to intimidate the employee becoming more overt to the point that they issued a written warning after the employee was lured to a meeting under the ruse that it was a performance review meeting. The employee was ambushed with a trumped up allegation that he spoke rudely to another employee. It was obvious that the company was trying to force the employee in to resign and if he didn't then they would performance manage him out.
- The ETU took the matter to FWA under a notification to stop bullying in the workplace. The matter was mediated by the commission and the company undertook to do certain things one of which was to withdraw the written warning. Following this action the bullying behaviour stopped and the silent campaign of isolating the employee began.
- Two weeks ago the company hinted to the employee that they had been conducting an "Internal Review" and had decided to cut staff numbers by two, as one employee had already left, he was going to be the other and what did he think about that.
- Last week I attended a meeting in Wagga, at the meeting was Robert Ellison Service Manager for JRC and Kelvin Aumont Business Manager/CFO for Affinity Electrical Technologies and Sch 2.2(a)(ii) (the employee). At the meeting the company confirmed what had previously been mentioned to Sch 2.2(a)(ii) and that they were making him redundant. I asked what processes the company had undertaken prior to this decision such as expression of interest by anyone looking for a VR before heading down the forced redundancy, they hadn't and ultimately decided they weren't interested and they regretted having to make this decision but due to a downturn in work someone had to go.
- After months of the relentless bullying and harassment Sch 2.2(a)(ii) decided it he had had enough and would be best looking elsewhere for another job and decided to take the redundancy plus a few extra weeks to tide him over.
- The company was very keen to get a deed of release signed which was signed last Thursday.
- On Friday last week the company advertised Sch 2.2(a)(ii) position on seek.  
[www.seek.com.au/job/36585785?type=standout](http://www.seek.com.au/job/36585785?type=standout)

So when does the ACT government finally step in a say enough is enough, we don't want to be associated with local companies that treat their employees (either direct or indirect) in this way. Affinity's role in this has been to advise their associated entity all the way through this process as they also are the company that runs the pay roll for JRC. It was Aumont who refused to pay the stand down that triggered this whole episode. Affinity could have intervened at any time to prevent this bullying and harassment from happening, but instead they allowed it to go on to the point that they ultimately provided the support to fabricate a redundancy to get rid of the union member when all attempts to break him failed.

Please advise what it is we need to provide to you get AET, Arrow FM and any other associated entity off the ACT government funded gravy train.

Regards

Matt McCann

ACT/Southern NSW Officer  
Electrical Trades Union of Australia (NSW Branch)  
CEPU, Electrical Trades Union Division, NSW Branch  
25-27 Darling St Mitchell ACT 2911, Australia  
P: (02) 61636602 F: (02) 61636667 M: 0416 236646  
E: [matt.mccann@etunsw.asn.au](mailto:matt.mccann@etunsw.asn.au) W: [www.etunsw.com.au](http://www.etunsw.com.au)

