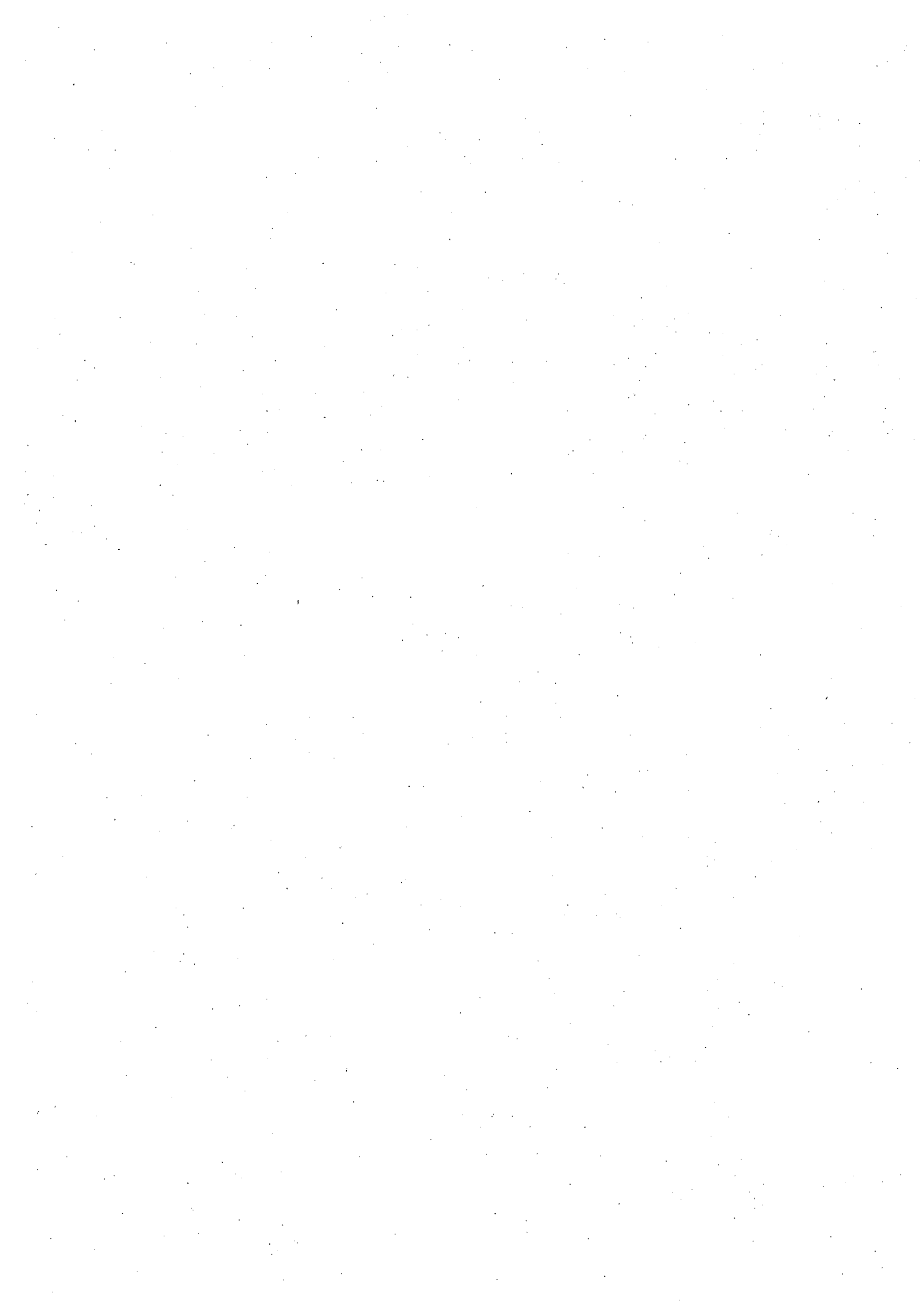


FOI Request
Manuka Oval Sports Lighting
Project 19899

File 2012/12292

Documents with redactions



Rea, Peter

From: Ian Smith [Ian.Smith@cox.com.au]
Sent: Thursday, 18 October 2012 2:34 PM
To: McNulty; Hamish
Cc: Maginness, Ron; Don Gilson; Rea, Peter
Subject: RE: Manuka Delivery Program (Abacus ref 45508)

Thanks Hamish,

I spoke to Brendan from Affinity earlier and their original understanding was there would be three main shipments, each about 2 weeks apart, with the latest coming in by around 7 December to allow 2 weeks to erect each pair of poles:

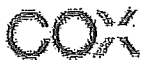
So as a target we should ideally be pushing Abacus to deliver 2 towers and all associated components by Friday 9 Nov, 23 Nov and 7 December.

I realise this is probably not possible, but if you wanted to quantify some goals for them that would give Affinity a reasonable timeframe to work with it would be something like the above.

Hope this helps.

3.

Ian Smith - Director



Cox Architecture.

22 Jardine Street, Kingston ACT 2604 Australia
 E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: [REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: McNulty, Hamish [mailto:Hamish.McNulty@act.gov.au]
Sent: Thursday, 18 October 2012 2:00 PM
To: Tony Staten; 'Greg Sutton'
Cc: Maginness, Ron; Ian Smith; Chris Welbourn; Rajesh Valera
Subject: RE: Manuka Delivery Program (Abacus ref 45508)

Hamish & Chris

Thanks for making yourselves available for the teleconference yesterday evening our time. I believe that the agreement to hold these catch ups on a weekly basis is an important and valuable step in improving communications regarding progress on the project.

Ron and I understand and appreciate your strong commitment to the project and appreciate the efforts you are making to reduce the impact of manufacturing delays.

During the discussion yesterday you advised us that the everything would be on site at Manuka by 16 December 2012. We were somewhat surprised therefore to receive your message with a program indicating that the last shipment will not arrive until 21 December 2012. As you know it is our expectation that all 6 masts will be erected prior to Christmas and the delivery program forwarded last night suggests this cannot be achieved. We believe that it is essential that either the base and shafts for T3 are shipped at the same time as T2 or alternative arrangements for this shipment are made.

In addition is it possible to expedite the delivery schedule for the lamps so the headframes can be assembled and fitted out as soon as they arrive on site.

Can you please advise when your staff will be arriving to assist in the assembly and erection of the masts.

I cannot stress too much the importance of completing this project on time given the Christmas shut down and the first day night game on 29 January 2013.

Cheers

Hamish

Hamish McNulty | Executive Director |
| Phone 02 6205 9674 | Fax 02 6207 0123 | Mobile [REDACTED] |
Infrastructure and Capital Works | Economic Development Directorate | ACT Government
Level 6, TransACT House, 470 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au
Please consider the environment before printing this e-mail.

From: Tony Staten [<mailto:AStaten@AbacusLighting.com>]
Sent: Thursday, 18 October 2012 12:43 AM
To: 'Greg Sutton'
Cc: Maginness, Ron; McNulty, Hamish; Ian Smith; Chris Welbourn; John Lawson; Steve Forster; Colin Morrison; Rajesh Valera; Dean Hargreaves
Subject: Manuka Delivery Program (Abacus ref 45508)

All,

Following this mornings teleconference please find attached the revised delivery program which includes flying head frames T1 & T3 out to Australia, this demonstrates our strong commitment to the program and the Project.

Best regards

For and on behalf of Abacus Lighting Ltd

Tony Staten | Abacus Lighting
Global Contracts Director

Oddicroft Lane, Sutton-in-Ashfield,
Nottinghamshire, NG17 5FT, United Kingdom
Tel: +44 1623 518 226 | Mob: +[REDACTED]

Visit Abacus at Lux Live 2012 | 6th - 7th November
Stand E15, Earls Court, London

www.abacuslighting.com | twitter.com/AbacusLighting
AStaten@AbacusLighting.com

Abacus Lighting Limited
Oddicroft Lane, Sutton in Ashfield, Nottinghamshire, UK, NG17 5FT
Company Registration Number: 612235
Telephone: +44 (0)1623 511 111 Fax: +44 (0)1623 552 133
www.abacuslighting.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you must

take no action based on it, nor must you copy it or show it to anyone else. Please notify us as soon as possible if this is the case.

Whilst Abacus takes every care to ensure that this message is free from viruses, the company will not be liable for the effects of any virus transmitted with this message.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Réa, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Thursday, 18 October 2012 12:39 PM
To: Réa, Peter
Subject: RE:
Attachments: STATUTORY DECLARATION - V1.doc

Hi Péte, here is the signed copy of the Stat Dec. I am currently in a 2 day conference with our sales team in Melbourne, so not sure how you want to handle the witness signature. Please advise

Thanks

Scott Cauchi
National Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au



From: Rea, Peter [mailto:Peter.Rea@act.gov.au]
Sent: Thursday, 18 October 2012 8:48 AM
To: Scott Cauchi
Subject:

Hi Scott,

Please find attached as discussed.

Regards

Peter Rea | Senior Project Officer
Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Treasury | ACT Government
Level 3 North, DPMH, 16 Challis Street Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

STATUTORY DECLARATION

Statutory Declarations Act 1959 (Cth)

I, **Scott Cauchi**, National Sales Director for Dialight ILS Australia Pty Ltd, U4/42 Collingwood St Osborne Park, WA make the following declaration under the Statutory Declarations Act 1959 (Cth),

1. In this declaration a reference to:
 - a. "Contract" means an agreement which has or will shortly be entered into between the Australian Capital Territory and the Contractor for the provision of works in respect of the Project.
 - b. "Contractor" means Dialight ILS Australia Pty Ltd ABN-70 120 809 501
 - c. "Project" means Project No [Insert ACT Government Project no] for [Insert sufficient details to identify nature of project, e.g. for the construction of school at Block 11 Section 66 Kambah];
 - d. the words or terms "Adverse Ruling", "Employee", "Employee and Industrial Relations Obligations", "Industrial Instruments", "IRE Certificate", "Prescribed Legislation", "Prescribed Works or Services" and "Subcontractors" have the same meaning as defined in the Contract; and
 - e. all other capitalised words or terms have the same meaning as defined in the Contract.
2. I am authorised on behalf of the Contractor to make this declaration.
3. All Employees of the Contractor who have at any time been employed by the Contractor in respect of the Project have, at the date of this declaration, been paid all moneys due and payable to them in respect of their employment on the work under the Contract.
4. The Contractor has, at the date of this declaration paid all amounts it is required to pay to third parties on behalf of Employees as required by Prescribed Legislation.
5. All Subcontractors have been paid all moneys due and payable to them in respect of work under the Contract and any subcontract with the Subcontractor.
6. The Contractor holds a current IRE Certificate.
7. The Contractor has in the preceding 24 months of the date of this declaration complied with all Prescribed Legislation

 True (delete 7A and Initial) Not true (answer 7A)

7A. The Contractor has not complied with the following Prescribed Legislation.

[Insert Full Details of the failure to comply with Prescribed Legislation]

8. The Contractor has in the preceding 24 months of the date of this declaration recognised the rights of its Employees to union membership and representation.

True (delete 8A and initial) Not true (answer 8A).

8A. The Contractor has not recognised the rights of Employees to union membership and representation in the following respects.

[Insert Full Details of how the Contractor has not recognised the rights of Employees to union membership and representation]

9. The Contractor has in the preceding 24 months of the date of this declaration complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency.

True (delete 9A and Initial) Not true (answer 9A)

9A. The Contractor has not complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency in the following respects:

[Insert Full Details of how the Contractor has failed to comply with all amendments to wages and conditions of employment]

10. In the preceding 24 months of the date of this declaration there have been no findings against the Contractor by a court, tribunal, commission, board or other entity with jurisdiction of a breach of any Prescribed Legislation, including a finding of a breach in a non-confidential consent order.

True (delete 10A and Initial) Not true (answer 10A)

10A. There have been the following findings (Full Details of which are provided) against the Contractor by a court, tribunal, commission, board or other entity with jurisdiction of a breach of any Prescribed Legislation:

[Set out Full Details of findings]

11. In the preceding 24 months of the date of this declaration there have been no convictions under the Prescribed Legislation against the Contractor.

True (delete 11A and initial) Not true (answer 11A)

11A. There have been the following convictions under the Prescribed Legislation against the Contractor:

[Set out Full Details of convictions]

12. There are currently no proceedings or prosecutions against the Contractor in respect of a breach of any Prescribed Legislation.

X True (delete 12A and initial) Not true (answer 12A)

12A. There are currently the following proceedings or prosecutions against the Contractor in respect of a breach of Prescribed Legislation.

[Set out Full Details of proceedings or prosecutions]

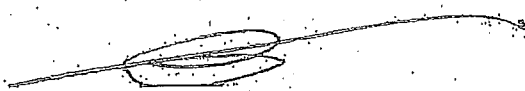
13. The Contractor has not been required to implement any remedial measures to ensure future compliance with the Prescribed Legislation.

X True (delete 13A and initial) Not true (answer 13A)

13A. The Contractor has been required to implement the following remedial measures to ensure future compliance with the Prescribed Legislation:

[Set out Full Details of the remedial measures implemented]

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.



[Signature of person making the declaration]]

Scott Cauchi

[Print name of person making the declaration]

Declared at Melbourne on 18th of October 2012

Before me:

[Signature of person before whom the declaration is made]

[Full name, qualification and address of person before whom the declaration is made (in printed letters)] :

Note 1 : A person who Intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the Statutory Declarations Act 1959.

Note 2 : Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1959 may be made before—

- (1) A person who is currently licensed or registered under a law to practise in one of the following occupations:
- | | | |
|----------------------|----------------------|--------------------|
| Chiropractor | Dentist | Legal practitioner |
| Medical practitioner | Nurse | Optometrist |
| Patent attorney | Pharmacist | Physiotherapist |
| Psychologist | Trade marks attorney | Veterinary surgeon |
- (2) A person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) A person who is in the following list:
- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
- Bailiff
- Bank officer with 5 or more continuous years of service
- Building society officer with 5 or more years of continuous service
- Chief executive officer of a Commonwealth court
- Clerk of a court
- Commissioner for Affidavits
- Commissioner for Declarations
- Credit union officer with 5 or more years of continuous service
- Employee of the Australian Trade Commission who is:
- (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
- Employee of the Commonwealth who is:
- (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
- Fellow of the National Tax Accountants' Association
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this list
- Judge of a court
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
- Master of a court
- Member of Chartered Secretaries Australia
- Member of Engineers Australia, other than at the grade of student
- Member of the Association of Taxation and Management Accountants
- Member of the Australasian Institute of Mining and Metallurgy
- Member of the Australian Defence Force who is:
- (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
 - (c) a warrant officer within the meaning of that Act
- Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- Member of:
- (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961
- Notary public
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- Permanent employee of:
- (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this list
- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police officer
- Registrar, or Deputy Registrar, of a court
- Senior Executive Service employee of:
- (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority

280000

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

Rea, Peter

From: Rea, Peter
Sent: Thursday, 18 October 2012 3:24 PM
To: 'Scott Cauchi'
Subject: RE:

Hi Scott,

I will process the claim so it can be paid Tuesday, could please make sure that I receive the declaration Monday.

Regards

Peter Rea | Senior Project Officer
Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Treasury | ACT Government
Level 3 North, DPMH, 16 Challis Street Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Thursday, 18 October 2012 3:22 PM
To: Rea, Peter
Subject: RE:

Hi Peter, I won't be able to do this until Monday as I am away. If I get this back to you on Monday, will this delay the payment on Tuesday for the first 50%?

Thanks and kind regards

Scott Cauchi
National Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: + [REDACTED]
W: www.dialight.com.au



From: Rea, Peter [<mailto:Peter.Rea@act.gov.au>]
Sent: Thursday, 18 October 2012 12:01 PM
To: Scott Cauchi
Subject:

Hi Scott,

The statutory declaration needs to be witnessed by either of the following as outlined on the last page of the declaration.

Once done could you please resend.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Treasury | ACT Government

Level 3 North, DPMH, 16 Challis Street Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Rea, Peter
Sent: Tuesday, 23 October 2012 2:32 PM
To: 'Don Gilson'
Cc: 'Ian Smith'
Subject: FW: October invoices
Attachments: Inv #3000 Milestone 2.5.pdf; Inv #3001 Milestone 3.pdf; Inv #3003 Milestone 5.pdf; Inv #3004 Milestone 6.pdf; BL Mast 1.pdf; BL Mast 2 & 3.pdf

Hi Don,

Please find numerous invoices from Dialight for your information.

Once we have reached the milestones could you please assess and approve payments.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Treasury | ACT Government

Level 3 North, DPMH, 16 Challis Street Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]

Sent: Tuesday, 23 October 2012 11:47 AM

To: Rea, Peter

Cc: Greg Sutton

Subject: October Invoices

Hi Peter, please find attached 4 x invoices for work completed or close to. Below is a summary

- Inv 3000 for the 100% balance of footing milestone. I understand that this will be completed this week
- Inv 3001 for the low voltage reticulation. Work expected to be completed by end of next week
- Inv 3003 for the shipment of Mast 1 & 2. Copy of Bill of Lading attached. Payment now due
- Inv 3004 for the shipment of Mast 3 & 4. Copy of bill of lading for mast 3 attached. Mast 4 will be sailing this coming weekend and I will have a copy of the BL this time next week. Payment due when mast 4 BL is produced

I hope this all makes sense. I thought it best to get the paperwork ready and keep on top of things with regards upcoming payments. If you need any further clarification, please do not hesitate to call.

Thanks and kind regards

Scott Cauchi
National Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601

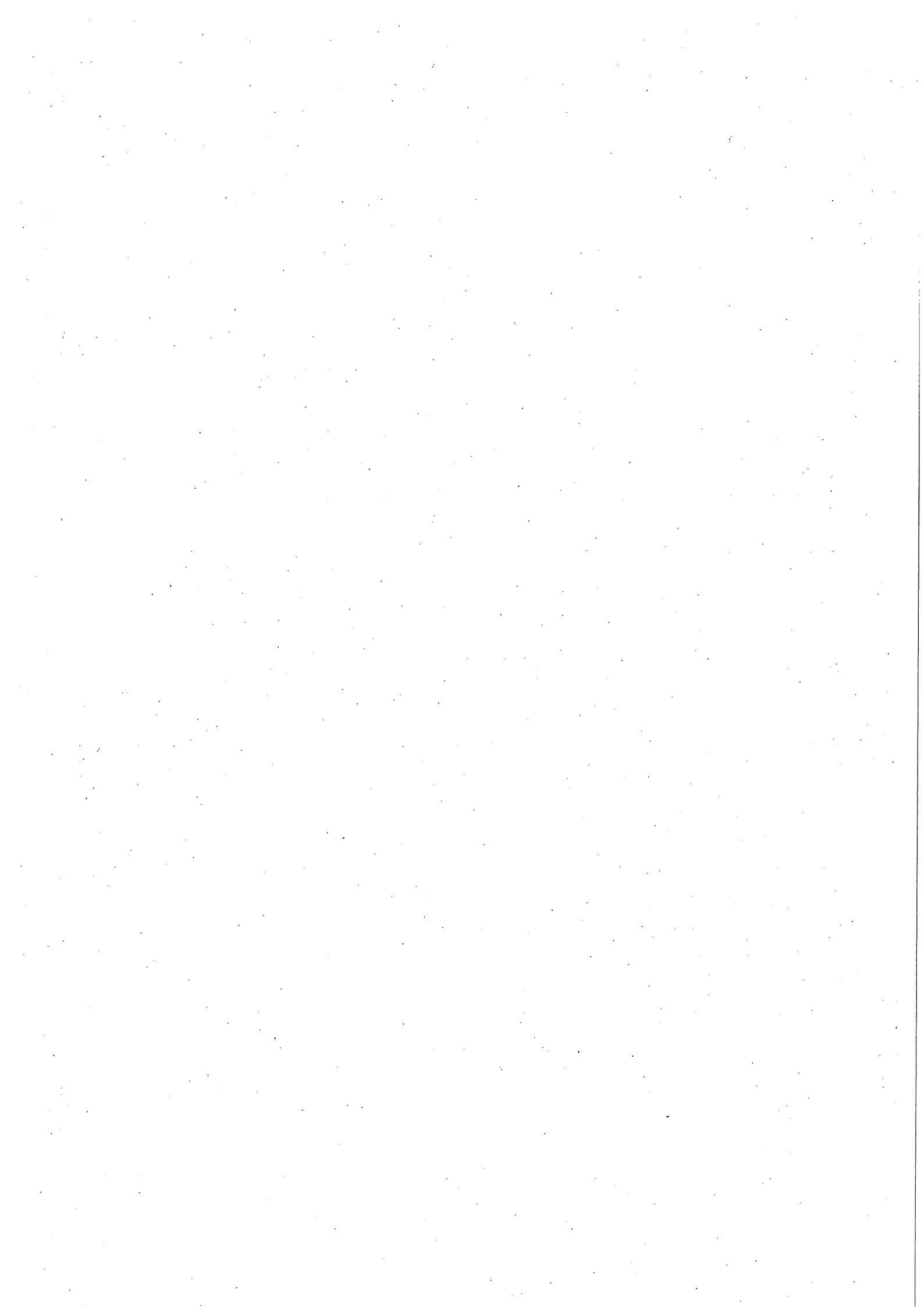
M: + [REDACTED]
W: www.dialight.com.au

Dialight
ILS

FOI Request
Manuka Oval Sports Lighting
Project 19899

File 2012/12293

Documents with redactions



000004

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Wednesday, 7 November 2012 3:34 PM
To: Rea, Peter
Subject: FW: Payment for Affinity

Importance: High

Hi Peter, please see below correspondence regarding Affinity payment

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au



From: Carl Goodman [<mailto:cgoodman@AbacusLighting.com>]
Sent: Friday, 2 November 2012 5:28 PM
To: Scott Cauchi
Cc: Greg Sutton; John Lawson; Tony Staten; Chris Welbourn
Subject: RE: Payment for Affinity
Importance: High

Hi Scott,

I have just spoken with John Lawson and he has confirmed that the payments will be made on time (if not earlier). However, the terms agreed with Affinity are 45 days from the end of the month in which the invoice is received, which means the payment you are referring to is actually due on 15.11.12. Our standard terms were 60 days from end of month but we negotiated shorter terms of 45 days from end of month for Affinity. You have our assurance that this will be paid on time, as will future invoices that we receive.

For and on behalf of Abacus Lighting Ltd

Carl Goodman | Abacus Lighting
Global Credit Manager

Oddicroft Lane, Sutton-in-Ashfield,
Nottinghamshire, NG17 5FT, United Kingdom
Tel: +44 1623 518 221 | Mob: +
Fax: +44 1623 523 221

Visit Abacus at Lux Live 2012 | 6th - 7th November
Stand E15, Earls Court, London

www.abacushlighting.com | twitter.com/AbacusLighting
cgoodman@abacushlighting.com

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: 02 November 2012 02:56
To: Carl Goodman
Cc: Greg Sutton
Subject: Payment for Affinity
Importance: High

Hi Carl, I need to get from you a payment plan and guarantee that you have and will pay affinity in a timely manner.

I have had to sign a statutory declaration that all contractors have been paid. From what I can gather Affinity have not been paid their first payment which was due at the end of the month. I am now under a legal obligation to ensure these guys get paid from Abacus, otherwise I will have to withhold the money and pay them from my end. I know this sounds a bit dramatic, but it is my "you know whats" on the line. Can you please give me an update.

I have spoken with the ACT this morning and we look to have payment for milestone 2 (100%) next Tuesday along with the milestone 6 payment

We should also have paid next Thursday milestone 3 and milestone 7

Thanks and kind regards

Scott Cauchi
National Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au



Abacus Lighting Limited
Oddicroft Lane, Sutton in Ashfield, Nottinghamshire, UK, NG17 5FT
Company Registration Number: 612235
Telephone: +44 (0)1623 511 111 Fax: +44 (0)1623 552 133
www.abacushlighting.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you must take no action based on it, nor must you copy it or show it to anyone else. Please notify us as soon as possible if this is the case.

Whilst Abacus takes every care to ensure that this message is free from viruses, the company will not be liable for the effects of any virus transmitted with this message.

000042

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Tuesday, 13 November 2012 11:58 AM
To: Rea, Peter
Subject: FW: AFFINITY

Importance: High

Hi Peter, here is an email confirming the first payment through to Affinity

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601

+ [REDACTED]
W: www.dialight.com.au



From: Carl Goodman [mailto:cgoodman@AbacusLighting.com]
Sent: Monday, 12 November 2012 7:22 PM
To: Scott Cauchi
Cc: Carl Goodman
Subject: AFFINITY
Importance: High

Hi Scott,

Can confirm that we have made a payment to Affinity today, which I guess will arrive in a couple of days.

Do we expect any further payments this week, or are they more likely going to be next week?

Regards

For and on behalf of Abacus Lighting Ltd

Carl Goodman | Abacus Lighting
Global Credit Manager

Oddicroft Lane, Sutton-in-Ashfield,
Nottinghamshire, NG17 5FT, United Kingdom
Tel: +44 1623 518 221 | Mob: + [REDACTED]
Fax: +44 1623 523 221

Visit Abacus at Infrarail | 1st - 3rd May
Hall 3, Stand E54, NEC Birmingham

www.abacuslighting.com | twitter.com/AbacusLighting
cgoodman@abacuslighting.com

Abacus Lighting Limited
Oddicroft Lane, Sutton in Ashfield, Nottinghamshire, UK, NG17 5FT
Company Registration Number: 612235
Telephone: +44 (0)1623 511 111 Fax: +44 (0)1623 552 133
www.abacuslighting.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you must take no action based on it, nor must you copy it or show it to anyone else. Please notify us as soon as possible if this is the case.

Whilst Abacus takes every care to ensure that this message is free from viruses, the company will not be liable for the effects of any virus transmitted with this message..

000059

Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Wednesday, 14 November 2012 6:17 PM
To: Scott Cauchi; Rea, Peter
Cc: Greg Sutton
Subject: RE: Stat Dec

Scott,

I have just found under amendment 1.12 of the Amendments to AS4300 General Conditions of Contract that the Superintendent only receives a copy and is not responsible for assessing the claims.

Regards

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Don Gilson
Sent: Wednesday, 14 November 2012 5:58 PM
To: 'Scott Cauchi'; Rea, Peter (Peter.Rea@act.gov.au)
Cc: Greg Sutton
Subject: RE: Stat Dec

Scott,

I mentioned to Greg Sutton yesterday that in accordance with Clause 42.1 of AS4300 all invoices are to be sent to the superintendent. At present I haven't received any invoices to date. I understand that they have been sent to Peter.

As the one responsible for certifying I would appreciate them being sent to me. Peter is the one to pay.

Regards

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Wednesday, 14 November 2012 5:46 PM
To: Rea, Peter (Peter.Rea@act.gov.au)
Cc: Greg Sutton; Don Gilson
Subject: Stat Dec

Hi Peter, please see attached statutory declaration as requested. Could you kindly send me the list of future stat decs required as discussed the other day, so I can send them through with the appropriate invoices.

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600

F: +61 8 9244 7601

M: +61 8 9244 7601

W: www.dialight.com.au

Dialight
LS

Rea, Peter

From: Greg Sutton [gsutton@dialight.com.au]
Sent: Thursday, 15 November 2012 2:53 PM
To: Don Gilson; Rea, Peter
Cc: Scott Cauchi; Rajesh Valera
Subject: RE: completion of cable reticulation

Don,

I think you will find the coms cable is one of the options to the contract and won't be included in the reticulation. The cable reticulation refers to the power supply cables.

Regards
Greg Sutton
[REDACTED]

From: Don Gilson [mailto:Don.Gilson@cox.com.au]
Sent: Thursday, 15 November 2012 2:42 PM
To: Rea, Peter
Cc: Scott Cauchi; Greg Sutton; Rajesh Valera
Subject: RE: completion of cable reticulation

Peter

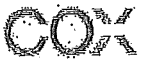
Is the comms cabling to be included in this milestone payment?

Regards

Don Gilson

Superintendent's Representative

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Scott Cauchi [mailto:scauchi@dialight.com.au]
Sent: Thursday, 15 November 2012 2:20 PM
To: Don Gilson; Rea, Peter; Greg Sutton; Rajesh Valera
Subject: RE: completion of cable reticulation

Gents do we have a time frame on this, as it is a substantial milestone payment?

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601

M: + [REDACTED]
W: www.dialight.com.au



From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Thursday, 15 November 2012 11:14 AM
To: Rea, Peter; Greg Sutton; Rajesh Valera
Cc: Scott Cauchi
Subject: RE: completion of cable reticulation

Peter

I made a site inspection this morning and can advise that the LV cabling is installed but the communications cabling has still to be installed.

Regards

Don Gilson

Superintendent's Representative

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Rea, Peter [<mailto:Peter.Rea@act.gov.au>]
Sent: Tuesday, 13 November 2012 2:39 PM
To: Scott Cauchi; Rajesh Valera; Tony Staten; Dean Hargreaves
Cc: Greg Sutton; Carl Goodman (cgoodman@AbacusLighting.com)
Subject: RE: completion of cable reticulation

Hi Scott,

Before I can make payment I require confirmation from the Superintendent Don Gilson, that this portion of works has been completed and that he authorises payment of the low voltage reticulation invoice.

Additionally I require a signed Statutory Declaration from Dialight as well.

In the meantime Milestone 7 payment will be paid 20 November 2012.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Treasury | ACT Government

Level 3 North, DPMH, 16 Challis Street Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



From: Scott Cauchi [mailto:scauchi@dialight.com.au]
Sent: Tuesday, 13 November 2012 11:07 AM
To: Rajesh Valera; Tony Staten; Dean Hargreaves
Cc: Greg Sutton; Rea, Peter; Carl Goodman (cgoodman@AbacusLighting.com)
Subject: RE: completion of cable reticulation

This Payment has already invoiced.

Peter could you kindly advise as to when you can process for payment at your end.

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

U4/42 Collingwood St
 Osborne Park W.A. 6017
 P: +61 8 9244 7600
 F: +61 8 9244 7601
 M: + [REDACTED]
 W: www.dialight.com.au



From: Rajesh Valera [mailto:rvalera@AbacusLighting.com]
Sent: Tuesday, 13 November 2012 7:51 AM
To: Tony Staten; Dean Hargreaves
Cc: Scott Cauchi; Greg Sutton
Subject: completion of cable reticulation

Hi Tony,

Just to let you know that cable reticulation work has been completed yesterday.
 So we can invoice this for payment.

Kind Regards,

For and on behalf of Abacus Lighting Ltd

Rajesh Valera | Abacus Lighting
Site Manager – Manuka Oval - Australia

Mobile: [REDACTED] :: Email: rvalera@abacuslighting.com
 12B Hansen Cct, Isaacs, ACT 2607, Australia

Abacus Lighting Limited
Oddicroft Lane, Sutton in Ashfield, Nottinghamshire, UK, NG17 5FT
Company Registration Number: 612235
Telephone: +44 (0)1623 511 111 Fax: +44 (0)1623 552 133
www.abacuslighting.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you must take no action based on it, nor must you copy it or show it to anyone else. Please notify us as soon as possible if this is the case.

Whilst Abacus takes every care to ensure that this message is free from viruses, the company will not be liable for the effects of any virus transmitted with this message.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Friday, 16 November 2012 2:44 PM
To: Rajesh Valera; Rea, Peter; Don Gilson
Cc: Greg Sutton; Ian Smith; Maginness, Ron; Tony Staten; Dean Hargreaves; Chris Welbourn
Subject: RE: completion of cable reticulation

Gents, if we could work out a 2 payment compromise that would be great. I am not going to split this milestone payment up into 11 sections as it will be an administration nightmare.

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

U4/42 Collingwood St
 Osborne Park W.A. 6017

P: +61 8 9244 7600

+61 8 9244 7601

W: + [REDACTED]

W: www.dialight.com.au

Dialight
 ILS

From: Rajesh Valera [mailto:rvalera@AbacusLighting.com]
Sent: Friday, 16 November 2012 11:35 AM
To: Rea, Peter; Don Gilson
Cc: Greg Sutton; Ian Smith; Maginness, Ron; Scott Cauchi; Tony Staten; Dean Hargreaves; Chris Welbourn
Subject: RE: completion of cable reticulation

Hi Peter,

As discussed with Don at today's site meeting, attach please find the breakup of cable reticulation as milestone and dates achievable to complete. As you are aware it has many related parameters and some of the milestone can only be completed after installation of Tower. To make things simple, I have allocated percentage based on work and requested Greg to incorporate the value to justify for part payment.

Please let me know if you have other ideas to claim part payments.

With kind Regards,

For and on behalf of Abacus Lighting Ltd

Rajesh Valera | Abacus Lighting
Site Manager – Manuka Oval - Australia

Mobile: [REDACTED] :: Email: rvalera@abacuslighting.com
 12B Hansen Cct, Isaacs, ACT 2607, Australia

From: Rea, Peter [Peter.Rea@act.gov.au]
Sent: 15 November 2012 04:50

To: Don Gilson; Scott Cauchi
Cc: Greg Sutton; Rajesh Valera; Ian Smith; Maginness, Ron
Subject: completion of cable reticulation

Hi All,

We need to come to some sought of agreement in regards to what constitutes the completion of cable reticulation.

According to the pricing schedule submitted with the Tender the following is itemised under the Low Voltage Reticulation Cabling:

Low Voltage Reticulation Cable

LV power distribution from MSB to each Lighting tower including but not limited to cabling, distribution, disposal of surplus spoil and backfill;

Supply and installation of LV main switchboard including retail energy metering and all protection dev

Supply and installation of distribution boards for the provision of temporary power and lighting incl

Supply and installation of small power outlets and accessories; including final circuits for temporary ex
LV earthing system;

Design, supply and installation of Lightning protection system for Light towers;

Tower lighting controls - fibre cable from towers to Bradman Stand;

Working beside or against existing services (Provisional Sum);

Making good surfaces upon completion of works; and

Relocation of any existing services as required.

Until such times that all of these works are completed, we will not be able to approve the 100% milestone payment.

Your early attention to completing these works would be appreciated.

Regards

Peter Rea | Senior Project Officer
Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works | ACT Government
Level 3 North, DPMH, 16 Challis Street Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Abacus Lighting Limited
Oddicroft Lane, Sutton in Ashfield, Nottinghamshire, UK, NG17 5FT

Company Registration Number: 612235

Telephone: +44 (0)1623 511 111

Fax: +44 (0)1623 552 133

www.abacuslighting.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you must take no action based on it, nor must you copy it or show it to anyone else. Please notify us as soon as possible if this is the case.

Whilst Abacus takes every care to ensure that this message is free from viruses, the company will not be liable for the effects of any virus transmitted with this message.

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Monday, 19 November 2012 2:33 PM
To: Rea, Peter; Don Gilson (Don.Gilson@cox.com.au)
Cc: Greg Sutton
Subject: FW: LV reticulation payment.
Attachments: Low Voltage Reticulation details.xlsx

Importance: High

Hi Peter, I told Abacus I would ask the question. Judging by this schedule, do you think we could submit the following, considering most of this work is being done by Affinity.

50% payment now for work completed
 25% payment for work completed end of November
 25% payment once all work is completed.

Please let me know if this is possible and I will send through the 3 x separate invoices later today

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

U4/42 Collingwood St
 Osborne Park W.A. 6017
 P: +61 8 9244 7600
 F: +61 8 9244 7601
 M: +
 W: www.dialight.com.au



From: Carl Goodman [mailto:cgoodman@AbacusLighting.com]
Sent: Friday, 16 November 2012 5:10 PM
To: Scott Cauchi; Greg Sutton; John Lawson; Garry Parsonage
Cc: Tony Staten; Dean Hargreaves; Malcolm Lee; Admin; Chris Welbourn
Subject: RE: LV reticulation payment
Importance: High

Hi Scott,

Thanks for fast tracking the 50% payment on milestone 3.
 I am in Dubai next week so can you please copy Garry as well as myself with the amended PO. He will then send the amended invoice to you immediately.

Our only concern is regarding the balance due on milestone 3. As you can see in the attached summary by Rajesh, we have already completed 60% of the milestone and expect to complete 92.5% by end of November and 95% by mid December. This just leaves 5% that should be done in January 2013. Is there any way you can persuade ACT to split the milestone into 3 to enable us to keep the cash flowing on this project? This would help us immensely as we had 100% of this payment factored into our project cash flow to arrive in November to cover supplier payments, including of course Affinity.

Also, thank you for payment of milestone no 7 (masts 5&6) which we received today. I note that a deduction has been made from the payment. Can you please send me the usual payment advice and details of any deductions that have been made when you get a chance.

Have a good weekend.

For and on behalf of Abacus Lighting Ltd

Carl Goodman | Abacus Lighting
Global Credit Manager

Oddicraft Lane, Sutton-in-Ashfield,
Nottinghamshire, NG17 5FT, United Kingdom
Tel: +44 1623 518 221 | Mob: +[REDACTED]
Fax: +44 1623 523 221

www.abaculighting.com | twitter.com/AbacusLighting
cgoodman@abaculighting.com

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: 16 November 2012 06:30
To: Rajesh Valera; Carl Goodman
Cc: Tony Staten; Dean Hargreaves; Greg Sutton; Malcolm Lee; Admin
Subject: RE: LV reticuation payment

Hi Carl, The ACT have agreed to split the Milestone 3 payment into 2. We can claim 50% now for work complete and 50% for final completion which now looks like January.

We will send through a revised PO #2915

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +[REDACTED]
W: www.dialight.com.au



From: Rajesh Valera [<mailto:rvalera@AbacusLighting.com>]
Sent: Friday, 16 November 2012 11:38 AM
To: Greg Sutton; Scott Cauchi
Cc: Tony Staten; Dean Hargreaves
Subject: LV reticuation payment

Hi Greg,

As discussed can you fill in the values and email to Peter & Don.

Kind Regards,

For and on behalf of Abacus Lighting Ltd

Rajesh Valera | Abacus Lighting

Site Manager – Manuka Oval - Australia

Mobile: [REDACTED] :: Email: rvalera@abacuslighting.com
12B Hansen Cct, Isaacs, ACT 2607, Australia

Abacus Lighting Limited
Oddicroft Lane, Sutton in Ashfield, Nottinghamshire, UK, NG17 5FT
Company Registration Number: 612235
Telephone: +44 (0)1623 511 111 Fax: +44 (0)1623 552 133
www.abacuslighting.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error you must take no action based on it, nor must you copy it or show it to anyone else. Please notify us as soon as possible if this is the case.

Whilst Abacus takes every care to ensure that this message is free from viruses, the company will not be liable for the effects of any virus transmitted with this message.

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Monday, 19 November 2012 7:29 PM
To: Rea, Peter
Cc: Don Gilson (Don.Gilson@cox.com.au)
Subject: Milestone 3 payment

Hi Peter, after speaking with Abacus just now with regards to the email requesting the 50/25/25 split, will it at all be possible to look at a 50/40/10 split based upon works completed?

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
+61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au



FOI Request
Manuka Oval Sports Lighting
Project 19899

File 2012/12870

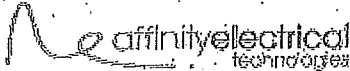
Documents with redactions

Ian Smith

From: Brendan Read [brendan@affinityelectrical.com.au]
Sent: Monday, 18 February 2013 8:40 AM
To: Don Gilson; Greg Sutton; Scott Cauchi; Rajesh Valera
Cc: Ian Smith; Graham Humphries; 'Rea, Peter'; 'Maginness, Ron'; 'McNulty, Hamish'
Subject: RE: Manuka Oval Sports Lighting - Outstanding Works

Hi All, I know its Dialight story to tell but to put everyone at ease we have the following info

Brendan Read
 Managing Director

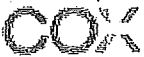


WR Electrical Pty Ltd t/a Affinity Electrical Technologies
 ABN: 42 094 182 779, COLA: 200413829
 Phone: 6241 3255
www.affinityelectrical.com.au

From: Don Gilson [mailto:Don.Gilson@cox.com.au]
Sent: Friday, 15 February 2013 4:40 PM
To: Greg Sutton; Scott Cauchi; Rajesh Valera; Brendan Read
Cc: Ian Smith; Graham Humphries; 'Rea, Peter'; 'Maginness, Ron'; 'McNulty, Hamish'
Subject: RE: Manuka Oval Sports Lighting - Outstanding Works

Greg/Scott,
 Please provide the completion dates as requested by cob Monday 18 Feb 2013.
 Regards

Don Gilson - Senior Architect



Cox Architecture
 22 Jardine Street, Kingston ACT 2604 Australia
 E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Don Gilson
Sent: Thursday, 14 February 2013 11:21 AM
To: Greg Sutton; 'Scott Cauchi'; Rajesh Valera; Brendan Read
Cc: Ian Smith; Graham Humphries; 'Rea, Peter'; 'Maginness, Ron'; 'McNulty, Hamish'
Subject: Manuka Oval Sports Lighting - Outstanding Works

Greg,
 Made a site inspection this morning. I will send a detailed report listing the outstanding completed works, defects and make good items later today.

Despite assurances prior to the issue of the Notification of Practical Completion that all the works would be completed by 15 Feb 2013, critical items of work remain outstanding including the following:

- Completion of the substation fencing and gates to secure this facility and receive a final C of O. we are chasing ABA hard on this & have been since the concrete pillars went in. Unfortunately we (AET) dropped the ball here a little because we couldn't get the gates measured until the concrete pillars were actually installed. The gates are the hold up (as fencing is relatively simple). Apologies it shouldn't have taken this long, and we should have mentioned this earlier.

- The sewer is completed and we are trying to book [REDACTED] from ACTEWAGL to re-inspect. Don if we have any more hassles with this after today (its probably an RDO at ACTEW) then we will come and ask for some assistance so that we can get this signed off and connected.
- The road can be finished today (if we get the go ahead from Scott), as the venue would be aware we have faced issues with the removal of the event equipment such as scaffold, as well the bollards on t5 were only completed on Friday.
- Completion of the recabling of switchboards to provide the sequencing for switching to the various lighting modes to enable manual testing prior to the delivery and installation of the lighting control panel. Im not sure if everyone is aware but we didn't want to start this until we had all of the information required to complete as necessary & accurate. Jim Plumb provided his final design brief on Tuesday night (Wednesday morning) and Affinity started Thursday. Towers 3,4 & 6 are completed and the following 3 will be done across the next 2 x days. We have verbally informed Ian Smith but it was probably best to follow up formally.
- Delivery and installation of the operating lighting control panel. We have been advised through ABACUS that they are shipping the panels Friday their time. we have been advised but are waiting to confirm that ABACUS intend to replace the master and also the 6 x slave control panels at each tower. These will be done once they have arrived.

By cob today please advise the completion dates for these three critical items. As you can appreciate its difficult but we are attempting to represent everyone as positively as possible without ever dropping anyone in it. we will keep filtering info up,

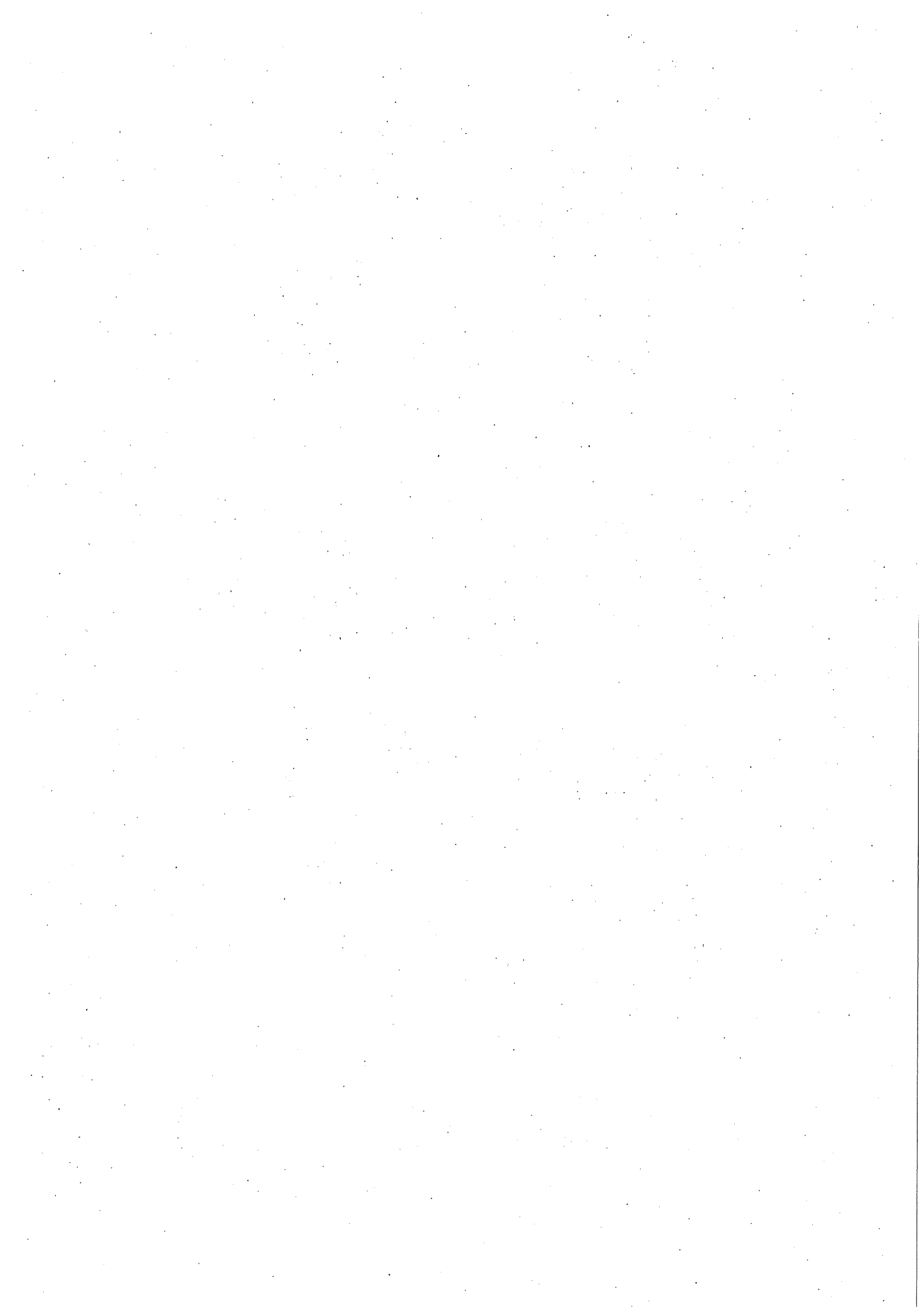
Regards

Don Gilson
Superintendents Representative

FOI Request
Manuka Oval Sports Lighting
Project 19899

File 2012/17300

Documents with redactions



Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Friday, 11 January 2013 3:32 PM
To: Maginness, Ron
Cc: Rea, Peter; Ian Smith
Subject: RE: Manuka Oval Sports Lighting - Switchboard issues

Ron,

I accept that we cannot sit back, but if we don't know what the issues are we can't give directions. I asked Mitch for the list and he wasn't able to provide it to me. I have requested it from Greg and when I see it can make some assessment as to what directions should be given.

Regards

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
 E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Maginness, Ron [<mailto:Ron.Maginness@act.gov.au>]
Sent: Friday, 11 January 2013 3:08 PM
To: Don Gilson
Cc: Rea, Peter; Ian Smith
Subject: RE: Manuka Oval Sports Lighting - Switchboard issues

Don,

With respect, surely we should be asking Dialight to advise us when the rectifications are going to be fixed. I refer you to clause 30.3 of the contract.

I don't think we can afford the time to sit back and wait for Dialight and Affinity to sort out their contractual issues. We need to get these problems fixed.

Ron Maginness | Consultant Project Manager |

| phone: (02) 6207 9035 | fax: (02) 6207 0123 | mob: [REDACTED]

Economic Development Directorate | ACT Government |

Level 6, TransACT House, 470 Northbourne Avenue, Dickson ACT 2602, GPO Box 158 Canberra ACT 2601
www.economicdevelopment.act.gov.au

Please consider the environment before printing this e-mail.

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Friday, 11 January 2013 2:46 PM
To: Rea, Peter; Maginness, Ron
Subject: Manuka Oval Sports Lighting - Switchboard issues

Peter/Ron,

Mitch has advised that he has been instructed to follow the correct protocol and has sent the list of issues to Abacus and Dialight ILS. Dialight will have to send to us.

I will request from Greg.

Regards

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

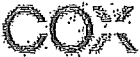
From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Wednesday, 16 January 2013 9:54 AM
To: Mitch Halley; Brendan Read
Cc: Greg Sutton; Ian Smith; Rea, Peter
Subject: RE: Manuka - Sewer Access Chamber and Line Relocation
Attachments: AD03.pdf

Mitch,

Attached is drawing 911037/AD03 indicating the relocated positions of the precast fencing units. The section of roadworks adjacent to T5 under the camera scaffolding will have to be completed after the removal of the scaffolding which I understand will not be until after the one day game in early Feb. Re the Sewer Manhole I will check with [REDACTED] who is required to advise commencement as ACTEW are responsible for the connection.

Regards

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
 E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Mitch Halley [mailto:Mitch@affinityelectrical.com.au]
Sent: Tuesday, 15 January 2013 4:44 PM
To: Brendan Read; Don Gilson
Cc: Greg Sutton; Ian Smith; Rea, Peter
Subject: RE: Manuka - Sewer Access Chamber and Line Relocation

Thanks Don,

As Per Actew requirements could you please make them aware that National Directional Drilling Pty Ltd will be completed,

Work will commence tomorrow morning, with the asphalt to commence later this week.

My only concern will be the position of the scaffold that has been put in place of the event adjacent to T5 further instruction will be required.

Can you also please advise if a position has been made for the last 2 pillars at the Substations has been made?

Regards,

Mitch Halley

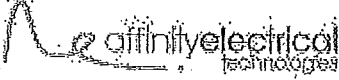
m [REDACTED]

From: Brendan Read
Sent: Tuesday, 15 January 2013 1:35 PM
To: Don Gilson; Mitch Halley

Cc: Greg Sutton; Ian Smith; Rea, Peter
Subject: RE: Manuka - Sewer Access Chamber and Line Relocation

Cheers Don, the ACTEW approval was only issued on 19th December so just have in mind that the original, will be added to others to get this sewer issue totally finalised.

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Tuesday, 15 January 2013 1:21 PM
To: Mitch Halley; Brendan Read
Cc: Greg Sutton; Ian Smith; Rea, Peter
Subject: FW: Manuka - Sewer Access Chamber and Line Relocation

Brendan,
The instruction to install the new sewer manhole and sewer line to connect to existing was given in mid November.
Please proceed asap and costs will be agreed later.
Regards
Don Gilson
Superintendents Rep

Don Gilson - Senior Architect



Cox Architecture
22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Don Gilson
Sent: Friday, 16 November 2012 12:44 PM
To: Mitch Halley; 'Brendan Read'
Cc: Greg Sutton; 'Rea, Peter'; Ian Smith
Subject: FW: Manuka - Sewer Access Chamber and Line Relocation

Mitch,
Attached is the drawing of the new sewer manhole referred to in Superintendents Instruction SI 11.
Regards
Superintendents Representative.

From: Andrew Potts [<mailto:Andrew.Potts@arup.com>]
Sent: Tuesday, 13 November 2012 11:24 AM
To: Don Gilson
Cc: Trevor Buckley; Ian Smith; Richard Salter
Subject: RE: Manuka - Sewer Access Chamber and Line Relocation

Hi Don,

Please find attached amended drawing as discussed.

Kind Regards,

Andrew Potts
Hydraulics & Fire Protection Engineer | Buildings Melbourne

Arup
Level 17 1 Nicholson Street Melbourne VIC 3000
+61 3 9668 5500 d +61 3 9668 5505
+61 3 9663 1546
www.arup.com

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Monday, 12 November 2012 3:18 PM
To: Richard Salter
Cc: Trevor Buckley; Andrew Potts; Ian Smith
Subject: RE: Manuka - Sewer Access Chamber and Line Relocation

Richard/Trevor

It is preferred to extend the line out beyond the Subs Enclosure and run the line parallel to the North/South wall so that the second IS is not in the roadway. Please amend drawing and resend.

Thanks

Don Gilson

Superintendent

Don Gilson - Senior Architect



Cox Architecture
22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Richard Salter [<mailto:Richard.Salter@arup.com>]
Sent: Monday, 12 November 2012 9:49 AM
To: Don Gilson
Cc: Trevor Buckley; Andrew Potts; Ian Smith
Subject: Manuka - Sewer Access Chamber and Line Relocation

Don,

Please find attached Arup's sewer access chamber and line relocation drawings for authority submissions and works tender.

Cheers

Richard Salter

Associate | Buildings Melbourne

Arup

Level 17 1 Nicholson Street Melbourne VIC 3000

t +61 3 9668 5500 d +61 3 9668 5697 m + [REDACTED]

f +61 3 9663 1546

www.arup.com

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
 Sent: Friday, 18 January 2013 4:58 PM
 To: Greg Sutton; Rea, Peter; Maginness, Ron
 Cc: Malcolm Lee
 Subject: Affinity payment

Hi Peter/Ron, further to the email I just sent Brendan at Affinity, I am more than happy to pay Affinity directly for the rectification of cables on site. The only way I can do this is to deduct from money the upcoming milestone payments to Abacus.

As I understand the statutory declarations that I have signed are to ensure that contractors have been paid, which is limited to Abacus and [REDACTED] and any other contractor or engineer that I have directly engaged. The stat dec does not extend to the agreement between Abacus and Affinity.

My concern is that whilst I am trying to make a decision in the interest of project completion and ensuring that Affinity to not suffer any further payment complications, am I now in breach of this declaration?

We have been unable to reach any practical solution with Abacus, and the absence of any project engineer, director or decision maker on site by Abacus, has made any resolution with the time frame allocated impossible. I received an email from Tony Staten, Global Contracts Director from Abacus, on Wednesday the 9th of January with an attached spreadsheet outlining all lodged payments to Affinity. A large sum was supposed to have been processed on the 15th and to date they have failed to transfer the money with no prior correspondence or explanation.. The amount due to be paid was over double the amount owing to Affinity:

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

U4/42 Collingwood St
 Osborne Park W.A. 6017
 P: +61 8 9244 7600
 F: +61 8 9244 7601
 M: + [REDACTED]

W: www.dialight.com.au

Dialight
 ILS

AOG

20-22 Feb 2013
 COME SEE US AT AOG
 REGISTER FREE
 NOW & SAVE \$20
 ENTRY FEE

Rea, Peter

From: Ian Smith [Ian.Smith@cox.com.au]
Sent: Sunday, 20 January 2013 10:26 AM
To: Greg Sutton; Mitch Halley
Cc: Brendan Read; Don Gilson; Maginness, Ron; Dean Hargreaves; Scott Cauchi; Rea, Peter; Tokley, Matthew; Graham Humphries
Subject: RE: Manuka - Switchboard Protection

We are going to have to go with water filled barriers for the two games I think and then follow with permanent bollards when we have heard from Peter O'Neill what he feels is required.

We will follow with instructions and request for quotes etc. tomorrow.

IS.

Ian Smith - Director




Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
E: Ian.Smith@cox.com.au | T: +61 2 6239 6265 | M: +61 2 6239 6265 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Greg Sutton [<mailto:gsutton@dialight.com.au>]
Sent: Saturday, 19 January 2013 12:20 PM
To: Mitch Halley
Cc: Brendan Read; Ian Smith; Don Gilson; Ron Maginness; Dean Hargreaves; Scott Cauchi; Peter Rea
Subject: Re: Manuka - Switchboard Protection

Yes Mitch, I don't think the bollards would be installed so organise a price so we can submit to Don next week at the meeting.

Regards
Greg Sutton


On 19/01/2013, at 11:41 AM; "Mitch Halley" <Mitch@affinityelectrical.com.au> wrote:

Hi Greg,

Do you want me to put together a price for this?

How fast do they think cars and trucks will be travelling around the stadium?

I may be able to get the ones from Albert Park if need be.

Regards,

Mitch Halley

m [REDACTED]

From: Greg Sutton [gsutton@dialight.com.au]
Sent: Saturday, 19 January 2013 7:17 AM
To: Brendan Read; Ian Smith
Cc: Peter.O'Neill@act.gov.au; Don Gilson; Ron Maginness; Mitch Halley; Dean Hargreaves; Scott Cauchi; Peter Rea
Subject: RE: Manuka - Switchboard Protection

Brendan,

In speaking with Peter O'Neil prior to leaving site on Thursday he indicated that temporary fencing would not be suitable for the protection, he would prefer to use the water filled barriers that are used on roadway sites.

Regards
Greg Sutton
[REDACTED]

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Saturday, 19 January 2013 6:20 AM
To: Greg Sutton; Ian Smith
Cc: Peter.O'Neill@act.gov.au; Don Gilson; Ron Maginness; Mitch Halley; Dean Hargreaves; Scott Cauchi; Peter Rea
Subject: RE: Manuka - Switchboard Protection

Hi Ian, if we are only talking about how many bollards, then perhaps send over the detail now so that at least we can give you a price and availability. If its 20 or 25 bollards wont matter and this will give us some time to worry about the positioning later once peter has reviewed.

As a fall back we are starting to take temp fence down around the site shortly. I will ask our staff to put some aside so they we can put it around the switchboards if required.

Brendan Read
Managing Director
<image001.jpg>

WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

From: Greg Sutton [<mailto:gsutton@dialight.com.au>]
Sent: Friday, 18 January 2013 3:04 PM
To: Ian Smith
Cc: Peter.O'Neill@act.gov.au; Don Gilson; Ron Maginness; Brendan Read; Mitch Halley; Dean Hargreaves; Scott Cauchi; Peter Rea
Subject: Re: Manuka - Switchboard Protection

Isn,

Peter is going to send through to you.

Regards
Greg Sutton
[REDACTED]

On 18/01/2013, at 2:21 PM, "Ian Smith" <Ian.Smith@cox.com.au> wrote:

Hi Greg,

You mentioned yesterday that Peter marked up our bollard layout on site with additional bollards he wanted to see. Can you send this markup through so we can document for implementation?

Thanks,

IS.

Ian Smith - Director

<imagee6c020.GIF>

Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia.

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: +61 4 239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Ian Smith [Ian.Smith@cox.com.au]
Sent: Sunday, 20 January 2013 10:34 AM
To: Maginness, Ron; McNulty, Hamish; Rea, Peter
Cc: Don Gilson; Graham Humphries
Subject: FW: PO

Gents,

In light of this I think we need to have a discussion to agree timing and mechanism for ongoing payments to seek to ensure everyone stays afloat and gets reasonable recompense for their work.

Let's discuss,

IS.

Ian Smith - Director



Cox Architecture
22 Jardine Street, Kingston ACT 2604 Australia
E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: +[REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: Brendan Read [mailto:brendan@affinityelectrical.com.au]
Sent: Saturday, 19 January 2013 6:15 AM
To: Scott Cauchi; Greg Sutton; Andrew Cooper; Ian Smith
Subject: RE: PO

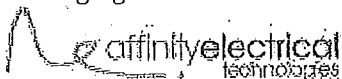
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Friday, 18 January 2013 5:34 PM
To: Brendan Read; Mitch Halley; Greg Sutton
Cc: Malcolm Lee; Peter.Rea@act.gov.au; Ron.Maginness@act.gov.au
Subject: RE: PO

Hi Brendan, this payment is in addition to what you are already owed. My understanding is that you should be rights get paid for work completed by Abacus as per your contract or scope of works between Abacus and Affinity. This additional sum to fix the mistake made by [REDACTED] will need to be claimed and compensated by [REDACTED] insurance company.

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: + [REDACTED]
W: www.dialight.com.au



AOG
20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Friday, 18 January 2013 2:10 PM
To: Scott Cauchi; Mitch Halley; Greg Sutton
Cc: Malcolm Lee; Peter.Rea@act.gov.au; Ron.Maginness@act.gov.au
Subject: RE: PO

[REDACTED]

Sent from my smartphone on the new Vodafone network

Scott Cauchi <scauchi@dialight.com.au> wrote:

Hi Brendan,

[REDACTED]

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: + [REDACTED]
W: www.dialight.com.au



From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Friday, 18 January 2013 1:24 PM
To: Mitch Halley; Scott Cauchi; Greg Sutton
Subject: RE: PO

[REDACTED]

Sent from my smartphone on the new Vodafone network

Mitch Halley <Mitch@affinityelectrical.com.au> wrote:
Sorry price has now been adjusted,

Regards,

Mitch Halley

m [REDACTED]

From: Mitch Halley
Sent: Friday, 18 January 2013 3:59 PM
To: Scott Cauchi; Brendan Read; Greg Sutton
Subject: RE: PO

Hi All
Please see price for new work. price now includes consumer mains.

Regards,

Mitch Halley

m [REDACTED]

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Friday, 18 January 2013 3:31 PM
To: Brendan Read; Mitch Halley; Greg Sutton
Subject: RE: PO

Gents, can you also include the cost for the HD winching equipment. I think it best we keep every expense for this under one umbrella

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: + [REDACTED]
W: www.dialight.com.au

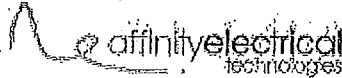


AOG
20-22 Feb 2013
CONFERENCES AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

From: Brendan Read [mailto:brendan@affinityelectrical.com.au]
Sent: Friday, 18 January 2013 9:09 AM
To: Mitch Halley; Greg Sutton; Scott Cauchi
Subject: FW: PO

Mitch redo the variation to include only 185mm² and also the consumer mains @ 2 x 500 triangle cables to meet spec

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

From: Greg Sutton [mailto:gsutton@dialight.com.au]
Sent: Friday, 18 January 2013 10:57 AM
To: Brendan Read
Subject: PO

Brendan,
We just need the official quote with the consumers mains and the tower runs so Scott can issue a PO.
I also need to know the cost to supply and run the fibre optic cable, please send only to Scott and Myself.
Gordon is going to give us the cable sizes for the consumer mains.

Regards

Greg Sutton
M [REDACTED]
P 1300 657 147
F 02 9679 2618
MDesSc(Illumination) Tech I.E.S
Regional Sales Manager East Coast,
Lighting Engineer.
Dialight ILS Australia
www.dialight.com.au

Dialight
ILS

AOG

20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

Rea, Peter

From: Réa, Peter
Sent: Monday, 21 January 2013 3:39 PM
To: 'Scott Cauchi'; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Maginness, Ron
Cc: Ian Smith (Ian.Smith@cox.com.au); Malcolm Lee; Greg Sutton; McNulty, Hamish; 'Don Gilson'
Subject: RE: payment schedule
Attachments: STATUTORY DECLARATION - V1.doc

Hi Scott,

I am writing to respond to your email in which you advise that your obligation under the contract is to ensure that contractors have been paid, which is limited to Abacus and [REDACTED] and any other contractor or engineer that you have directly engaged. You also advise that the stat dec does not extend to the agreement between Abacus and Affinity.

I wish to advise that your interpretation is incorrect. Clause 5 of the statutory declaration (Please see attached) states the following:

- All Subcontractors have been paid all moneys due and payable to them in respect of work under the Contract and any subcontract with the Subcontractor.

It is therefore imperative that you ensure that all contracted parties associated with this project, whether they have a direct engagement with Dialight or not are paid monies due and payable to them. It is also the responsibility of Principal contractor to instruct Abacus to fulfil their obligations for payment of subcontractors.

It is imperative that you also instruct Abacus to make all outstanding payments to date and that in future you retain the monies from future payment to ensure that all contractors are being paid as identified in the Statutory Declaration.

Regards.

Peter Rea | Senior Project Officer
 Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government
 Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Monday, 21 January 2013 12:28 PM
To: Rea, Peter; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Maginness, Ron
Cc: Ian Smith (Ian.Smith@cox.com.au); Malcolm Lee; Greg Sutton
Subject: payment schedule

Gentlemen, it looks like we are finally making some progress with regards to payments. Affinity have now been given an official PO for the replacement of cables. I am waiting for instruction from Affinity that these new terms are agreeable, and with that being the case we can release the money to Abacus.

We now have payment of T5&6 and expecting payment tomorrow for the balance of milestone 3. I will forward the invoice separately for final commissioning. I believe this is due for payment on the 5th of Feb.

I need to compile a payment schedule to send through to Abacus to assist payment for Affinity. Would it be possible to try and get a resolution on all outstanding variations at tomorrow's meeting. I also need this information to finalise our financial accounts as we run on a calendar financial year and I need have some sort of closure by Thursday. Any assistance in this matter would be very much appreciated.

I have also asked Affinity to send me pricing directly regarding the fibre backbone installed. I have also heard a whisper of some retention money being released early, so if you could also confirm tomorrow, that would help immensely.

Thanks in advance for any help on these matters and look forward to seeing these lights on this week.

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au

Dialight
ILS

AOG

20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

STATUTORY DECLARATION

Statutory Declarations Act 1959 (Cth)

I, **Scott Cauchi, National Sales Director for Dialight ILS Australia Pty Ltd, U4/42 Collingwood St Osborne Park, WA** make the following declaration under the Statutory Declarations Act 1959 (Cth),

1. In this declaration a reference to:
 - a. "Contract" means an agreement which has or will shortly be entered into between the Australian Capital Territory and the Contractor for the provision of works in respect of the Project.
 - b. "Contractor" means Dialight ILS Australia Pty Ltd ABN-70 120 809 501
 - c. "Project" means Project No 19899 for Design and Construct of Fixed Sports Lighting at Manuka Oval ;
 - d. the words or terms "Adverse Ruling", "Employee", "Employee and Industrial Relations Obligations", "Industrial Instruments", "IRE Certificate", "Prescribed Legislation", "Prescribed Works or Services" and "Subcontractors" have the same meaning as defined in the Contract; and
 - e. all other capitalised words or terms have the same meaning as defined in the Contract.
2. I am authorised on behalf of the Contractor to make this declaration.
3. All Employees of the Contractor who have at any time been employed by the Contractor in respect of the Project have, at the date of this declaration, been paid all moneys due and payable to them in respect of their employment on the work under the Contract.
4. The Contractor has, at the date of this declaration paid all amounts it is required to pay to third parties on behalf of Employees as required by Prescribed Legislation.
5. All Subcontractors have been paid all moneys due and payable to them in respect of work under the Contract and any subcontract with the Subcontractor.
6. The Contractor holds a current IRE Certificate.
7. The Contractor has in the preceding 24 months of the date of this declaration complied with all Prescribed Legislation

True (delete 7A and initial)

Not true (answer 7A)

- 7A. The Contractor has not complied with the following Prescribed Legislation.

[Insert Full Details of the failure to comply with Prescribed Legislation]

8. The Contractor has in the preceding 24 months of the date of this declaration recognised the rights of its Employees to union membership and representation.

True (delete 8A and initial) Not true (answer 8A)

- 8A. The Contractor has not recognised the rights of Employees to union membership and representation in the following respects.

[Insert Full Details of how the Contractor has not recognised the rights of Employees to union membership and representation]

9. The Contractor has in the preceding 24 months of the date of this declaration complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency.

True (delete 9A and initial) Not true (answer 9A)

- 9A. The Contractor has not complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency in the following respects:

[Insert Full Details of how the Contractor has failed to comply with all amendments to wages and conditions of employment]

10. In the preceding 24 months of the date of this declaration there have been no findings against the Contractor by a court, tribunal, commission, board or other entity with jurisdiction of a breach of any Prescribed Legislation, including a finding of a breach in a non-confidential consent order.

True (delete 10A and initial) Not true (answer 10A)

- 10A. There have been the following findings (Full Details of which are provided) against the Contractor by a court, tribunal, commission, board or other entity with jurisdiction of a breach of any Prescribed Legislation:

[Set out Full Details of findings]

11. In the preceding 24 months of the date of this declaration there have been no convictions under the Prescribed Legislation against the Contractor.

True (delete 11A and initial) Not true (answer 11A)

- 11A. There have been the following convictions under the Prescribed Legislation against the Contractor:

[Set out Full Details of convictions]

12. There are currently no proceedings or prosecutions against the Contractor in respect of a breach of any Prescribed Legislation.

X True (delete 12A and initial) Not true (answer 12A)

12A. There are currently the following proceedings or prosecutions against the Contractor in respect of a breach of Prescribed Legislation.

[Set out Full Details of proceedings or prosecutions]

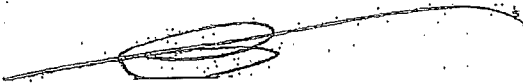
13. The Contractor has not been required to implement any remedial measures to ensure future compliance with the Prescribed Legislation.

X True (delete 13A and initial) Not true (answer 13A)

13A. The Contractor has been required to implement the following remedial measures to ensure future compliance with the Prescribed Legislation:

[Set out Full Details of the remedial measures implemented]

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.



[Signature of person making the declaration]]

Scott Cauchi

[Print name of person making the declaration]

Declared at Melbourne on 18th of October 2012

Before me:

[Signature of person before whom the declaration is made]

[Full name, qualification and address of person before whom the declaration is made (in printed letters)]

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1959 may be made before—

- (1) A person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon
- (2) A person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) A person who is in the following list:
 - Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
 - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
 - Bailiff
 - Bank officer with 5 or more continuous years of service
 - Building society officer with 5 or more years of continuous service
 - Chief executive officer of a Commonwealth court
 - Clerk of a court
 - Commissioner for Affidavits
 - Commissioner for Declarations
 - Credit union officer with 5 or more years of continuous service
 - Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
 - Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that place
 - Fellow of the National Tax Accountants' Association
 - Finance company officer with 5 or more years of continuous service
 - Holder of a statutory office not specified in another item in this list
 - Judge of a court
 - Justice of the Peace
 - Magistrate
 - Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
 - Master of a court
 - Member of Chartered Secretaries Australia
 - Member of Engineers Australia, other than at the grade of student
 - Member of the Association of Taxation and Management Accountants
 - Member of the Australasian Institute of Mining and Metallurgy
 - Member of the Australian Defence Force who is:
 - (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
 - (c) a warrant officer within the meaning of that Act
 - Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
 - Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
 - Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961
 - Notary public
 - Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
 - Permanent employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
 - with 5 or more years of continuous service who is not specified in another item in this list
 - Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
 - Police officer
 - Registrar, or Deputy Registrar, of a court
 - Senior Executive Service employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority

Sheriff
Sheriff's officer
Teacher employed on a full-time basis at a school or tertiary education institution

Rea, Peter

From: Rea, Peter
Sent: Monday, 21 January 2013 3:40 PM
To: 'Scott Cauchi'; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Maginness, Ron
Cc: Ian Smith (Ian.Smith@cox.com.au); Malcolm Lee; Greg Sutton; 'Don Gilson'
Subject: RE: payment schedule

Hi Scott,

Before I am able to make payment on the remainder of Milestone 3 and Milestone 12 I will require authorisation from the Superintendent that these portions of work have been completed. Additionally for milestone 3 I require a signed Statutory Declaration.

Milestone 3 will not be made tomorrow the earliest it might be paid at this stage is Thursday next week once approval is provided. Milestone 12 should be paid around the same time if everything proceeds according to plan.

I have not heard any whispers in regards to some retention money being released early. The contract arrangement is that with securities and retention 50% will be released at practical completion and the remainder will be released and at the end of Defects Liability Period.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government

Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au

From: Scott Cauchi [<mailto:scauchi@dlalight.com.au>]

Sent: Monday, 21 January 2013 12:28 PM

To: Rea, Peter; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Maginness, Ron

Cc: Ian Smith (Ian.Smith@cox.com.au); Malcolm Lee; Greg Sutton

Subject: payment schedule

Gentlemen, it looks like we are finally making some progress with regards to payments. Affinity have now been given an official PO for the replacement of cables. I am waiting for instruction from Affinity that these new terms are agreeable, and with that being the case we can release the money to Abacus.

We now have payment of T5&6 and expecting payment tomorrow for the balance of milestone 3. I will forward the invoice separately for final commissioning. I believe this is due for payment on the 5th of Feb.

I need to compile a payment schedule to send through to Abacus to assist payment for Affinity. Would it be possible to try and get a resolution on all outstanding variations at tomorrow's meeting. I also need this information to finalise our financial accounts as we run on a calendar financial year and I need have some sort of closure by Thursday. Any assistance in this matter would be very much appreciated.

I have also asked Affinity to send me pricing directly regarding the fibre backbone installed. I have also heard a whisper of some retention money being released early, so if you could also confirm tomorrow, that would help immensely.

Thanks in advance for any help on these matters and look forward to seeing these lights on this week.

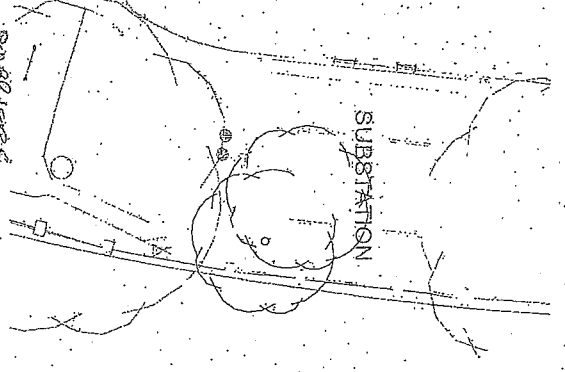
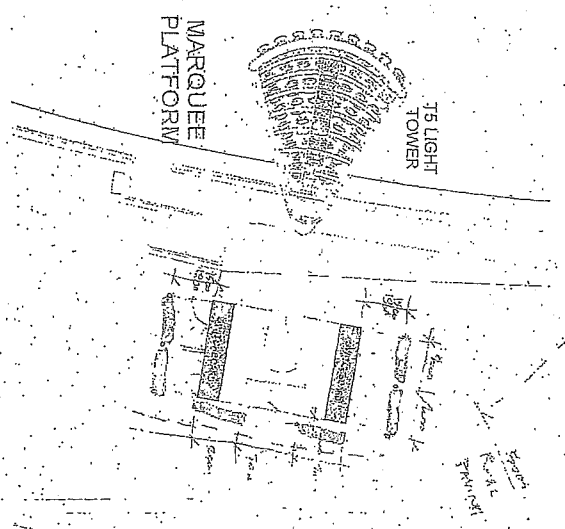
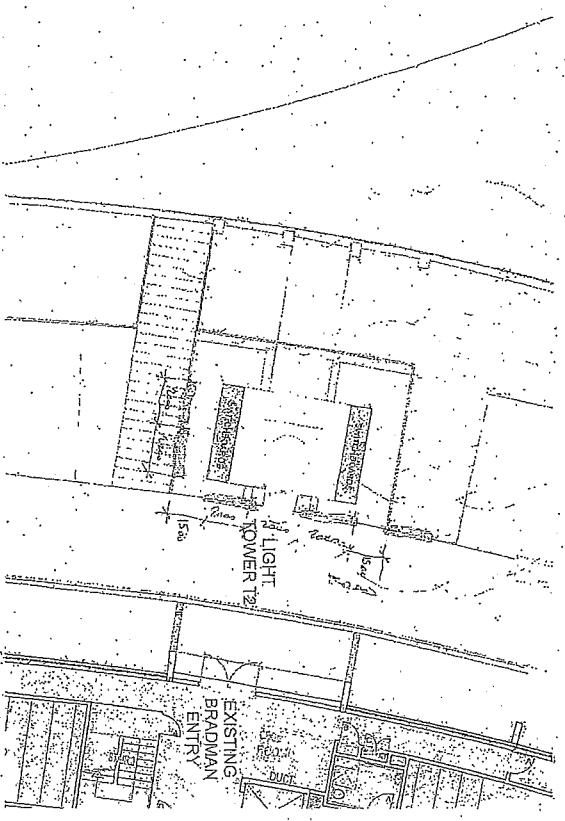
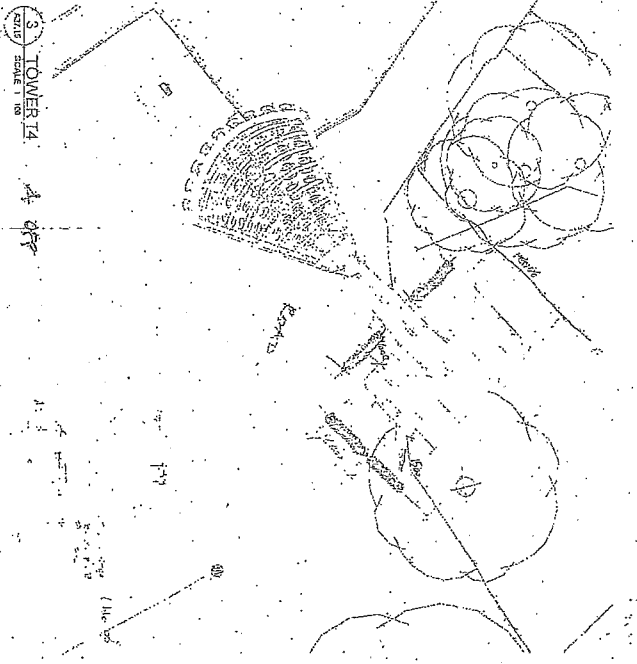
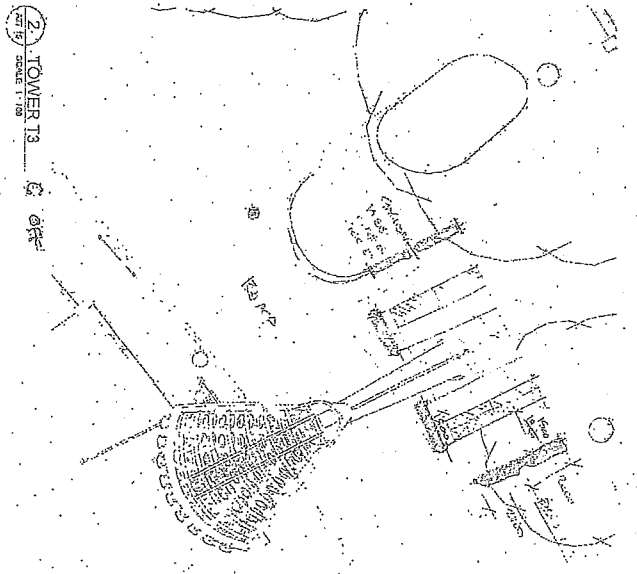
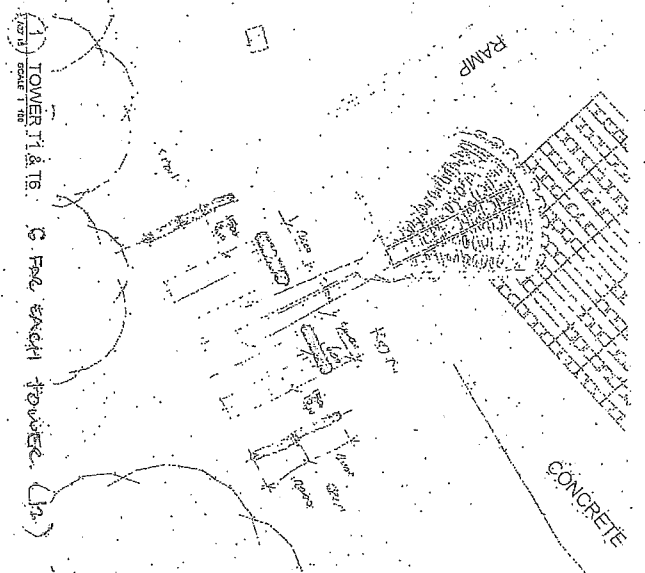
Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au

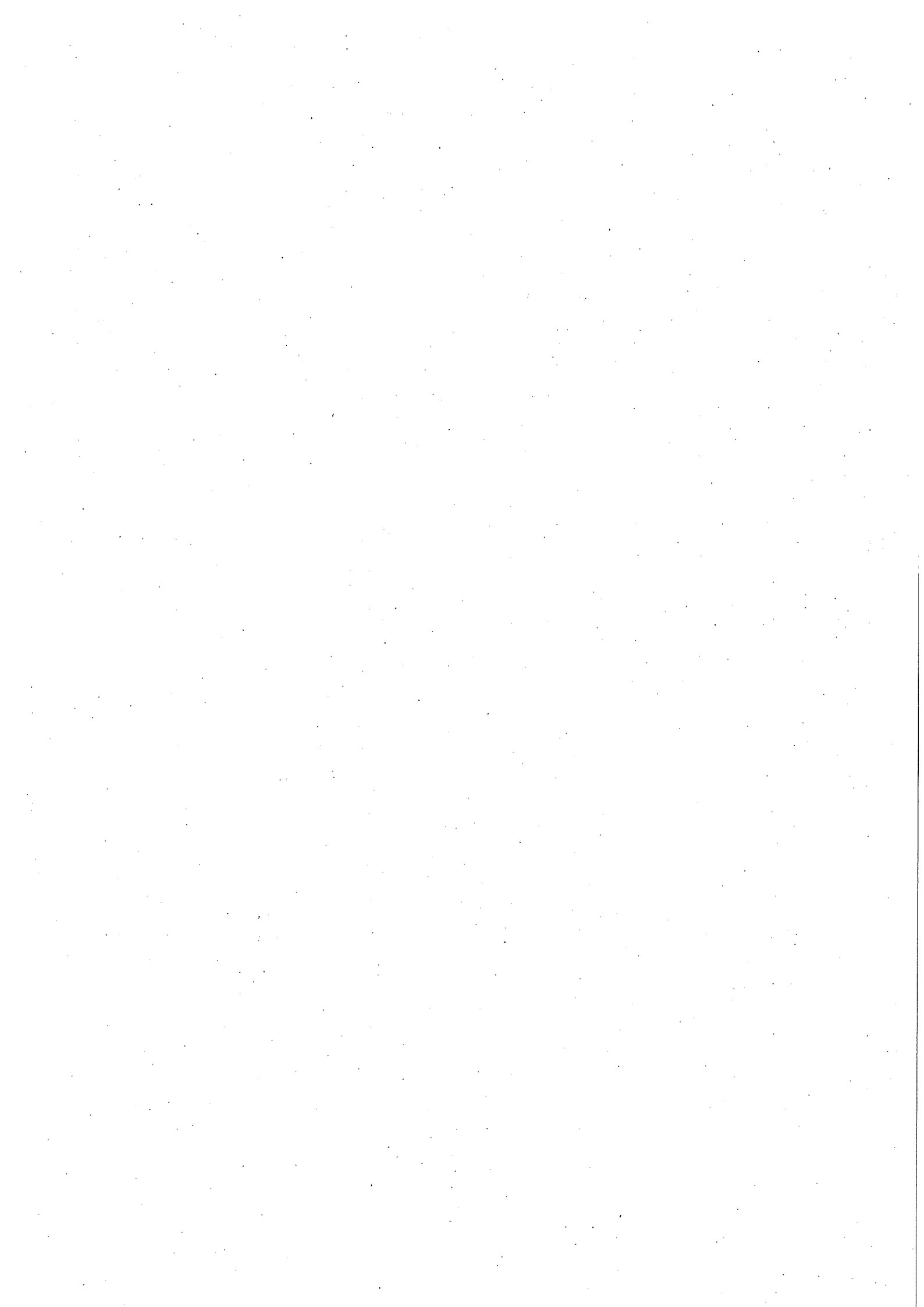


20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE



Barriers to be winter finished

MANUAL ONLY
 COX
 ISSUE: 14 DECEMBER 2002
 10041



Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Monday, 21 January 2013 2:48 PM
To: Mitch Halley; Brendan Read
Cc: Rea, Peter; Maginness, Ron; Ian Smith; Tokley, Matthew
Subject: Manuka Oval Sports Lighting - Temporary switchboard protection
Attachments: DC-6075-B063168617.pdf

Mitch,

It has been agreed with TVE and Shared Services that Affinity Electrical, the electrical contractor employed by TVE for the one day events, arrange the provision of water filled barriers as temporary protection for the switchboards to each lighting tower to satisfy the ACTPLA electrical inspectors and enable the lights to be turned on for the initial two one day matches. TVE have requested that the price for the hiring of the barriers be separated in your costs for these events.

Attached is a sketch indicating the arrangement of barriers to satisfy the ACTPLA inspector.

Thanks

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Tuesday, 22 January 2013 1:33 PM
To: Rea, Peter; Maginness, Ron
Cc: Malcolm Lee; Greg Sutton; Rae, Marika
Subject: RE: payment schedule

Hi Peter, I am finding myself in a rather compromising position here. Considering I have had every assurance from Abacus including a detailed payment schedule that they have failed to adhere to, I am not 100% confident that Affinity will receive all the money I pass on. If I hold the money or pay Affinity direct, I will still be in breach of the contract and Statutory declaration. I am in the process of seeking legal advice on how to proceed with these upcoming payments.

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

U4/42 Collingwood St
 Osborne Park W.A. 6017
 P: +61 8 9244 7600
 F: +61 8 9244 7601
 M: +
 W: www.dialight.com.au

Dialight
 ILS

AOG
 20-22 Feb 2013
 CONFERENCE AT AOG
 REGISTER FREE
 NOW & SAVE \$20
 ENTRY FEE

From: Rea, Peter [mailto:Peter.Rea@act.gov.au]
Sent: Monday, 21 January 2013 12:39 PM
To: Scott Cauchi; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Maginness, Ron
Cc: Ian Smith (Ian.Smith@cox.com.au); Malcolm Lee; Greg Sutton; McNulty, Hamish; Don Gilson
Subject: RE: payment schedule

Hi Scott,

I am writing to respond to your email in which you advise that your obligation under the contract is to ensure that contractors have been paid, which is limited to Abacus and [REDACTED] and any other contractor or engineer that you have directly engaged. You also advise that the stat dec does not extend to the agreement between Abacus and Affinity.

I wish to advise that your interpretation is incorrect, Clause 5 of the statutory declaration (Please see attached) states the following:

- All Subcontractors have been paid all moneys due and payable to them in respect of work under the Contract and any subcontract with the Subcontractor.

It is therefore imperative that you ensure that all contracted parties associated with this project, whether they have a direct engagement with Diallight or not are paid monies due and payable to them. It is also the responsibility of Principal contractor to instruct Abacus to fulfil their obligations for payment of subcontractors.

It is imperative that you also instruct Abacus to make all outstanding payments to date and that in future you retain the monies from future payment to ensure that all contractors are being paid as identified in the Statutory Declaration.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government

Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



From: Scott Cauchi [<mailto:scauchi@diallight.com.au>]

Sent: Monday, 21 January 2013 12:28 PM

To: Rea, Peter; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Maginness, Ron

Cc: Ian Smith (Ian.Smith@cox.com.au); Malcolm Lee; Greg Sutton

Subject: payment schedule

Gentlemen, it looks like we are finally making some progress with regards to payments. Affinity have now been given an official PO for the replacement of cables. I am waiting for instruction from Affinity that these new terms are agreeable, and with that being the case we can release the money to Abacus.

We now have payment of T5&6 and expecting payment tomorrow for the balance of milestone 3. I will forward the invoice separately for final commissioning. I believe this is due for payment on the 5th of Feb.

I need to compile a payment schedule to send through to Abacus to assist payment for Affinity. Would it be possible to try and get a resolution on all outstanding variations at tomorrow's meeting. I also need this information to finalise our financial accounts as we run on a calendar financial year and I need have some sort of closure by Thursday. Any assistance in this matter would be very much appreciated.

I have also asked Affinity to send me pricing directly regarding the fibre backbone installed. I have also heard a whisper of some retention money being released early, so if you could also confirm tomorrow, that would help immensely.

Thanks in advance for any help on these matters and look forward to seeing these lights on this week:

Thanks and kind regards

Scott Cauchi

Sales Director

Diallight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600

F: +61 8 9244 7601

M: + [REDACTED]

W: www.dialight.com.au



20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Rea, Peter
Sent: Wednesday, 23 January 2013 9:18 AM
To: 'Don Gilson'
Cc: Ian Smith; Graham Humphries; Maginness, Ron
Subject: RE: Manuka Start Date

Don,

As discussed today, please proceed with the issuing of a variation for tender option C and D.

Regards

Peter Rea | Senior Project Officer
Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government
Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



ACT
Government
Commerce and Works

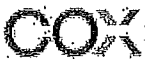
From: Don Gilson [mailto:Don.Gilson@cox.com.au]
Sent: Wednesday, 23 January 2013 9:16 AM
To: Rea, Peter
Cc: Ian Smith; Graham Humphries
Subject: FW: Manuka Start Date

Peter

Confirming your instruction to accept the tender option C at the revised price of \$ [REDACTED] plus GST and to include also the tender option D at the tendered price of [REDACTED] ex GST.

Regards

Don Gilson - Senior Architect



Cox Architecture
22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Scott Cauchi [mailto:scauchi@dialight.com.au]
Sent: Tuesday, 22 January 2013 2:45 PM
To: Rea, Peter (Peter.Rea@act.gov.au); Maginness, Ron (Ron.Maginness@act.gov.au); Ian Smith; Don Gilson
Subject: FW: Manuka Start Date

[REDACTED]

[REDACTED]

[REDACTED]

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
W: + [REDACTED]
W: www.dialight.com.au



AOG
20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

From: Luke Dowling [<mailto:Luke@projectum.com.au>]
Sent: Tuesday, 22 January 2013 11:25 AM
To: Greg Sutton; Scott Cauchi
Cc: Brendan Read; Mitch Halley
Subject: RE: Manuka Start Date

Greg,

Attached variation for fibre.

Regards,

Luke Dowling
Project Engineer

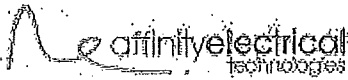
Projectum

Mobile: 0439 868 048
Email: luke@projectum.com.au
Web: www.projectum.com.au

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Tuesday, 22 January 2013 1:59 PM
To: Luke Dowling; Mitch Halley
Cc: gsutton@dialight.com.au
Subject: FW: Manuka Start Date

Guys put this in the variation along with [REDACTED] % on top and send only to Greg and Scott

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

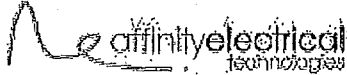
From: Andrew Peel [<mailto:andrew@pathwaycomms.com.au>]
Sent: Tuesday, 22 January 2013 1:49 PM
To: Brendan Read
Subject: RE: Manuka Start Date

Quotation attached mate, there is also a vari for the supply and install of the cat5e control cable. I'll work that out shortly..

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Tuesday, 22 January 2013 1:14 PM
To: Andrew Peel
Subject: RE: Manuka Start Date

Peely I cant find the quote for manuka. I remember the number. Can you resend to me ASAP. I need to forward it to client

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

From: Andrew Peel [<mailto:andrew@pathwaycomms.com.au>]
Sent: Friday, 12 October 2012 8:09 AM
To: Brendan Read
Subject: Manuka Start Date

Hi Brendan,

[REDACTED]

Andrew Peel



Unit 1/133 Gladstone St
Fyshwick ACT 2609

Ph (02) 6228 1237

Fx (02) 6228 1259

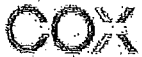
m [REDACTED]

e andrew@pathwaycomms.com.au

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Wednesday, 23 January 2013 11:10 AM
To: Scott Cauchi; Greg Sutton
Cc: Rea, Peter; Ian Smith; Graham Humphries
Subject: FW: Manuka Oval Sports Lighting - Variation Order VOA 04
Attachments: 2012.19899.111 - Contract Variation 4.pdf

Scott,
Attached is Variation Order VOA 04 for the provision of the Fibre Backbone System.
Regards
Don Gilson
Superintendents Rep

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Rea, Peter [mailto:Peter.Rea@act.gov.au]
Sent: Wednesday, 23 January 2013 10:49 AM
To: Don Gilson; Maginness, Ron
Cc: Ian Smith; Graham Humphries
Subject: RE: Manuka Oval Sports Lighting - Variation Order VOA 04

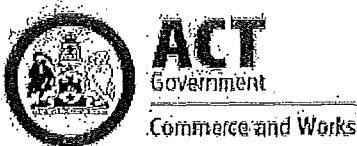
Don,

Please find attached endorsed variation order VOA 04.

Regards

Peter Rea | Senior Project Officer
Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government
Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



From: Don Gilson [mailto:Don.Gilson@cox.com.au]
Sent: Wednesday, 23 January 2013 10:41 AM
To: Rea, Peter; Maginness, Ron
Cc: Ian Smith; Graham Humphries
Subject: RE: Manuka Oval Sports Lighting - Variation Order VOA 04

Peter,
Variation Order VOA 04 for Fibre Backbone System for your signature.

Thanks
Don Gilson
Superintendents Rep

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Don Gilson
Sent: Wednesday, 23 January 2013 9:16 AM
To: Rea, Peter
Cc: Ian Smith; Graham Humphries
Subject: FW: Manuka Start Date.

Peter

Confirming your instruction to accept the tender option C at the revised price of \$ [REDACTED] plus GST and to include also the tender option D at the tendered price of [REDACTED] ex GST.

Regards

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Tuesday, 22 January 2013 2:45 PM
To: Rea, Peter (Peter.Rea@act.gov.au); Maginness, Ron (Ron.Maginness@act.gov.au); Ian Smith; Don Gilson
Subject: FW: Manuka Start Date

[REDACTED]

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: + [REDACTED]
W: www.dialight.com.au

Dialight ILS

AOG

20-22 Feb 2013
COME SEE US AT AOG
REGISTER FREE
NOW & SAVE \$20
ENTRY FEE

From: Luke Dowling [<mailto:Luke@projectum.com.au>]
Sent: Tuesday, 22 January 2013 11:25 AM
To: Greg Sutton; Scott Cauchi
Cc: Brendan Read; Mitch Halley
Subject: RE: Manuka Start Date

Greg,

Attached variation for fibre.

Regards,

Luke Dowling
Project Engineer

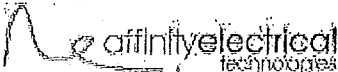
Projectum

Mobile: 0439 868 048
Email: luke@projectum.com.au
Web: www.projectum.com.au

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Tuesday, 22 January 2013 1:59 PM
To: Luke Dowling; Mitch Halley
Cc: gsutton@dialight.com.au
Subject: FW: Manuka Start Date

Guys put this in the variation along with ████ % on top and send only to Greg and Scott

Brendan Read
Managing Director

The logo for Affinity Electrical Technologies features a stylized signature 'Brendan Read' in a dark, cursive font. To the right of the signature, the words 'affinityelectrical' are written in a lowercase, sans-serif font, with 'technologies' in a smaller font size directly below it.

WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

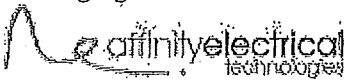
From: Andrew Peel [<mailto:andrew@pathwaycomms.com.au>]
Sent: Tuesday, 22 January 2013 1:49 PM
To: Brendan Read
Subject: RE: Manuka Start Date

Quotation attached mate, there is also a vari for the supply and install of the cat5e control cable. I'll work that out shortly..

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Tuesday, 22 January 2013 1:14 PM
To: Andrew Peel
Subject: RE: Manuka Start Date

Peely I cant find the quote for manuka. I remember the number. Can you resend to me ASAP. I need to forward it to client

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 9255
www.affinityelectrical.com.au

From: Andrew Peel [<mailto:andrew@pathwaycomms.com.au>]
Sent: Friday, 12 October 2012 8:09 AM
To: Brendan Read
Subject: Manuka Start Date

Hi Brendan,

[REDACTED]

[REDACTED]

Andrew Peel



Unit 1/133 Gladstone St
Fyshwick ACT 2609

Ph (02) 6228 1237

Fx (02) 6228 1259

m [REDACTED]

e andrew@pathwaycomms.com.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

MANUKA OVAL SPORTS LIGHTING**INITIAL DEFECTS AND MAKE GOOD LIST 23 JAN 2013**Generally

- Remove all waste material surrounding light tower bases
- Fill all depressions in ground surrounding tower bases to provide a flat even surface.
- Remove all waste material from Site
- Create a defined edge between perimeter gravel road and grassed areas.
- Remove all fixing tape from tower switchboards
- Provide switch operation to power-outlets each tower switchboard cabinet. Switching to be both external and internal
- Provide cover for protection of earth cabling at each tower
- Rectify damage to bitumen road surface adjacent to Oval maintenance facility caused by support brackets for T4 & T5 mast assemblies prior to lifting.

Tower 1

- Grind between slab edge and S/B upstand
- Consolidate material around concrete platform to 150mm below slab edge
- Form and compact area of ground adjacent to slab edge of manrider ramp to enable wheelable access
- Make good scratches in powdercoat finish to switchboard cabinets.
Road end of T1/CP1. Bolt on covers T1/CP3.

Tower 2

- Grind between slab edge and S/B upstand
- Consolidate material around concrete platform to 150mm below slab edge
- Form and compact area of ground adjacent to slab edge of manrider ramp

Tower 3

- Grind between slab edge and S/B upstand
- Consolidate material around concrete platform to 150mm below slab edge
- Form and compact area of ground adjacent to slab edge of manrider ramp
- Replaced garden bed and blockwork retaining wall to perimeter

Tower 4

- Grind between slab edge and S/B upstand
- Consolidate material around concrete platform to 150mm below slab edge
- Form and compact area of ground adjacent to slab edge of manrider ramp
-

Tower 5

- Grind between slab edge and S/B upstand
- Install road base and asphalt finish to area surrounding base of tower

Tower 6

- Grind between slab edge and S/B upstand
- Consolidate material around concrete platform to provide flat even surface
- Form and compact area of ground adjacent to slab edge of manrider ramp to enable wheelable access

Substation Enclosure

- Complete outstanding works
 - external fence and gates
 - Internal gate
 - Sill and trims to cabinets on western wall

- Fill against block walls
- Concrete edge trim/mowing strip under external fence

Construction Compound (Noted that site offices to be used during first 2 day/night games)

- Remove site offices after 2nd day/night game.
- Replace broken pavers
- Remove temporary fencing

Lot 2

- Remove all materials from site
- Make good grassed areas

Don Gilson [Don.Gilson@cox.com.au]
Wednesday, 23 January 2013 12:25 PM
'Greg Sutton'; 'Mitch Halley'; 'Brendan Read'
Rea, Peter; Maginness, Ron; Ian Smith; Graham Humphries
Subject: Manuka Oval sports Lighting - Make good & Defects
Attachments: 130123 defects & make list.pdf

Greg/Mitch/Brendan

Attached is an initial list of make good and defects items for your attention. Additional items may be added to a defects list prior to the issue of the Practical completion certificate.

Regards

Don Gilson

Superintendents Rep

Don Gilson - Senior Architect



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Friday, 25 January 2013 11:35 AM
To: Mitch Halley; Ian Smith; Rea, Peter
Cc: Brendan Read; Greg Sutton (gsutton@dialight.com.au)
Subject: RE: Manuka Oval Sports Lighting - Subs Enclosure

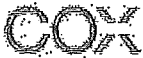
Mitch,

My apologies Boral now inform me that although it is their catalogue it is no longer manufactured.

Go with the cut capping set in mortar.

Regards

Don Gilson - Senior Architect



ox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Mitch Halley [<mailto:Mitch@affinityelectrical.com.au>]
Sent: Friday, 25 January 2013 11:20 AM
To: Don Gilson; Ian Smith
Cc: Brendan Read; Greg Sutton (gsutton@dialight.com.au)
Subject: FW: Manuka Oval Sports Lighting - Subs Enclosure

hi Don please see option for the meter panels I have been advised that the bricks do not exist.

let me know your thoughts

Regards,

Mitch Halley

m 

From: Benjamin Nardi [benjamin@abacm.net.au]
Sent: Friday, 25 January 2013 10:12 AM
To: Mitch Halley
Subject: FW: Manuka Oval Sports Lighting - Subs Enclosure

Hi Mitch

As discussed and below, the proposed method will require a custom Block. Please find the attached two sketches of alternate options.

Regards

Benjamin Nardi | Contract Administrator|ABA Construction Managers (Aust) PTY LTD
☎benjamin@abacm.net.au|☎(02) 6242 3400 | Fax (02) 6241 2177 | 24 Suite 7 Level One 55 Heffernan Street Mitchell ACT 2911

From: Bernie Shaw [mailto:bernie@optimumbrick.com.au]
Sent: Thursday, 24 January 2013 5:06 PM
To: Paul Armstrong
Cc: Benjamin Nardi
Subject: RE: Manuka Oval Sports Lighting - Subs Enclosure

Paul,

See attached sketch of what we suggest, as previous proposal will require a purpose made Block.

Kind Regards,

Bernie Shaw
Optimum Brick & Blocklaying Pty Ltd

M: [REDACTED]
P: 02 / 6292 7315
F: 02 / 6291 6270



From: Paul Armstrong [mailto:paul@abacm.net.au]
Sent: Thursday, 24 January 2013 9:37 AM
To: bernie@optimumbrick.com.au
Subject: FW: Manuka Oval Sports Lighting - Subs Enclosure

G'day Bernie

Please see attached detail for the finish to the underside of the switch boards at Manuka Oval.

I will call to discuss.

Regards

Paul Armstrong
Site Manager
ABA Construction Managers Australia
[REDACTED]
paul@abacm.net.au

From: Benjamin Nardi
Sent: Wednesday, 23 January 2013 11:43 AM
To: Paul Armstrong
Subject: FW: Manuka Oval Sports Lighting - Subs Enclosure

Paul

Attached is the detail the architect has drawn for the meter boxes at Manuka can you organize Bernie Shaw (bricklayer) to complete.

regards

Benjamin Nardi | Contract Administrator | ABA Construction Managers (Aust) PTY LTD
✉ benjamin@abacm.net.au | ☎ (02) 6242 3400 | 📠 Fax (02) 6241 2177 | 24 Suite 7 Level One 55 Heffernan Street Mitchell ACT 2911

From: Mitch Halley [<mailto:Mitch@affinityelectrical.com.au>]
Sent: Wednesday, 23 January 2013 11:40 AM
To: Benjamin Nardi
Subject: FW: Manuka Oval Sports Lighting - Subs Enclosure

Hi Ben Please see attached plan for under the meter panels.

Regards,

Mitch Halley

m [REDACTED]

From: Don Gilson, [Don.Gilson@cox.com.au]
Sent: Tuesday, 22 January 2013 12:06 PM
To: Mitch Halley; Brendan Read; Greg Sutton
Cc: Ian Smith; Rea, Peter
Subject: Manuka Oval Sports Lighting - Subs Enclosure

Attached is a copy of a suggested sill detail for under the cabinets to the Subs Enclosure.
Regards

Don Gilson - Senior Architect



Cox Architecture
22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

000212

From: Rea, Peter
Sent: Wednesday, 6 February 2013 1:10 PM
To: 'Scott Cauchi'
Cc: Maginness, Ron
Subject: RE: Scans

Hi Scott,

Our payment runs are Tuesday's and Thursday's and I am required to have invoices submitted for payment two days before each payment run.

Tuesday 12 February is the earliest that I can make payment.

P.S are you able to send me the second page of the stat dec.

Regards

Peter Rea | Senior Project Officer
Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government Level 6
TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 |
www.act.gov.au

-----Original Message-----

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Wednesday, 6 February 2013 12:51 PM
To: Rea, Peter
Cc: Maginness, Ron
Subject: FW: Scans

Hi Pete, please find attached the stat dec for the next payments. If there is any way we could get the Milestone 3.5 and milestone 12 payment through any quicker than the 12th, it would be a huge help. I am trying to get money through to Affinity as soon as I can.

Enjoy the game today and have a beer for me.

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

U4/42 Collingwood St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +[REDACTED]
W: www.dialight.com.au

-----Original Message-----

From: Admin
Sent: Wednesday, 6 February 2013 9:34 AM
To: Scott Cauchi

Subject: Scans

1/1/00

Rea, Peter

From: Faryna, Eva
Sent: Friday, 8 February 2013 11:53 AM
To: Rea, Peter
Subject: RE: Manuka Oval Sports Lighting - Release of Retention

Peter

Security released.

Regards

Eva Faryna | Senior Contracts Officer Procurement

Phone 02 6207 5554 | Fax 02 6207 6500

Shared Services | Commerce and Works | ACT Government

Level 3 Annex, Macarthur House, 12 Wattle Street Lyneham ACT 2602 | PO Box 818 Dickson ACT 2602 | www.act.gov.au

From: Rea, Peter
Sent: Friday, 8 February 2013 11:18 AM
To: Faryna, Eva
Subject: FW: Manuka Oval Sports Lighting - Release of Retention

Hi Eva,

Could you please release the security of \$541,900.00 held by Shared Services Procurement.

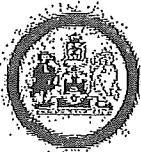
The Project is Manuka Oval Sports Lighting - Contract number 2012.19899.111.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government

Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au

ACT
 Government
 Commerce and Works

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Wednesday, 6 February 2013 4:48 PM
To: Rea, Peter
Cc: Ian Smith; Graham Humphries
Subject: Manuka Oval Sports Lighting - Release of Retention

Peter,

As evidenced by correspondence in the contract document and emails you provided to us, an agreement was reached between both parties to the contract on milestone payment and 5% retention in July 2012. Subsequent advice from SP to Dialight ILS in an email on 9 August 2012, includes the requirement by ACT Government for release of 50% of the retention at Practical Completion and 50% at the end of the Defects Liability Period.

Since The Notification of Practical Completion has been issued, 50% of the retention should now be released.

Concerning clause 8.02 of the Amendments to AS4300 – 1995 General Conditions of Contract, any securities held by the Principal should now be released in full.

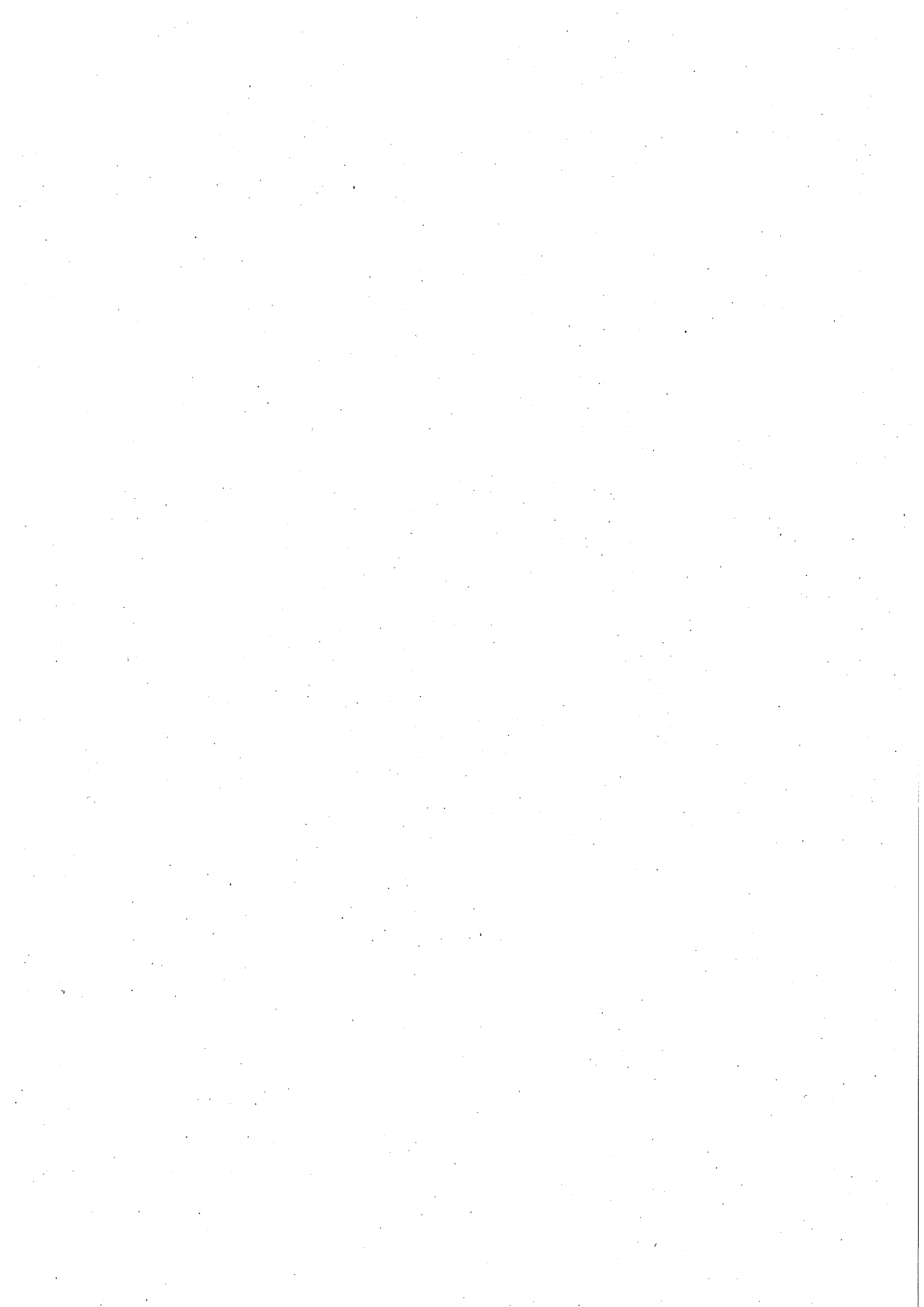
It appears that this clause relates to security to cover payment for materials not delivered or installed. Clause 8.02.2 (b) relates to the release of 50% the security *"upon the acceptance of the goods onsite"* and the remainder released *"subject to installation ...on site"*.

Regards
Don Gilson
Superintendents Rep.

Don Gilson - Senior Architect



Cox Architecture
22 Jardine Street, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)



FOI Request
Manuka Oval Sports Lighting
Project 19899

File 2012/17302

Documents with redactions

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Thursday, 14 February 2013 4:03 PM
To: Ian Smith
Cc: Graham Humphries; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Andrew Cooper (andrew@affinityelectrical.com.au); Rea, Peter; Don Gilson; Malcolm Lee; Mitch Halley (Mitch@affinityelectrical.com.au)
Subject: RE: Pavement reconstruction

Ian, I do understand this, however the history of variances on this project and how they have been handled by all parties has not been very clear. What we have here as far as I can see, is not just to make good, but a completely separate request. We have submitted a price of \$[REDACTED] exc gst for this additional work. This price was sent back on the 12/13th of December. Surely there has been adequate time to evaluate.

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

U4/42 Collingwood St
 Osborne Park W.A. 6017
 P: +61 8 9244 7600
 F: +61 8 9244 7601
 M: +[REDACTED]
 W: www.dialight.com.au

Dialight
 ILS

AOG
 20-22 Feb 2013
 COME SEE US AT AOG
 REGISTER FREE
 NOW & SAVE \$20
 ENTRY FEE

From: Ian Smith [mailto:Ian.Smith@cox.com.au]
Sent: Thursday, 14 February 2013 12:33 PM
To: Scott Cauchi
Cc: Graham Humphries; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Andrew Cooper (andrew@affinityelectrical.com.au); Rea, Peter (Peter.Rea@act.gov.au); Don Gilson; Malcolm Lee; Mitch Halley (Mitch@affinityelectrical.com.au)
Subject: RE: Pavement reconstruction

Scott,

You do not appear to understand your obligations under the contract.

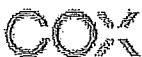
Under the contract we (on behalf of the Principal) are entitled to vary the contract to a reasonable extent, and to expedite the progress of the works to instruct you to proceed with variations pending resolution of reasonable costs to complete that work.

If you do not proceed as instructed you may be deemed to be in breach of contract.

In the meantime, Don is urgently following up obtaining advice from Davis Langdon (QS) on what reasonable rates and overheads can be applied in this case and the value of the works will be determined accordingly.

IS.

Ian Smith - Director



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: +61 4 239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]

Sent: Thursday, 14 February 2013 3:13 PM

To: Ian Smith

Cc: Graham Humphries; 'brendan@affinityelectrical.com.au' (brendan@affinityelectrical.com.au); Andrew Cooper (andrew@affinityelectrical.com.au); Rea, Peter (Peter.Rea@act.gov.au); Don Gilson; Malcolm Lee; Mitch Halley (Mitch@affinityelectrical.com.au)

Subject: Re: Pavement reconstruction

Ian, this should not be deemed as part of the contract. We will not proceed until resolved

Regards

Scott Cauchi

National Sales Director

Dialight ILS

(sent via iPhone)

On 14/02/2013, at 11:37 AM, "Ian Smith" <Ian.Smith@cox.com.au> wrote:

Hi Scott,

Under the terms of the contract you are required to comply with the instruction subject to resolution of reasonable costs.

I will discuss with Don the status of our assessment of costs which should be a reasonably simple task of checking the square metre rate for the type of finish specified to ensure it is reasonable, and that reasonable attendances are being applied (normally around 12%).

Regards,

IS.

Ian Smith - Director

<imagecadb9b.GIF>

Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: +61 437 037 981 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]

Sent: Thursday, 14 February 2013 1:48 PM

To: Ian Smith; Graham Humphries; 'brendan@affinityelectrical.com.au'

(brendan@affinityelectrical.com.au); Andrew Cooper (andrew@affinityelectrical.com.au)

Cc: Rea, Peter (Peter.Rea@act.gov.au); Don Gilson; Malcolm Lee; Mitch Halley

(Mitch@affinityelectrical.com.au)

Subject: Pavement reconstruction

Hi Ian, we need to clarify this variation prior to Affinity carrying out the works on site. We have submitted the asphalt price on the attached quotation. To date all that the we have received is a superintendent instruction to complete the works with "costs to be agreed to late".

I am sorry but this is additional works being carried out on site and is a legitimate variation. Surely you cannot expect Dialight or Affinity to carry this work out and hope that you agree to the price after completion.

I have instructed Affinity not to proceed until we get this resolved. I look forward to a speedy resolution.

Thanks and kind regards

Scott Cauchi

Sales Director

Dialight ILS Australia

U4/42 Collingwood St

Osborne Park W.A. 6017

P: +61 8 9244 7600

F: +61 8 9244 7601

M: +

W: www.dialight.com.au

<image001.png>

<image002.jpg>

Rea, Peter

000125

From: Ian Smith [Ian.Smith@cox.com.au]
Sent: Wednesday, 6 March 2013 3:25 PM
To: McNulty, Hamish; Rea, Peter; Maginness, Ron
Cc: Don Gilson
Subject: RE: Manuka Light Shrouds

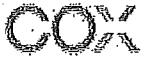
Hamish,

Given my discussions with HDM I would have confidence in them doing so expeditiously and to a high standard. Would also allow us to ensure he gets paid directly which I feel somewhat responsible for because we introduced him to Abacus to try to broker a resolution.

Do you want to me to sound Steve out informally to gauge his thoughts?

IS.

Ian Smith - Director



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: [REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: McNulty, Hamish [mailto:Hamish.McNulty@act.gov.au]
Sent: Wednesday, 6 March 2013 3:21 PM
To: Rea, Peter; Ian Smith; Maginness, Ron
Cc: Don Gilson
Subject: RE: Manuka Light Shrouds

Is it time for us to remove this work from the contract, manage it ourselves and use the money we are holding to pay for it.

Hamish

Hamish McNulty | Executive Director |

| Phone 02 6205 9674 | Fax 02 6207 0123 | Mobile [REDACTED] |

Infrastructure and Capital Works | Economic Development Directorate | ACT Government

Level 6, TransACT House, 470 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au

Please consider the environment before printing this e-mail.

From: Rea, Peter
Sent: Wednesday, 6 March 2013 2:48 PM
To: Ian Smith; McNulty, Hamish; Maginness, Ron
Cc: Don Gilson
Subject: RE: Manuka Light Shrouds

Ian

Just add this to the list of non performances.

From: Ian Smith [<mailto:Ian.Smith@cox.com.au>]
Sent: Wednesday, 6 March 2013 2:38 PM
To: McNulty, Hamish; Maginness, Ron; Rea, Peter
Cc: Don Gilson
Subject: FW: Manuka Light Shrouds

All,

See below – HDM have had great difficulty fitting knuckle covers because of deviations in the as-built towers, particularly the . In hindsight they should have insisted on site measuring all elements, but were assured by Lee Dye that they would be accurate.

I am hoping this can be resolved without getting in the middle, but will stay across progress.

IS.

Ian Smith - Director



Cox Architecture

22 Jardine Street, Kingston ACT 2604 Australia
E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | M: +[REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: Stephen Honan [<mailto:stephen@hdm.net.au>]
Sent: Wednesday, 6 March 2013 1:47 PM
To: Stephen Honan; Lee Dye
Cc: Dean Hargreaves; rajvalera@gmail.com; Paul Vatchenko; Rodney Skvorc; Ian Smith
Subject: RE: Manuka Light Shrouds

Hello Lee

After 3.5 days we have had limited success in being able to install the new shrouds to the light towers at Manuka oval.

On some of the towers they will simply not fit.

We have progressed our way around the oval and progress is as follows

Tower 1: We have managed to get both cover sets onto this tower, they did clash and we had to flex them out which meant that the top cover plate does not go even close to fitting.

To complete this tower we need to manufacture a new top cover to site measurements.

Tower 2: The first cover set only fitted but the top lip of this section was sitting right under the knuckle, the top cover set could not be placed. (see photo 0284)

The only solution that I can see for this tower is to remanufacture both cover sets designed to flare out further and clear the knuckle joints.

Tower 3: We placed both cover sets onto this tower, the top covers did clash not allowing the top plate to fit. Solution is to site measure and remanufacture a new top plate to complete this tower.

Tower 6: We fitted with difficulty the first cover set and one of the second covers, one half of the second cover set will not fit as it clashes with the light frame tube.
Solution, remanufacture one half of the second cover set and manufacture a new top plate.

Tower 5: Fitted the bottom section, however we encountered the same issue that we found on tower 2, solution remake all new covers to site measurements.

Tower 4: We did not attempt to fit the covers to this tower, we believe we will encounter the same dramas as on previous towers.
If we are engaged to resolve the issues with the other towers we will attempt to fit the new covers and make assessment at this time.

We noticed that some of the towers had bracing between the original first cover section and the post, the alignment and fitting of the new covers was somewhat easier on the tower where this bracing was fitted, obviously it helped alignment and minimised the amount of distortion in the original cover (see image 0288 light tower 3).

Please advise how you wish to proceed from this point, I will forward another e-mail after this one with some additional images.

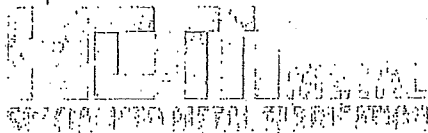
As outlined in the previous correspondence all the new items we have fabricated were precise and manufactured to our approved drawings.

HDM Metal would also appreciate payment of our first invoice at your earliest convenience.

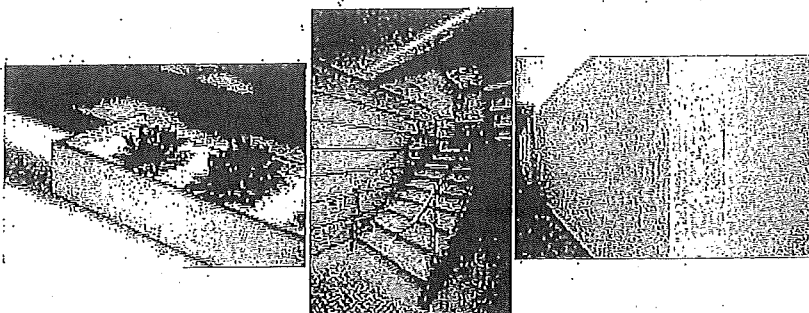
Please feel free to call me regarding this job at any time, [REDACTED]

Kind Regards

Stephen Honan



27 Raws Cresent, Hume ACT 2620
PO Box 4193, Kingston ACT 2604
P (02) 6260 1555 F (02) 62601655
<http://www.hdm.net.au/>



From: Stephen Honan
Sent: Friday, 1 March 2013 4:10 PM
To: Lee Dye
Cc: Dean Hargreaves; 'rajvalera@gmail.com'; Paul Vatchenko; Rodney Skvorc
Subject: Manuka Light Shrouds

Hello Lee

We have been having a bad run of weather the last few days slowing our progress on the install of the knuckle joint cover shrouds.

We were able to get up there this morning and get a start.

The initial quotation was based on fitting the covers in a day, which would be the case if the task was only to go up and bolt them off to the existing steelwork.

The original quotation included HDM supplying a man for a day to go up and site measure the covers, Abacus said this would not be required and that we would manufacture the new covers directly from their virtual model, they should fit.

There are a few issues, the first being that we need to uninstall the original section 2 covers in order to install the new ones. My pricing did not allow for this, adds time and complexity to the task.

Also the new covers we manufactured to our approved drawings, based on the virtual model Abacus supplied; do not mate up to the existing section 1 covers. If we line up the front holes and bolt them a gap of approx 12mm is evident (See attached image) There are 3 bolt holes that need to line up on each of the section 2 covers, we will need to drill and slot at least 2 of these holes on each of the original section one covers to get everything to work. As I am sure you are aware the task to perform additional works to these covers is difficult and expensive working off a 135 foot knuckle boom.

The covers we have manufactured and supplied are CNC produced and within 1-2mm of our drawings, the covers are on site if you need someone to check them over to our drawings.

I estimate that the install will take an additional 1-2 days, the over cost to HDM for boom hire and operator, along with 2 HDM employees to remove and install these covers will be:

Let's say the install takes an additional 1.5 days

Boom hire, two additional days (hire company will not break hire into half days) @\$ [REDACTED] per day....\$ [REDACTED] + Gst

Boom operator additional 1.5 days estimate 15 hours at \$ [REDACTED] per hour.....\$ [REDACTED] + Gst

Additional labour HDM additional 24 hours @ \$ [REDACTED] per hour.....\$ [REDACTED] + Gst.

Additional cost to HDM Metal \$ [REDACTED] + Gst.

Can you please confirm that Abacus will cover the additional cost to HDM Metal as listed above, and supply a purchase order to confirm the instruction.

once this instruction is supplied, we will continue rectification and installation on Monday

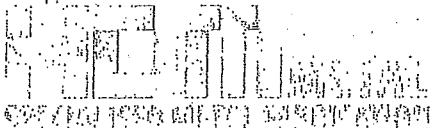
I have e-mailed an invoice to Abacus which you should have received on Wednesday for the supply and installation of these items as per the initial agreed price, As HDM Metal does not have established trading terms with Abacus these items are COD and prompt settlement of this invoice would be appreciated.

Please call me to discuss if needed [REDACTED].

Thankyou.

Kind Regards

Stephen Honan

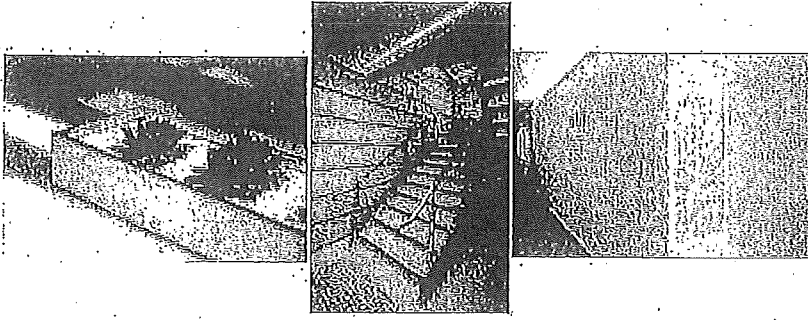


27 Raws Crescent, Hume ACT 2620

PO Box 4193, Kingston ACT 2604

P (02) 6260 1555 F (02) 62601655

<http://www.hdm.net.au/>



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

FOI Request
Manuka Oval Sports Lighting
Project 19899

File 2013/2908

Documents with redactions

Rea, Peter

From: Maginness, Ron
Sent: Thursday, 28 March 2013 9:39 AM
To: Ian Smith
Cc: Graham Humphries; Don Gilson; McNulty, Hamish; Rea, Peter
Subject: RE: Manuka Oval Sports Lighting - Defects list

Ian,

Meeting is arranged for 10.00 next Tuesday with [REDACTED]. I have also asked [REDACTED] as he is the recipient of a number of ACTEW Invoices.

R

Ron Maginness | Consultant Project Manager |

| phone: (02) 6207 9035 | fax: (02) 6207 0123 | mob: [REDACTED]

| Economic Development Directorate | ACT Government |

Level 6, TransACT House, 470 Northbourne Avenue, Dickson ACT 2602, GPO Box 158 Canberra ACT 2601

www.economicdevelopment.act.gov.au

Please consider the environment before printing this e-mail.

From: Ian Smith [mailto:Ian.Smith@cox.com.au]
Sent: Wednesday, 27 March 2013 12:48 PM
To: Don Gilson; Rea, Peter; McNulty, Hamish; Maginness, Ron
Cc: Graham Humphries
Subject: RE: Manuka Oval Sports Lighting - Defects list

Hi All,

Not wanting to contradict or undermine anyone, but if the only reason we are rejecting this claim is because a notification procedure under the contract was not followed in the stipulated time, this seems to me to be somewhat procedural and legalistic, and perhaps therefore unreasonable?

From discussions with Don, depending on how things played out and when, there may be a legitimate claim here if we put aside the requirement to notify. This is not in the Superintendent's discretion to do, but EDD may have a view that they are prepared to waive this requirement if there is a case to look at the basis of the claim a bit closer.

Ron, I think it would be useful for Don to attend the discussion with you and [REDACTED] to work out if a meeting even occurred, when it was held, what Dialight were asked to do with the earth mat, and what was agreed regarding payment, what reasonable costs would be etc.

See attached. I do not recall any such meeting, but perhaps you were there Ron?

IS.

Ian Smith - Director



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: +[REDACTED] | W: coxarchitecture.com.au | Disclaimer

From: Don Gilson
Sent: Wednesday, 27 March 2013 11:06 AM
To: Brendan Read; Greg Sutton (gsutton@dialight.com.au); Scott Cauchi
Cc: Ian Smith; Rea, Peter; 'McNulty, Hamish'; Maginness, Ron; Mitch Halley; Kelvin Aumont
Subject: RE: Manuka Oval Sports Lighting - Defects list

Brendan,

Variation AV07 was originally claimed on the basis of the difference between the specified 5ohms earth mat and the ACTEW required a 1 ohm HV/LV earth mat. We responded (refer to attachment 21 Dec 2012) that the 1ohm earthmat was specified and rejected the claim. A second claim was submitted which indicated that the claim was for the HV earth mat system under clause 4.6.7.1 of the specification was to be provided by the authority. We responded (refer to attachment 12 March 2013) that no ambiguity was advised to the Superintendent and that the contract states that the contractor takes the risk and is not entitled to any extra payment and rejected the claim. We have still not received any argument why this clause does not apply.

Brendan mentioned in our site meeting on 14 March 2013 that discussions were held with [REDACTED] ACTEWAGL who advised that the HV/LV earthmat should be installed by the contractor. Whether these occurred before the awarding of the contract is not clear.

The issue still remains why the ambiguity in the specification was not raised until after the work was completed. As indicated above we still require a reason why this clause in the contract should not be applied.

Regards

Don Gilson

Superintendents Representative

Don Gilson - Senior Architect



Cox Architecture

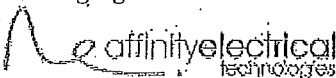
1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Tuesday, 26 March 2013 1:06 PM
To: Don Gilson; Greg Sutton (gsutton@dialight.com.au); Scott Cauchi
Cc: Ian Smith; Rea, Peter; 'McNulty, Hamish'; Maginness, Ron; Mitch Halley; Kelvin Aumont
Subject: RE: Manuka Oval Sports Lighting - Defects list

Don I see that AV 07 is "rejected" for the HV earth mat alterations. Can you throw some light on this? Greg mentioned that it is rejected because you haven't spoken with [REDACTED]. Can you please let me know what further information you require.

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies

ABN: 42 094 182 779, COLA: 200413829

Phone: 6241 3255

www.affinityelectrical.com.au

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]

Sent: Monday, 25 March 2013 4:32 PM

To: Greg Sutton (gsutton@dialight.com.au); Scott Cauchi; Brendan Read

Cc: Ian Smith; Rea, Peter; McNulty, Hamish; Maginness, Ron

Subject: Manuka Oval Sports Lighting - Defects list

Greg,

Attached list of items still to be completed. The Substation Enclosure is now completed. We are almost there. The painting is proceeding well. The bollards have the fluorescent strips installed.

The critical items still remaining outstanding are as follows:

- Completing the knuckle trims. Abacus have still not paid HDM after promises to pay immediately approx two weeks ago.
- Control panel not fully operational.
- O & M Manuals to be submitted with as executed documentation.

Regards

Don Gilson - Senior Architect



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Ian Smith [Ian.Smith@cox.com.au]
Sent: Friday, 5 April 2013 9:46 AM
To: Maginness, Ron; McNulty, Hamish; Rea, Peter
Cc: Dón Gilson
Subject: Site Meeting

Hi All,

I will be attending the site meeting but due to my regular 12:30pm management meeting (Don was aware of this but I gather the 11:30 timing suited everyone else) I will need to leave at 12:15. Graham is on leave for a month so will not be available to Chair. Given this perhaps Ron should chair the meeting?

I have reviewed status of all issues, and Don is across all detail. Essentially all issues sit with the Contractor to finalise. Apparently Greg is now not attending anyway which is clearly disappointing.

On variations, Brendan has requested the workings behind any variation determinations. This has been provided to Dialight, but can be provided to Affinity if required, but essentially any value adjustments took the submitted trade costs which were accepted by the QS, but reduced the overheads and attendance claimed from $\bullet\%$ to $\bullet\%$ - $\bullet\%$.

On the knuckle cladding, I think we need to avail ourselves of the clause allowing us to pay HDM directly so we can get the work finished, and deduct the cost from retentions.

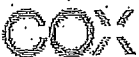
On the painting, apparently the completion today is not going to happen (apparently an overly ambitious undertaking from Programmed) - revised date for completion is next Friday.

I gather after the site meeting you are meeting to discuss the HV earth mat issue. As I have stated previously (and at the risk of raising Peter's ire!), while Dialight did fail to notify the ambiguity in the docs in a timely way - there is ambiguity and their tender pricing would suggest that the earth mat was not priced - a genuine omission. Given this it would seem reasonable to grant a variation in this case, but contractually you are not obliged to.

Cheers,

IS.

Ian Smith - Director



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6256 | D: +61 2 6141 1203 | M: +[REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Friday, 5 April 2013 11:10 AM
To: Ian Smith
Cc: Don Gilson; Greg Sutton; Rea, Peter; Maginness, Ron; McNulty, Hamish
Subject: Re: Manuka Oval Sports Lighting - Variations

Dialight will be deducting █% regardless from any variation claim and will pass on the rest.

To not make money on the time spent on this variation circus is clearly unacceptable.

Regards
Scott Cauchi
Sales Director
Dialight ILS
(sent via iPhone)

On 05/04/2013, at 7:51 AM, "Ian Smith" <Ian.Smith@cox.com.au> wrote:

Scott,

The multiple attendance allowances (including attendance on attendance) you had included in various claims amounted to around a █% premium on the trade cost which is clearly unacceptable.

As per the contract, and with supporting advice from the QS, we have therefore determined that the reasonable variation values are the submitted trade costs plus the designated █% (in some case we have conceded █%) attendance.

Regards,

IS.

Ian Smith - Director

<imaged2c6d7.GIF>

Cox Architecture
1/19 Eastlake Parade, Kingsford ACT 2804 Australia
E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: +61 2 6141 1203 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Friday, 5 April 2013 10:39 AM
To: Don Gilson
Cc: Greg Sutton; Brendan Read (brendan@affinityelectrical.com.au); Ian Smith; Rea, Peter (Peter.Rea@act.gov.au)
Subject: Re: Manuka Oval Sports Lighting - Variations

Don, I have no idea what you are on about. Dialight have put █% on top of either the Abacus or Affinity invoice. This seems fairly straight forward.

Regards
Scott Cauchi
Sales Director
Dialight ILS
(sent via iPhone)

On 05/04/2013, at 7:29 AM, "Don Gilson" <Don.Gilson@cox.com.au> wrote:

Scott/Greg

As previously indicated please note that the approved sums for the variations generally has included the following:

- Submitted trade costs.
- Percentage allowance for overheads, profit etc: (10%)

Where the variation claim indicates a sum for attendance before allowing for the overheads and profit this sum has been deleted before applying the percentage for overheads and profit.

Regards

Don Gilson
Superintendents Rep.

Don Gilson - Senior Architect

<image8a8074.GIF>

Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

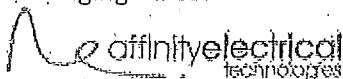
From: Brendan Read [brendan@affinityelectrical.com.au]
Sent: Friday, 5 April 2013 1:55 PM
To: Don Gilson; Greg Sutton (gsutton@dialight.com.au) (gsutton@dialight.com.au); Scott Cauchi (scauchi@dialight.com.au)
Cc: Ian Smith; Rea, Peter
Subject: RE: Manuka Oval Sports Lighting - Variations

Hi Don, we are a subcontractor and we are able to allow for whatever percentage we like to Dialight. we aren't bound by your contract, this is Affinity mark up. we are entitled to claim a profit & considering our involvement in all of the site meetings as a subcontractor our attendance fee would be fair and reasonable.

[REDACTED]

hope this helps us all understand a favourable outcome

Brendan Read
 Managing Director



WR Electrical Pty Ltd t/o Affinity Electrical Technologies
 ABN: 42 094 182 779, COLA: 200413829
 Phone: 6241 3255
www.affinityelectrical.com.au

From: Don Gilson [mailto:Don.Gilson@cox.com.au]
Sent: Friday, 5 April 2013 10:29 AM
To: Greg Sutton (gsutton@dialight.com.au) (gsutton@dialight.com.au); Scott Cauchi (scauchi@dialight.com.au); Brendan Read
Cc: Ian Smith; Rea, Peter (Peter.Rea@act.gov.au)
Subject: Manuka Oval Sports Lighting - Variations

Scott/Greg

As previously indicated please note that the approved sums for the variations generally has included the following:

- o Submitted trade costs
- o Percentage allowance for overheads, profit etc. [REDACTED]%

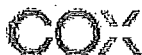
Where the variation claim indicates a sum for attendance before allowing for the overheads and profit this sum has been deleted before applying the percentage for overheads and profit.

Regards

Don Gilson

Superintendents Rep.

Don Gilson - Senior Architect



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia
 E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

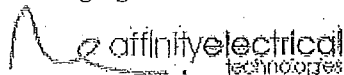
Rea, Peter

From: Brendan Read [brendan@affinityelectrical.com.au]
Sent: Friday, 5 April 2013 2:02 PM
To: Ian Smith; Scott Cauchi; Don Gilson
Cc: Greg Sutton; Rea, Peter; Maginness, Ron; McNulty, Hamish; Mitch Halley
Subject: RE: Manuka Oval Sports Lighting - Variations

Hi Ian, I'm working my way through the emails apologies for being out of sync. My statement applies to this as well & highlights further our position. We aren't bound by the contract, dialight have only added █% to their variation for works requested. If they need to remove further the ABACUS component then they should do that and apply █% to our variation to them.

As we have been required to go to lengths to provide justification of the variation, we would hope that some level of justification would come back for any short claim through QS report etc. We have accepted pricing from subbies, worked in good faith, completed these on time, PAID OUR BILLS, so we haven't expected that we are now getting short changed.

Brendan Read
 Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
 ABN: 42 094 182 779, COLA: 200413829
 Phone: 6241 3255
www.affinityelectrical.com.au

From: Ian Smith [mailto:Ian.Smith@cox.com.au]
Sent: Friday, 5 April 2013 10:52 AM
To: Scott Cauchi; Don Gilson
Cc: Greg Sutton; Brendan Read; Rea, Peter (Peter.Rea@act.gov.au); 'Ron.Maginness@act.gov.au'; 'Hamish.McNulty@act.gov.au'
Subject: RE: Manuka Oval Sports Lighting - Variations

Scott,

The multiple attendance allowances (including attendance on attendance) you had included in various claims amounted to around a █% premium on the trade cost which is clearly unacceptable.

As per the contract, and with supporting advice from the QS, we have therefore determined that the reasonable variation values are the submitted trade costs plus the designated █% (in some cases we have conceded █%) attendance.

Regards,

IS.

Ian Smith - Director

Cc: Daryl Read; Mitch Halley
Subject: Fwd: Manuka Oval Project

Brendan,

I just received the attached from [REDACTED] in regards to the issues at Manuka Oval. I will contact you to discuss further tomorrow morning.

It looks to me by wading the attached that this may get messy,

Sent from my iPhone

Begin forwarded message:

From: Stephen Brewster <Stephen.Brewster@kte.com.au>
Date: 29 May 2013 5:52:24 PM AEST
To: Shane Bradfield <commercial.mgr@popeselectrical.com.au>
Subject: RE: Manuka Oval Project

Hi Shane,

Please see attached.

Kind Regards

Stephen Brewster
General Manager

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient: - Please notify the sender and delete all copies of this transmission, along with any attachments, immediately; - You should not copy or use it for any purpose, nor disclose its contents to any other person.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient: - Please notify the sender and delete all copies of this transmission, along with any attachments, immediately; - You should not copy or use it for any purpose, nor disclose its contents to any other person.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient: - Please notify the sender and delete all copies of this transmission, along with any attachments, immediately; - You should not copy or use it for any purpose, nor disclose its contents to any other person.

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient: - Please notify the sender and delete all copies of this

transmission, along with any attachments, immediately; - You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Ian Smith [ian.smith@cox.com.au]
Sent: Sunday, 7 April 2013 4:38 PM
To: Don Gilson
Cc: Rea, Peter
Subject: Determination of Variation Values
Attachments: RE: Manuka Oval Sports Lighting - Variations; RE: Manuka Oval Sports Lighting - Variations

Hj Don,

Further to these emails from Brendan, can we please double check with DL that their assessments of reasonable trade costs included suitable allowances for profit and attendance on the part of the subcontractor/s? For instance, the square metre rate for bitumen I believe included for reasonable costs such as coordination by Mitch, and admin costs and profit for Affinity. However, if the rates were pure costs only then Brendan probably has a point, noting that the majority on the [REDACTED] attendance should really go to Affinity anyway as Dialight has done little but act as an additional layer of management. Peter will have views on all this also, so please discuss with him.

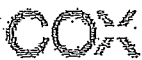
Could you also check on Brendan's claim that he is entitled to add any attendance he likes. I'm not sure this is correct all?

Once this is confirmed please make a call if there is any need to clarify these points with Greg and Brendan.

Thanks,

IS.

Ian Smith - Director



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: ian.smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: +61 2 6239 6255 | W: coxarchitecture.com.au | [Disclaimer](#)

Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia
E: Jan.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: [REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]

Sent: Friday, 5 April 2013 10:39 AM

To: Don Gilson

Cc: Greg Sutton; Brendan Read (brendan@affinityelectrical.com.au); Ian Smith; Rea, Peter (Peter.Rea@act.gov.au)

Subject: Re: Manuka Oval Sports Lighting - Variations

Don, I have no idea what you are on about. Dialight have put [REDACTED]% on top of either the Abacus or Affinity invoice. This seems fairly straight forward.

Regards

Scott Cauchi

Sales Director

Dialight ILS

(sent via iPhone)

On 05/04/2013, at 7:29 AM, "Don Gilson" <Don.Gilson@cox.com.au> wrote:

Scott/Greg

As previously indicated please note that the approved sums for the variations generally has included the following:

- Submitted trade costs
- Percentage allowance for overheads, profit etc. ([REDACTED]%)

Where the variation claim indicates a sum for attendance before allowing for the overheads and profit this sum has been deleted before applying the percentage for overheads and profit.

Regards

Don Gilson

Superintendents Rep.

Don Gilson - Senior Architect

<[image8a8074.GIF](#)>

Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Monday, 8 April 2013 4:37 PM
To: Rea, Peter; Maginness, Ron; McNulty, Hamish
Cc: Ian Smith; Graham Humphries
Subject: FW: Manuka Oval Sports Lighting -

FYI
 Regards

Don Gilson - Senior Architect



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia
 Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Sunman, Nick [mailto:nsunman@davislangdon.com.au]
Sent: Monday, 8 April 2013 4:35 PM
To: Don Gilson
Subject: RE: Manuka Oval Sports Lighting -

Don,

Thanks for your email.

I agree that this contract is more complex than some by way of the tiers of contracts and sub contracts in place.
 My comments are in red below.
 I trust they clarify matters.

Regards

Nick Sunman

^ssociate

U +61 3 9933 8879 M + [REDACTED]

nsunman@davislangdon.com.au

Nick.Sunman@aecom.com

Davis Langdon, An AECOM Company

Level 45, 80 Collins Street, MELBOURNE, VIC 3000

T +61 3 9933 8800 F +61 3 9933 8801

www.davislangdon.com

www.aecom.com

Please consider the environment before printing this email.

From: Don Gilson [mailto:Don.Gilson@cox.com.au]
Sent: Monday, 8 April 2013 1:12 PM
To: Sunman, Nick
Subject: Manuka Oval Sports Lighting -

Nick

Confirming our discussion re the application of overhead and profit to variations.

- o Clause 40.2 states that the Principal shall reimburse the contractor for the reasonable costs of complying with the requirements of Clause 40.2. This is the subcontract cost plus a percentage for overhead and profit which could be in the region of 12%. We would expect the head contract (between the Government and Dialight) to contain an agreed percentage under clause 40 that would be applied to all measured work in a variation (be it from the subcontractor or from the main contractor). In the absence of any percentage stated, we could expect a percentage in the order of 12% to be applied.
- o Clause 40.3 & 40.5 of the contract allow for costs incurred by the contractor in providing supporting measurement and evidence of costs to be reimbursed where they are over and above the reasonable overhead cost. This could be in the region of 2%. We agree that this would be a reasonable order of costs to be applied as an administrative cost for variations across the board. However, there would need to be careful scrutiny of the contractor's overheads to ensure that he had not already made allowance for the contract administration of variations and agreement reached as to what "reasonable" percentage should apply to variations on top of "reasonable" overheads. In hindsight, it is always good to work through and agree these at the outset of a contract.

The situation in which we find ourselves is where the subcontractor who is actually doing the most of the variation work is not really covered in the contract. I.e. Affinity Electrical is a subcontractor to the main subcontractor Abacus. Even the requirement for a statutory declaration for the contract payments does not cover a subcontractor to a subcontractor. You are correct in that, beyond the main contractor's stat dec which covers his payments to his subcontractors and suppliers, there is no payment safeguard between the subcontractor and his subbies / suppliers. If the Sub subcontractor / supplier has a non-payment issue with the subcontractor, he can sue for payment under his contract.

Therefore any valuation of a variation can only cover the subcontractors price to the contractor. The valuation of a variation should include all costs incurred by the contractor. These should include costs right down the labour and materials supply chain.

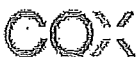
To step outside the terms of the contract is dangerous. In performing the duties of the Client, Contractor and the Superintendent (the parties to the head contract), each party should be aware of the boundaries of their rights and obligations under the contract. Any involvement in "other" contracts (for example labour and material supply to a subcontractor) should be carefully considered before any action is taken.

Please make any comments on the above where I may have misinterpreted.

At this point we have covered all variations and request that you submit your invoice for costs incurred to date.

Regards

Don Gilson - Senior Architect



Cox Architecture

This electronic communication, which includes any files or attachments thereto, contains proprietary or confidential information and may be privileged and otherwise protected under copyright or other applicable intellectual property laws. All information contained in this electronic communication is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately, and destroy the communication and any files or attachments in their entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, AECOM, its subsidiaries, and/or affiliates will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Friday, 12 April 2013 12:40 PM
To: Greg Sutton (gsutton@dialight.com.au) (gsutton@dialight.com.au); Scott Cauchi (scauchi@dialight.com.au)
Cc: Rea, Peter; Ian Smith; Maginness, Ron; McNulty, Hamish
Subject: Manuka Oval sports lighting -- Variation 07
Attachments: 2012.19899.111. - Contract Variations 13.pdf

Scott,

Attached is VOA 13. The Principal has agreed to pay this variation on the basis of the following calculation:

- o ACT Earthing [REDACTED]
- o Equipment [REDACTED]
- o Spotter [REDACTED]
- o Supervision [REDACTED]
- o Admin [REDACTED]

Less Allowance for LV earthmat [REDACTED]

Plus Overhead and Profit(12%) [REDACTED]

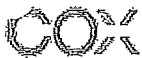
Total [REDACTED]

Please submit invoice for payment.

Regards

Don Gilson
Superintendents Rep

Don Gilson - Senior Architect



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Tuesday, 16 April 2013 4:41 PM
To: McNulty, Hamish
Cc: Rea, Peter; Ian Smith; Maginness, Ron
Subject: RE: Manuka Oval Sports Lighting - Completion

Hamish

12 items were on the Action List of 8 April 2013.

In our email we gave opportunity for the contractor to respond as to whether the dates listed for completion of the various items of work were achievable: Some items were to be completed by 12 April and the remainder by 19 April 2013. The contractor did not respond.

However the following has occurred

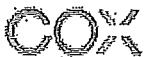
- o The pole painting has been completed.
- o 3 are defect items. Scratches on Switchboard at T1 and Handles on switchboards to be rectified at T3 and T5.
- o The breakout of the sewer has to be carried out by ACTEW
- o The covers to the on/off switches to the MSB's we are advised by Affinity (not by Dialight) are awaiting powdercoating.
- o 3 related to the upgrading of the operations and maintenance manuals which would be difficult for other than the contractor to finalise.
- o The two major outstanding items are:
 - The lighting control panel and subsequent training. These items are difficult to take out of Dialight / Abacus's hands as it is very specialised and also almost completed.
 - The knuckle trims. Peter Rea has been negotiating with Dialight to have the monies outstanding to HDM paid out of the retention monies and then to have Dialight engage HDM for the remainder of the rectification works so that the work is carried out under the contract rather than varying it out. I am waiting to hear from Peter that this has been achieved.

The problem we face is getting a response from Dialight when they are asked for a time related response. Particularly when the important items are difficult for another contractor to complete.

The items which another contractor could complete are the 3 defects and the covers to the on/off switches. Under the AS4300 the client is required to issue a show cause notice and then wait for a period of 7 days before varying the items out of the contract and having them completed by another contractor. You need to decide whether or not to take this action.

Regards

Don Gilson - Senior Architect



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

From: McNulty, Hamish [mailto:Hamish.McNulty@act.gov.au]
Sent: Tuesday, 16 April 2013 1:07 PM
To: Don Gilson
Cc: Rea, Peter; Ian Smith; Maginness, Ron
Subject: RE: Manuka Oval Sports Lighting - Completion

Don

Surely it is time to take some strong affirmative action and remove as much of the outstanding work from the contract as possible and get on and finish it ourselves using the funds we are holding.

Cheers

Hamish

Hamish McNulty | Executive Director |
| Phone 02 6205 9674 | Fax 02 6207 0123 | Mobile [REDACTED]
Infrastructure and Capital Works | Economic Development Directorate | ACT Government
Level 6, TransACT House, 470 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au

Please consider the environment before printing this e-mail.

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Tuesday, 16 April 2013 12:45 PM
To: Greg Sutton (gsutton@dialight.com.au) (gsutton@dialight.com.au)
Cc: Rea, Peter; Ian Smith; McNulty, Hamish; Maginness, Ron
Subject: RE: Manuka Oval Sports Lighting - Completion

Greg
Another week has gone by with no response.
Regards

Don Gilson - Senior Architect



Cox Architecture
1/19 Eastlake Parade, Kingston ACT 2604 Australia
E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Don Gilson
Sent: Tuesday, 9 April 2013 2:35 PM
To: Greg Sutton (gsutton@dialight.com.au) (gsutton@dialight.com.au)
Cc: Rea, Peter (Peter.Rea@act.gov.au); Ian Smith; McNulty, Hamish (Hamish.McNulty@act.gov.au)
(Hamish.McNulty@act.gov.au); Maginness, Ron (Ron.Maginness@act.gov.au) (Ron.Maginness@act.gov.au)
Subject: Manuka Oval Sports Lighting - Completion

Greg,
Attached is the outstanding list of activities required to complete this project. In the action column we have indicated a date for completion. Please advise if you are able to commit to these dates or if another date is more achievable and why. As many of these items have been outstanding for over two months we need to have them completed asap.

Regards
Don Gilson
Superintendents Rep

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Don Gilson [Don.Gilson@cox.com.au]
Sent: Monday, 15 April 2013 5:50 PM
To: Rea, Peter; Maginness, Ron
Cc: Ian Smith
Subject: RE: Manuka HDM works

Peter,
 Dialight requiring a management fee on works that were within the contract and not a variation? IF it is coming out of the retention monies and costs the project no extra it is there call and their subcontractors loss.
 Regards

Don Gilson - Senior Architect

**Cox Architecture**

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Don.Gilson@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1228 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Rea, Peter [<mailto:Peter.Rea@act.gov.au>]
Sent: Monday, 15 April 2013 1:37 PM
To: Maginness, Ron
Cc: Don Gilson; Ian Smith
Subject: FW: Manuka HDM works

FYI

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]
Sent: Monday, 15 April 2013 1:21 PM
To: Rea, Peter
Subject: FW: Manuka HDM works

Hi Peter, In order to complete outstanding work with regards to the knuckle cladding, I propose the following

Clause 43.4 is a direct payment clause, can we release money from the outstanding retention money owed to Abacus to complete this work. We have two outstanding payments owed to HDM Metal, plus a quotation to complete works. We have absolutely no response from Abacus with regards to payments for HDM.

Summary as follows

Outstanding money \$ [REDACTED] Ex gst

Quote to complete works \$ [REDACTED] Ex gst

Dialight management fee \$ [REDACTED] Ex gst

Total = \$ [REDACTED] Ex gst

As a public company, Dialight cannot process these payments free of charge, so a [REDACTED] management fee has been added to the transaction. Please advise if this is acceptable so we can proceed with works and get this job complete.

Could you please let me know ASAP if this is acceptable so I can arrange to send you the necessary paperwork (I have all the HDM invoices), and also notify Abacus as to my intentions.

Thanks and kind regards

Scott Cauchi
Sales Director
Dialight ILS Australia

38 O'Malley St
Osborne Park W.A. 6017.
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +[REDACTED]
W: www.dialight.com.au



Exhibitor



sparc

4 June - 6 June 13 www.sparcevent.org

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Scott Cauchi [scauchi@dialight.com.au]
Sent: Wednesday, 17 April 2013 5:36 PM
To: Rea, Peter; Greg Sutton
Cc: Maginness, Ron; Ian Smith; Don Gilson
Subject: RE: Manuka HDM works

Will do. I will confirm with HDM now and get a firm timeline.

Thanks and kind regards

Scott Cauchi
 Sales Director
 Dialight ILS Australia

38 O'Malley St
 Osborne Park W.A. 6017
 P: +61 8 9244 7600
 F: +61 8 9244 7601
 M: +
 W: www.dialight.com.au

Dialight
 ILS

Exhibitor



SPARC

4 June - 6 June 13 www.sparcvent.org

From: Rea, Peter [<mailto:Peter.Rea@act.gov.au>]
Sent: Wednesday, 17 April 2013 3:31 PM
To: Scott Cauchi
Cc: Maginness, Ron; Ian Smith; Don Gilson
Subject: RE: Manuka HDM works

Hi Scott,

The Territory accepts your proposal based that Dialight will ensure the following:

- that all outstanding money to HDM will be paid;
- money to complete the works by HDM will be paid promptly upon completion;
- painting of the knuckle cladding to match the poles and headframes;

- completion of the Knuckle cladding; and
- The Defects Liability Period will be for twelve (12) months from date of completion;

In addition could you please provide a date for completion.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government

Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



ACT
Government
Commerce and Works

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]

Sent: Monday, 15 April 2013 1:21 PM

To: Rea, Peter

Subject: FW: Manuka HDM works

Hi Peter, in order to complete outstanding work with regards to the knuckle cladding, I propose the following

Clause 43.4 is a direct payment clause, can we release money from the outstanding retention money owed to Abacus to complete this work. We have two outstanding payments owed to HDM Metal, plus a quotation to complete works. We have absolutely no response from Abacus with regards to payments for HDM.

Summary as follows

Outstanding money \$ [REDACTED] Ex gst

Quote to complete works \$ [REDACTED] Ex gst

Dialight management fee \$ [REDACTED] Ex gst

Total = \$ [REDACTED] Ex gst.

As a public company, Dialight cannot process these payments free of charge, so a 12% management fee has been added to the transaction. Please advise if this is acceptable so we can proceed with works and get this job complete.

Could you please let me know ASAP if this is acceptable so I can arrange to send you the necessary paperwork (I have all the HDM invoices), and also notify Abacus as to my intentions.

Thanks and kind regards

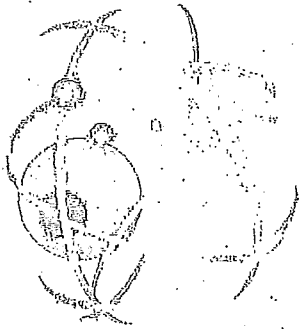
Scott Cauchi

Sales Director
Dialight ILS Australia

38 O'Malley St
Osborne Park W.A. 6017
P: +61 8 9244 7600
F: +61 8 9244 7601
M: +
W: www.dialight.com.au

Dialight
ILS

Exhibitor



sparc

4 June - 6 June 13 www.sparcevent.org

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Ian Smith [Ian.Smith@cox.com.au]
Sent: Tuesday, 30 April 2013 10:29 AM
To: Maginness, Ron; Don Gilson
Cc: McNulty, Hamish; Rea, Peter; Guthrie, Neale; Florence, Rod; Tokley, Matthew
Subject: RE: Manuka Lights - Outstanding Works

Yes.

IS.

Ian Smith - Director



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: [REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: Maginness, Ron [<mailto:Ron.Maginness@act.gov.au>]
Sent: Tuesday, 30 April 2013 10:28 AM
To: Ian Smith; Don Gilson
Cc: McNulty, Hamish; Rea, Peter; Guthrie, Neale; Florence, Rod; Tokley, Matthew
Subject: RE: Manuka Lights - Outstanding Works

Ian

Covers to the knuckle joint?

R

Ron Maginness | Consultant Project Manager |

| phone: (02) 6207 9035 | fax: (02) 6207 0123 | mob: [REDACTED]

Economic Development Directorate | ACT Government |

Level 6, TransACT House, 470 Northbourne Avenue, Dickson ACT 2602, GPO Box 158 Canberra ACT 2601
www.economicdevelopment.act.gov.au

Please consider the environment before printing this e-mail.

From: Ian Smith [<mailto:Ian.Smith@cox.com.au>]
Sent: Tuesday, 30 April 2013 10:04 AM
To: Don Gilson
Cc: McNulty, Hamish; Maginness, Ron; Rea, Peter; Guthrie, Neale; Florence, Rod; Tokley, Matthew
Subject: Manuka Lights - Outstanding Works

Hi Don,

Hamish reiterated today that he wants any outstanding works on the lights that can effectively be completed by others to be split out and back charged from retention. I noted that we had been down that path before but backed out at the last minute, but he is of the view we now follow through.

This is likely to include:

- switchboard covers
- updated survey
- others?

Please prepare a list and get agreement from Peter prior to proceeding,

Thanks,

IS.

Ian Smith - Director



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: +[REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Rea, Peter
Sent: Wednesday, 8 May 2013 10:54 AM
To: McNulty, Hamish; Ian Smith
Cc: Don Gilson; Maginness, Ron
Subject: RE: Manuka Oval Sports Lighting

Gents,

For the record the following items were discussed and my responses:

1. Covers installed to MSB's - as this was a variation and I am withholding monies I advise Don that we could await installation by Affinity - Completed Saturday 4 May 2013.
2. Sewer Manhole breakout - as we were dealing with a monopoly and they only work when they want, this could not be removed from scope - Completed Monday 22 April 2013.
3. Rectification of handle to switchboard of T5 - This is a defect and needs to be rectified by the contractor - Minor.

This leaves the following items still to be completed:

1. Control panel and switchboards to be fully operational - this is the responsibility of Abacus, attempts have been made to finalise this needs to be managed by the Superintendent as it cannot be taken out of the scope.
2. Training in use of switchboards - again this is the responsibility of Abacus, this needs to be managed by the Superintendent as it cannot be taken out of the scope.
3. Operations and maintenance manuals - this is the responsibility of Abacus again; but Greg Sutton may need to compile the information himself and issue - Superintendent to follow up, again cannot be taken out of the scope.
4. Work as executed drawings - Contractors responsibility, I never had discussions in regards to the survey, as I believe the only portion of works that can be taken out of the contract.

This only leaves the Knuckle trims that I am aware of and I have spoken to [REDACTED] from HDM, he has received his outstanding monies and has sent an email confirming that this will be completed at the end of May 2013.

I did not believe at the time that this should be outsourced as we would have had to start from scratch and HDM knew what was required to fix the problem.

I can give you my unwavering support to take action to bypass the Contractor and finalise the survey and any other portion that I have not mentioned previously that can be taken out of the contractors scope to complete this project.

Regards

Peter Rea | Senior Project Officer
 Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government
 Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



ACT
 Government
 Commerce and Works

From: McNulty, Hamish
Sent: Wednesday, 8 May 2013 7:55 AM
To: Ian Smith
Cc: Rea, Peter
Subject: Re: Manuka Oval Sports Lighting

Ian

I certainly do not think you are trying to drag the project out. I agreed with Peter that there appeared to be a way forward with the knuckle joint covers but I did not agree about the rest of the issues. I accept we may be partly at fault about that.

My frustration is that it is almost taking longer to finish the last 10% of the job than it took to do the first 90%.

We should certainly pull the survey out of the contract and get it done.

I honestly believe that with a different Superintendent we may not have found ourselves in this position. Happy to discuss.

Cheers

Hamish

Hamish McNulty
Executive Director
Infrastructure & Capital Works
Economic Development Directorate
Level 6 Transact House
470 Northbourne Ave, Dickson ACT 2602
Ph: 02 6207 59674 M: [REDACTED]

Sent from my iPad

On 07/05/2013, at 5:57 PM, "Ian Smith" <Ian.Smith@cox.com.au> wrote:

Hi Hamish,

We have repeatedly been told to pull scope out of the project and back charge, to then later be told to persist with seeking completion by the contractor. This occurred again after the last PCG when we were assured we would be allowed to follow through with taking over the works to get it finished.

However, after this discussion Peter told Don he had discussed with you and you had agreed to let matters run their course with the majority of items including switchboard covers and knuckle trims. Not sure what was discussed on survey, but suffice to say we are getting mixed messages.

I get the impression you think we inactive or are even trying to drag this thing out -- we are certainly not, but we need you and Peter's unwavering support to take action to bypass the Contractor and finalise.

Scott seems to have no objection to pulling the survey out, so I presume you are supportive of this?

Don, please advise an updated list of potential scope for removal from the contract.

IS.

Ian Smith - Director

<image220d7a.gif>

Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: [REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: McNulty, Hamish [<mailto:Hamish.McNulty@act.gov.au>]

Sent: Tuesday, 7 May 2013 3:41 PM

To: Ian Smith

Subject: RE: Manuka Oval Sports Lighting

Ian

If we go round in circles any more we will disappear into a black hole.


Hamish

Hamish McNulty | Executive Director |

| Phone 02 6205 9674 | Fax 02 6207 0123 | Mobile [REDACTED] |

Infrastructure and Capital Works | Economic Development Directorate | ACT Government

Level 6, TransACT House, 470 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au

 Please consider the environment before printing this e-mail.

From: Ian Smith [<mailto:Ian.Smith@cox.com.au>]

Sent: Tuesday, 7 May 2013 3:38 PM

To: Greg Sutton; Don Gilson

Cc: Rea, Peter; McNulty, Hamish; Scott Cauchi

Subject: RE: Manuka Oval Sports Lighting

Hi Greg,

This is useful, but not an updated survey as specified. When will this be provided, or shall we commission LandData to complete and deduct costs from retention?

IS.

Ian Smith - Director

<image001.gif>

Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: [REDACTED] | W: coxarchitecture.com.au | [Disclaimer](#)

From: Greg Sutton [<mailto:gsutton@dialight.com.au>]
Sent: Tuesday, 7 May 2013 3:11 PM
To: Don Gilson
Cc: Ian Smith; Rea, Peter (Peter.Rea@act.gov.au); McNulty, Hamish (Hamish.McNulty@act.gov.au)
(Hamish.McNulty@act.gov.au); Scott Cauchi
Subject: RE: Manuka Oval Sports Lighting

Don,
I have attached the drawings supplied by Affinity for the location and as built. I will follow up with Mitch on the handle situation.

Regards

Greg Sutton

M 

P 1300 657 147

F 02 9679 2618

MDesSc(Illumination) Tech I.E.S

Regional Sales Manager East Coast,

Lighting Engineer.

Dialight ILS Australia


www.dialight.com.au

<image002.png>

<image003.png>

From: Don Gilson [<mailto:Don.Gilson@cox.com.au>]
Sent: Tuesday, 7 May 2013 1:33 PM
To: Greg Sutton; Scott Cauchi
Cc: Ian Smith; Rea, Peter (Peter.Rea@act.gov.au); McNulty, Hamish (Hamish.McNulty@act.gov.au)
(Hamish.McNulty@act.gov.au)
Subject: Manuka Oval Sports Lighting

Greg

Spoke with  from Landdata Surveys re the as executed Survey of the works who assured me that although they have provided a fee for doing the as executed survey, that to date they have had no instruction to proceed. Therefore no survey.

In addition I made a brief inspection of the site at lunchtime today and the handle to the switchboard on T5 has not been rectified despite an assurance from Mitch Halley it was to be completed yesterday afternoon.

Please complete these tasks as a matter of urgency as well as the other outstanding items.

Regards

Don Gilson

Don Gilson - Senior Architect

<image001.gif>

Cox Architecture

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Rea, Peter

From: Rea, Peter
Sent: Monday, 27 May 2013 12:12 PM
To: 'Scott Cauchi'
Cc: Greg Sutton
Subject: RE: outstanding payments

Hi Scott,

Before I can authorise some more payments, I require the following to be completed:

- o Control panel and switchboards to be fully operational;
- o Training in use of switchboards;
- o Operations and maintenance manuals;
- o Work as executed drawings;
- o Knuckle trims completed; and
- o A completed Statutory Declaration as issued previously.

Regards

Peter Rea | Senior Project Officer

Phone: 02 6205 4292 | Mob: [REDACTED] | Fax: 02 6207 5468

Shared Services Procurement | Commerce and Works Directorate | ACT Government

Level 6 TransACT House, 470 Northbourne Ave, Dickson ACT 2602 | GPO Box 818 Dickson ACT 2602 | www.act.gov.au



ACT
Government

Commerce and Works

From: Scott Cauchi [<mailto:scauchi@dialight.com.au>]

Sent: Thursday, 23 May 2013 9:49 PM

To: Rea, Peter

Cc: Greg Sutton

Subject: outstanding payments

Hi Pete, can you please let me know when we can expect some further payments. I really want to try and get some more money over to Affinity as soon as possible.

Thanks and kind regards

Scott Cauchi

Sales Director

Dialight ILS Australia

38 O'Malley St

Osborne Park W.A. 6017

P: +61 8 9244 7600

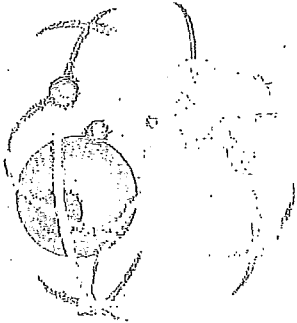
F: +61 8 9244 7601

M: + [REDACTED]

W: www.dialight.com.au

Dialight
ILS

Exhibitor



SPARC

4 June - 6 June 13 www.sparcevent.org

Rea, Peter

From: Matthew Tokley [M.Tokley@manukaoval.com.au]
Sent: Thursday, 13 June 2013 2:44 PM
To: Ian Smith; Don Gilson
Cc: Rea, Peter; McNulty, Hamish; Florence, Rod; Maginness, Ron
Subject: RE: Manuka Oval Project

All,

On a separate note I believe that Abacus has been sold and that a number of the critical personnel that worked on our project will be leaving as at the end of the week (tomorrow). Do we have all of the necessary data, passwords, intellectual property, documentation, warranties etc... as it maybe difficult after this time.

Thanks
 Matt

From: Ian Smith [mailto:Ian.Smith@cox.com.au]
Sent: Thursday, 13 June 2013 2:01 PM
To: Don Gilson
Cc: Matthew Tokley; Peter Rea (Peter.Rea@act.gov.au) (Peter.Rea@act.gov.au); Hamish.McNulty@act.gov.au; Rod Florence; Maginness, Ron (Ron.Maginness@act.gov.au)
Subject: RE: Manuka Oval Project

 This email has attachment(s) converted into external hyperlinks. Please see below:

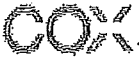
- [doc02170020130529164921.pdf](#)

 Don,

Could you please provide an update on this matter.

If we have not had any response from Dialight in the requisite time I believe we should pursue replacement by a third party in parallel with the knuckle covers and back charge by withholding retention,

Ian Smith - Director



Cox Architecture

1/19 Eastlake Parade, Kingston ACT 2604 Australia

E: Ian.Smith@cox.com.au | T: +61 2 6239 6255 | D: +61 2 6141 1203 | M: +61 2 6141 1203 | W: coxarchitecture.com.au | [Disclaimer](#)

From: Matthew Tokley [mailto:M.Tokley@manukaoval.com.au]
Sent: Thursday, 13 June 2013 1:26 PM
To: Ian Smith; Peter Rea (Peter.Rea@act.gov.au) (Peter.Rea@act.gov.au); Hamish.McNulty@act.gov.au; Rod Florence; Maginness, Ron (Ron.Maginness@act.gov.au)
Subject: FW: Manuka Oval Project

Afternoon All,

I just noted on this email that you may have not been included in its circulation hence me forwarding it to you just in case.

Has there been any further progression in the rectification of this issue or advice since?

Thanks
Matt

Matthew Tokley | Manuka Oval Venue Manager |
Phone [REDACTED] or 02 6228 0304 | Fax 02 6253 2085 |
Territory Venues and Events | Economic Development | ACT Government
Manuka Circle Manuka ACT 2603 |
PO Box 666 Jamison ACT 2614 | www.manukaoval.com.au

From: Brendan Read [<mailto:brendan@affinityelectrical.com.au>]
Sent: Tuesday, 4 June 2013 11:13 AM
To: Stephen.Brewster@kte.com.au
Cc: Shane Bradfield (commercial.mgr@popeselectrical.com.au); Daryl Read; gsutton@dialight.com.au; Mitch Halley;
Matthew Tokley
Subject: FW: Manuka Oval Project

Hi Stephen, I thought I would remove the middle man on this. to put this simply we have used your "bird proof" product at the Manuka Oval Lighting project on 564 lights as well as another 40 lights at the AIS. It has become apparent that the bird proofing isn't as bird proof as we would have thought.

However I understand your position outlined in the letter and while I don't agree with it, I do understand it.

Therefore as a stop gap solution I propose that AET supplies a tradesman + apprentice for a day (\$ [REDACTED] + GST) to attend the site, go up the poles and investigate the existing problems. We will make running repairs now on the issues that we have highlighted and then be in a better position to offer solutions to the problem. We would be invoicing [REDACTED] for this work.

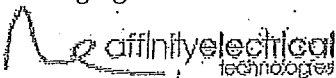
I would stress that we believe that the product has failed and will continue to fail. The ACT government is presently bidding for world cup games at the WC next year and is also getting very nervous about their defects liability period ending with their head contractor. therefore I would like to propose a speedy solution to this issue, and give us an opportunity to put together the best package for whatever remediation is required.

We would invite along any [REDACTED] staff that might be able to assist on the sate that we decide to repair the issues so you can get a better understanding of the problem.

What I will stress is that it isn't going away so we would hope to work together on a solution.

Let me know your thoughts at your first convenience

Brendan Read
Managing Director



WR Electrical Pty Ltd t/a Affinity Electrical Technologies
ABN: 42 094 182 779, COLA: 200413829
Phone: 6241 3255
www.affinityelectrical.com.au

From: Shane Bradfield [<mailto:commercial.mgr@popeselectrical.com.au>]
Sent: Wednesday, 29 May 2013 6:04 PM
To: Brendan Read