

Smorhun, Vic

From: Gill, Tony
Sent: Wednesday, 18 July 2012 5:22 PM
To: McHugh, Ben; Byles, Gary; Peters, Paul; Lacey, Glenn
Cc: Smorhun, Vic
Subject: RE: Kenoss Contacting the Media - Barry Drive/Clunies Ross Street

Thanks Ben

Regards

Tony Gill

From: McHugh, Ben
Sent: Wednesday, 18 July 2012 5:19 PM
To: Byles, Gary; Peters, Paul; Gill, Tony; Lacey, Glenn
Subject: Kenoss Contacting the Media - Barry Drive/Clunies Ross Street

Gents,

The Roads ACT project officer on the Barry Drive/Clunies Ross Street site has just advised that at this afternoons site meeting, Kenoss have advised they have arranged to meet with media outlets to present their side of the show cause notice issue.

Just a heads up that this issue might hit the media tomorrow.

Ben

Ben McHugh
Major Capital Works
Directorate of Territory & Municipal Services - Roads ACT
Level 7, Macarthur House - 12 Wattle Street, Lyneham ACT 2602
Locked Bag 2000 Civic Square - ACT 2600
Ph: (02) 6207 2738 Mobile: 0421 414 605 Facsimile: (02) 6207 6872
ACT Government Homepage: www.act.gov.au

Smorhun, Vic

From: Bourne, Sarah
Sent: Thursday, 17 May 2012 11:15 AM
To: GALLAGHER
Cc: Smorhun, Vic; Tatipata, Shonella; CMCD DLO
Subject: RE: Molonglo 1D

Hi - Tony has advised that this should be directed to Shared Services Procurement to respond to. So we need to redirect to Treasury.

Thanks
Sarah

From: Schembri, Karen **On Behalf Of** GALLAGHER
Sent: Wednesday, 16 May 2012 4:44 PM
To: Bourne, Sarah
Cc: Smorhun, Vic
Subject: FW: Molonglo 1D

Sarah

For response please

Karen Schembri | Office of the Chief Minister
t: 620 50840 | fx: 620 53030 | karen.schembri@act.gov.au | www.chiefminister.act.gov.au

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From:
Sent: Wednesday, 16 May 2012 4:38 PM
To: GALLAGHER
Cc:
Subject: FW: Molonglo 1D

Dear Ms Gallagher,

My email relates to the Molonglo Infrastructure Stage 1D John Gorton Drive Construction Tender (T 11643.17766.210).

As you may be aware, Kenoss Contractors Pty Ltd ("Kenoss") has been selected as the preferred tenderer for this tender process and commenced contract negotiations with the

Territory in relation to this project. In addition, in accordance with the Territory's request dated 3 April 2012, Kenoss previously agreed to a 180 day extension of the tender validity period in respect of this tender process.

Kenoss understands from an email of 4 April 2012 that, pursuant to clause 4.07.2(a) of the Request for Tender, the Territory decided to cease contract negotiations with Kenoss. Kenoss also understands that its tender has not been excluded from further consideration.

Kenoss would like the opportunity to address the concerns that have given rise to the cessation of contract negotiations. Kenoss understands the Territory's concern to be that recent events involving Kenoss and WorkSafe ACT have given rise to the perception that Kenoss will be unable to meet the construction program for the John Gorton Drive 1D project and safely manage the construction site.

Kenoss considers that, notwithstanding recent events, it is able to safely manage the construction site for this project. In particular:

Kenoss has taken action to address the issues that gave rise to the issuing of the prohibition notices issued by WorkSafe ACT in relation to work being undertaken at Molonglo and Turner. WorkSafe ACT cancelled these notices on 5 April and 13 April respectively;

Kenoss has taken action to address the issues that gave rise to the issuing of an improvement notice in respect addressed the improvement notice issued by WorkSafe ACT in relation to its Turner site. WorkSafe ACT cancelled this notice on 13/4/2012; and

Kenoss is currently engaged on projects in the ACT and New South Wales that are regulated, in respect of safety, by WorkSafe ACT, WorkCover NSW and Comcare. As of the date of this email, WorkSafe ACT has provided no indication to suggest that it will be issuing further prohibition or improvement notices to Kenoss.

In terms of Kenoss' ability to complete the project within the contract period, Kenoss would like to draw your attention to the following:

as noted above, there are no safety issues which would prevent Kenoss from immediately commencing work on the project;

Kenoss reiterates the confirmation provided to (SMEC) on 22 March 2012, namely that the introduction of the project design in separable portions will not result in Kenoss charging Prolongation Costs; and

subject to any delay caused by the delivery of the design in separable portions, Kenoss maintains that it will be able to complete the project within approximately 60 weeks, which is substantially shorter than the period anticipated by the Territory.

Accordingly, Kenoss considers that there are not significant risks relating to Kenoss' ability to meet the construction program and safely manage the construction site in respect of this project. Consistent with Kenoss' status as preferred tenderer, Kenoss seeks to resume contract negotiations with the Territory as soon as possible.

I would like to set up a meeting with you, to discuss and assure the ACT Government that Kenoss can undertake government contracts in a safe and timely manner. NB We are about to sign a new EBA with the CFMEU, and there is an alliance proposal with Worksafe ACT.

Your positive reply would be highly appreciated.

Yours faithfully,

Smorhun, Vic

From: Byles, Gary
Sent: Friday, 23 March 2012 6:17 PM
To: Cirson, Adina
Cc: Smorhun, Vic
Subject: Fwd: Incident at Barry Drive and Boldrewood Street Friday 23 March

Adina - just chasing info on this

GB

Begin forwarded message:

From: "McCabe, Mark" <Mark.McCabe@act.gov.au>
Date: 23 March 2012 6:11:47 PM AEDT
To: "Cronan, Patrick" <Patrick.Cronan@act.gov.au>, "Morrissey, Matt" <Matt.Morrissey@act.gov.au>
Cc: "Goggs, Stephen" <Stephen.Goggs@act.gov.au>, "Phillips, Brett" <Brett.Phillips@act.gov.au>, "Ellis, Stewart" <Stewart.Ellis@act.gov.au>, "McCann, Matthew" <Matthew.McCann@act.gov.au>, "Byles, Gary" <Gary.Byles@act.gov.au>, "Barbaro, Fiona" <Fiona.Barbaro@act.gov.au>, "Manuel, Tania" <Tania.Manuel@act.gov.au>, "Mitchell, Julie" <Julie.Mitchell@act.gov.au>
Subject: Incident at Barry Drive and Boldrewood Street Friday 23 March

WorkSafe ACT was advised of an incident at the corner of Boldrewood Street and Barry drive [opp. ANU] at approx 3.00pm today.

WorkSafe ACT, ACTEWAGL and AFP Investigating.

Worker is a sub-contractor engaged by Kenoss who have themselves been engaged by Procurement Solutions to do road work on Barry Drive.

Worker appears to have been unloading material in a fenced site just off Barry Drive.

AFP have control of site at present but are expected to hand the site over to WorkSafe in due course

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Smorhun, Vic

From: Virtue, Geoff
Sent: Saturday, 24 March 2012 9:14 AM
To: Howard, Scott; Smorhun, Vic; Cirson, Adina; Morrell, Sue
Cc: Byles, Gary
Subject: Fwd: Incident at Barry Drive and Boldrewood Street Friday 23 March

FYI

Begin forwarded message:

From: "McHugh, Ben" <Ben.McHugh@act.gov.au>
Date: 24 March 2012 9:06:20 AM AEDT
To: "Gill, Tony" <Tony.Gill@act.gov.au>, "Virtue, Geoff" <Geoff.Virtue@act.gov.au>, "Peters, Paul" <Paul.Peters@act.gov.au>, "Byles, Gary" <Gary.Byles@act.gov.au>
Subject: FW: Incident at Barry Drive and Boldrewood Street Friday 23 March

Gents,

Latest update as provided by Kenoss Contractors 8am Saturday 24th March 2012;

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- o
- o
- o
- o

I will provide further advice as it comes to hand.

Regards

Ben

From: Virtue, Geoff
Sent: Friday 23 March 2012 19:22
To: McHugh, Ben
Subject: Fwd: Incident at Barry Drive and Boldrewood Street Friday 23 March

FYI

Begin forwarded message:

From: "Byles, Gary" <Gary.Byles@act.gov.au>
Date: 23 March 2012 7:18:27 PM AEDT
To: "Peters, Paul" <Paul.Peters@act.gov.au>
Cc: "Gill, Tony" <Tony.Gill@act.gov.au>, "Virtue, Geoff" <Geoff.Virtue@act.gov.au>

Subject: Re: Incident at Barry Drive and Boldrewood Street Friday 23 March

Me either but we have it under control as much as possible re info flow. Tony and Ben are in loop as is Geoff. I have spoken with procurement and CM's office. I will keep you info.

GB

On 23/03/2012, at 7:13 PM, "Peters, Paul" <Paul.Peters@act.gov.au> wrote:

Hi Gary

Have asked ssp for advice - usual course is for worksafe investigation to be completed then any remedies undertaken on site. I do not know why it took a time for us to be notified.

Paul

From: Byles, Gary
Sent: Friday, March 23, 2012 06:14 PM
To: Peters, Paul; Gill, Tony
Cc: Ashcroft, Kelly; Virtue, Geoff; Smorhun, Vic
Subject: Fwd: Incident at Barry Drive and Boldrewood Street Friday 23 March

Info. Any advice on this?

GB

Begin forwarded message:

From: "McCabe, Mark"
<Mark.McCabe@act.gov.au>
Date: 23 March 2012 6:11:47 PM AEDT
To: "Cronan, Patrick"
<Patrick.Cronan@act.gov.au>, "Morrissey, Matt"
<Matt.Morrissey@act.gov.au>
Cc: "Goggs, Stephen"
<Stephen.Goggs@act.gov.au>, "Phillips, Brett"
<Brett.Phillips@act.gov.au>, "Ellis, Stewart"
<Stewart.Ellis@act.gov.au>, "McCann, Matthew"
<Matthew.McCann@act.gov.au>, "Byles, Gary"
<Gary.Byles@act.gov.au>, "Barbaro, Fiona"
<Fiona.Barbaro@act.gov.au>, "Manuel, Tania"
<Tania.Manuel@act.gov.au>, "Mitchell, Julie"
<Julie.Mitchell@act.gov.au>
Subject: Incident at Barry Drive and Boldrewood Street Friday 23 March

WorkSafe ACT was advised of an incident at the corner of Boldrewood Street and Barry drive [opp. ANU] at approx 3.00pm today.

WorkSafe ACT, ACTEWAGL and AFP Investigating.

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Worker appears to have been unloading material in a fenced site just off Barry Drive.

AFP have control of site at present but are expected to hand the site over to WorkSafe in due course

Smorhun, Vic

From: Byles, Gary
Sent: Friday, 23 March 2012 7:13 PM
To: Virtue, Geoff; Howard, Scott; Smorhun, Vic
Subject: Fwd: Barry Dr Clunies Ross Construction site accident about 3:15pm Frod 23/3/12

GB

Begin forwarded message:

From: "McLean, Jock" <Jock.McLean@act.gov.au>
Date: 23 March 2012 6:52:42 PM AEDT
To: "Byles, Gary" <Gary.Byles@act.gov.au>
Subject: FW: Barry Dr Clunies Ross Construction site accident about 3:15pm Frod 23/3/12

fyi

From: McLean, Jock
Sent: Friday, 23 March 2012 6:50 PM
To: Divorty, Jill; Murray, PeterR
Subject: FW: Barry Dr Clunies Ross Construction site accident about 3:15pm Frod 23/3/12

fyi

From: McLean, Jock
Sent: Friday, 23 March 2012 6:47 PM
To: Tomlins, George
Subject: FW: Barry Dr Clunies Ross Construction site accident about 3:15pm Frod 23/3/12

FYI

From: McLean, Jock
Sent: Friday, 23 March 2012 6:31 PM
To: Gill, Tony
Cc: Lacey, Glenn; Mooney, Colm
Subject: Barry Dr Clunies Ross Construction site accident about 3:15pm Frod 23/3/12

Hi Tony

Following our discussion

(Kenoss Contractors) advises

The overhead power lines are parallel to Barry Drive in Boldrewood St

The truck driver works (a subcontract haulage contractor)

The power knocked out resulting in no supply to the signals at Barry Drive & Marcus Clarke as well as offices in Marcus Clarke. Actew restored electrical supply at about 3:50pm and signals started working again. Aecom's office got power back at that time.

advises Actew, Workesafe and the police attended the accident and were all still on site investigating at 6pm but some police were leaving site.

As at 6pm Allan is still waiting for a report.

Regards Jock



COPY

Katy Gallagher MLA

CHIEF MINISTER
MINISTER FOR HEALTH
MINISTER FOR TERRITORY AND MUNICIPAL SERVICES

MEMBER FOR MOLONGLO

Dear

Freedom of Information request – Kenoss Contractors Pty Ltd

Further to my letter of 19 August 2013 I wish to inform you that I have received a response from the third party identified in documents 13 and 14 and they have indicated that they have no objection to their release.

I have attached a copy of the relevant documents.

Appeals and complaints

I identified your appeal rights to the ACT Civil and Administrative Appeals Tribunal under the Act in my previous correspondence and would also remind you that under the ACT Government's Online Freedom of Information publication policy, documents released under your request will be published online. You have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

I believe this now finalises this matter.

Yours sincerely

Margaret Gillespie
Chief of Staff
Office of the Chief Minister

23 August 2013

Attachment: documents 13 and 14

ACT LEGISLATIVE ASSEMBLY

Doc 13

Smorhun, Vic

From: Willson, Helen (TAMS)
Sent: Thursday, 29 March 2012 1:22 PM
To: Smorhun, Vic; Bourne, Sarah
Cc: Peters, Paul
Subject: notes on meeting
Attachments: 120329 Workplace Incident.doc

Thurs
per by
consultation

Hi Vic/Sarah

Pis see attached.

Thanks

Helen

Workplace Incident – Friday 23 March

- Kenoss Contractors was awarded the Barry Drive/Clunles Ross Street upgrade project in December 2011 through the ACT Government tender process.
-
- The CFMEU has raised concerns direct with Kenoss over alleged safety breaches on its construction sites over a period of time.
- TAMS met with _____ from CFMEU this morning (29 March 2012).
- _____ raised a number of issues with TAMS regarding ACT Government Procurement processes including –
 - awarding contracts to the lowest bidders rather than on the basis of a complete assessment of contractor safety performance
 - the need to look at its contract model with a view to putting more emphasis on lead contractors managing safety on site including with sub- contractors
 - Review the expectations around safety and inspection regime in the areas of prequalification, tender and contract documentation and in actual on-the-ground inspections
 - Use of Enterprise agreements on work sites to improve safety and quality outcomes.
- Work Safe is advising Shared Services Procurement in a review safety on all ACT Government construction sites. This will include the issues raised by _____ in a broader review of how workplace safety is considered in its construction procurement and management.

Smorhun, Vic

From: Smorhun, Vic
Sent: Thursday, 29 March 2012 1:43 PM
To: Bourne, Sarah
Subject: FW: notes on meeting
Attachments: 120329 Workplace Incident.doc

Sarah can we include this in the CM's QT briefs please.
Thanks.

From: Willson, Helen (TAMS)
Sent: Thursday, 29 March 2012 1:22 PM
To: Smorhun, Vic; Bourne, Sarah
Cc: Peters, Paul
Subject: notes on meeting

Hi Vic/Sarah

Pls see attached.

Thanks

Helen