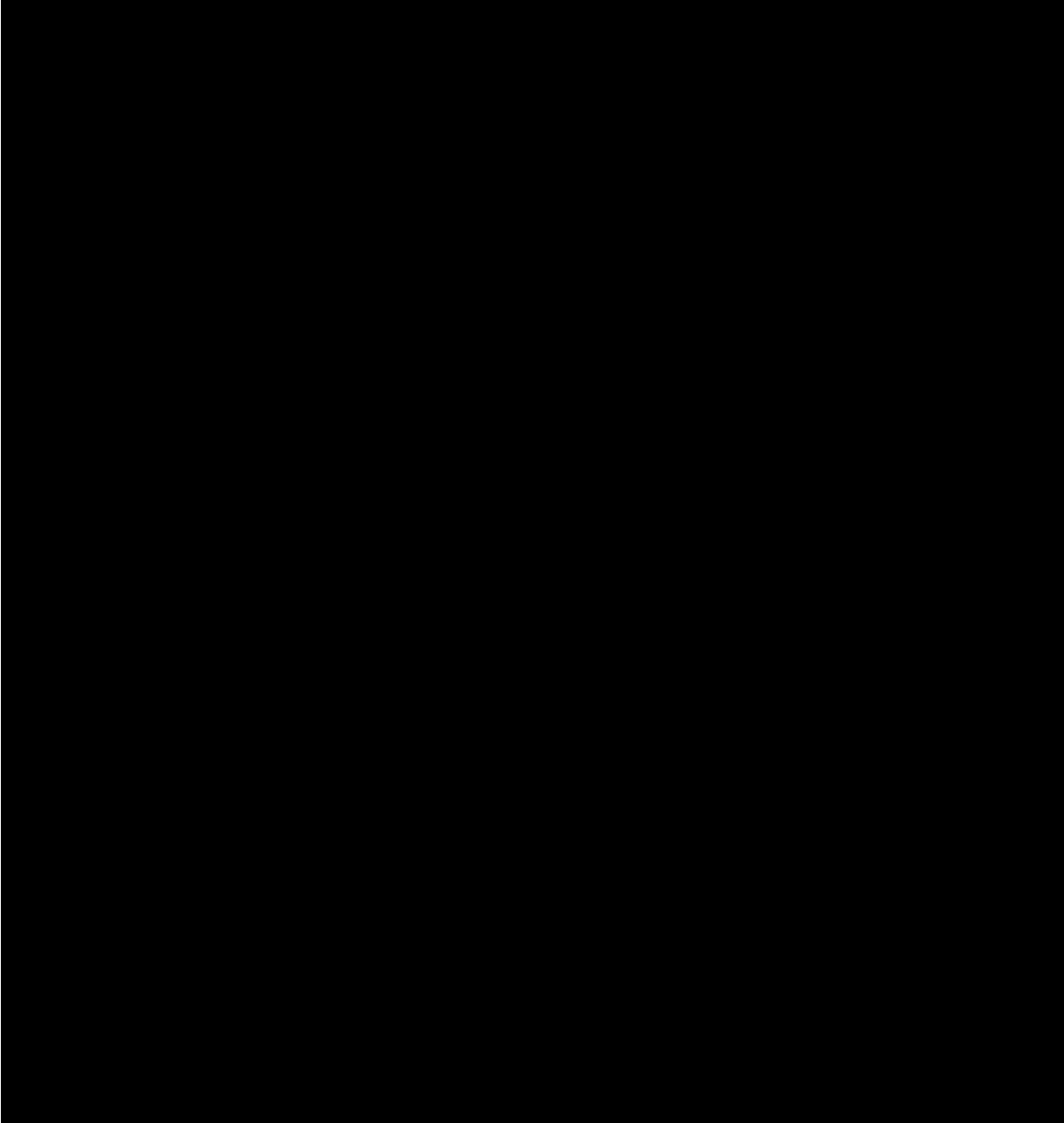


Documents 1-3 are exempt under section
42 of the *Freedom of Information Act 1989*



From: Whitten, Meredith
Sent: Monday, 20 June 2016 9:12 PM
To: Brighton, Meg <Meg.Brighton@act.gov.au>; Whybrow, Mark <Mark.Whybrow@act.gov.au>; Wynants, John <John.Wynants@act.gov.au>
Subject: FW: Brief Re: Education Directorate Cleaners [SEC=UNCLASSIFIED]

Dear Meg, Mark and John

CMTEDD have provided this copy to the MO. I have emailed Russell to ask him whether this was the final letter or was it an earlier draft. For your information.

Meredith Whitten | Deputy Director-General |

Phone 620 70384 | Mobile 0419 426 308

Organisational Integrity | Education Directorate | ACT Government

Level 1 Annex 220 Northbourne Avenue Braddon ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au |

From: Joseph, Diane
Sent: Monday, 20 June 2016 5:54 PM
To: Whitten, Meredith
Subject: FW: Brief Re: Education Directorate Cleaners [SEC=UNCLASSIFIED]

From: Noud, Russell
Sent: Monday, 20 June 2016 5:42 PM
To: Marshall, Guenivere <Guenivere.Marshall@act.gov.au>
Cc: Joseph, Diane <Diane.Joseph@act.gov.au>; Overton-Clarke, Bronwen <Bronwen.OvertonClarke@act.gov.au>; Leigh, Kathy <Kathy.Leigh@act.gov.au>; Nicol, David <David.Nicol@act.gov.au>; Esguerra, Indra <Indra.Esguerra@act.gov.au>
Subject: Brief Re: Education Directorate Cleaners [SEC=UNCLASSIFIED]

Good Afternoon

Please find attached a brief requested by Minister Rattenbury for today.

This is an advance copy - we'll get it into TRIM tomorrow.

Kind Regards

Russell Noud

Russell Noud

Director Public Sector Industrial Relations | Workforce Capability and Governance Division

Chief Minister and Treasury Directorate | ACT Government

Level 5, Canberra Nara Centre | GPO Box 158 Canberra City ACT 2601 | Web: www.act.gov.au

Phone: (02) 6207 6019 | Mobile: 0413 153433 | Email: russell.noud@act.gov.au

Please consider the environment before printing this email



SHANE RATTENBURY MLA

Minister for Education
Minister for Corrections
Minister for Justice and Consumer Affairs
Minister for Road Safety

Member for Molonglo

E-MAILED
27/06/16.

Ms. Lyndal Ryan
Secretary
United Voice – ACT Branch
Unit 5, 2nd floor
40 Brisbane Ave
BARTON ACT 2600

Dear Ms. ~~Ryan~~ *Lyndal*

I write concerning the issues you have raised in relation to the alleged breaches by Phillips Cleaning Pty. Ltd. of its industrial relations obligations.

As you are aware, I sought the assistance of the Chief Minister, Treasury and Economic Development Directorate to look into the issues you have raised.

The assessment that I have received is that it appears that Phillip's employees are paid correctly and at the CleanStart Agreement rates, their superannuation and Long Service Leave are up to date, and that the contractual arrangements for cleaning services afford them many protections through the contract that would not otherwise be part of the contractor relationship.

However, I note also that there is a Federal Court matter running concurrently which looks into many of the same issues as those raised by you.

Whilst the allegations made by United Voice are serious, until the Federal Court Matter is finalised I cannot take any further action. It is unlikely that the Federal Court matter will be concluded by the time the contract expires for all existing Education Directorate cleaning providers on 7 July 2016.

To date, neither the Federal Court nor the ACT Government assessment has found any clear breach of contract or conditions.

ACT LEGISLATIVE ASSEMBLY

Phone (02) 6205 0005 Email rattenbury@act.gov.au

@ShaneRattenbury

shanerattenburymla



As cleaning services still need to be provided to our schools, the Education Directorate recently made an administrative decision to extend provision of cleaning services for one year to the current panel of cleaning contractors. This was done in accordance with the procurement legislation, and the contracts for all providers were extended to provide cleaning services to schools until 30 June 2017.

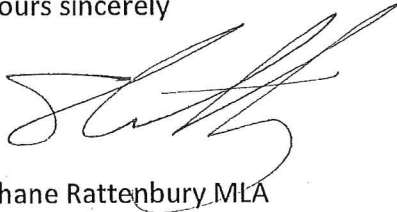
I can assure you that while this matter continues to be examined by the Court I will put into place an audit regime to assess industrial relations compliance which will be conducted by auditors external to the Education Directorate. These will be completed by external consultants with the assistance of Procurement and Capital Works. Once the Federal Court concludes your matter or if the audits identify matters of concern, these matters will be considered and if required, further action will be taken pursuant to the Panel Deed and Service Contract.

I can also advise you that Phillips will be put on notice during this time, and that if there is a serious breach of contract conditions, the Government will take action.

In relation to the matter of the alleged false attendance records, I have asked that the officials involved in preparing the independent review discuss this matter with you directly further as there may be other actions that could be taken.

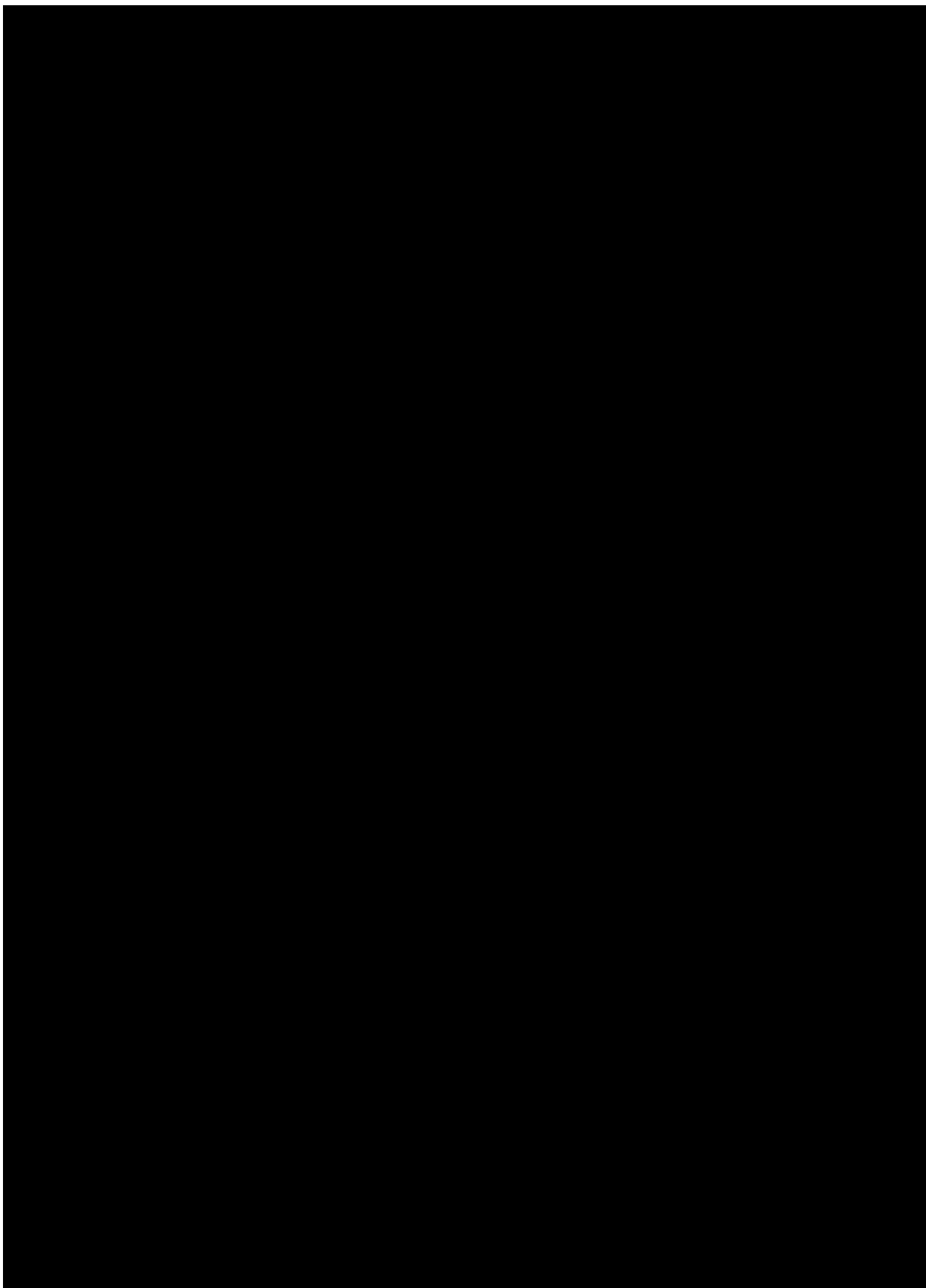
Thank you for bringing these matters to my attention. I am committed to ensuring that workers have fair and safe working conditions in Canberra public schools and I have asked both directorates to continue to monitor the issues and keep me apprised of any developments.

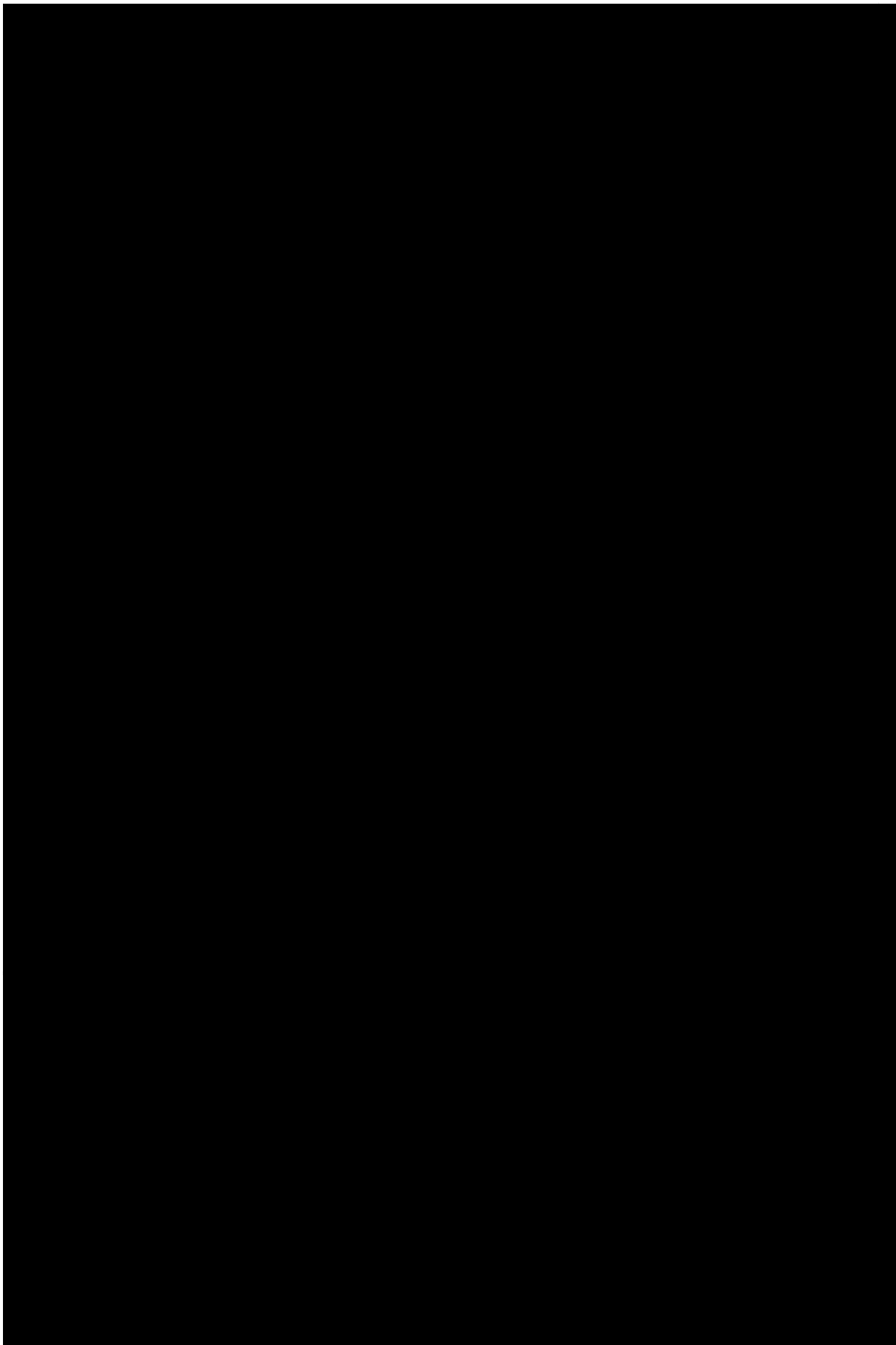
Yours sincerely

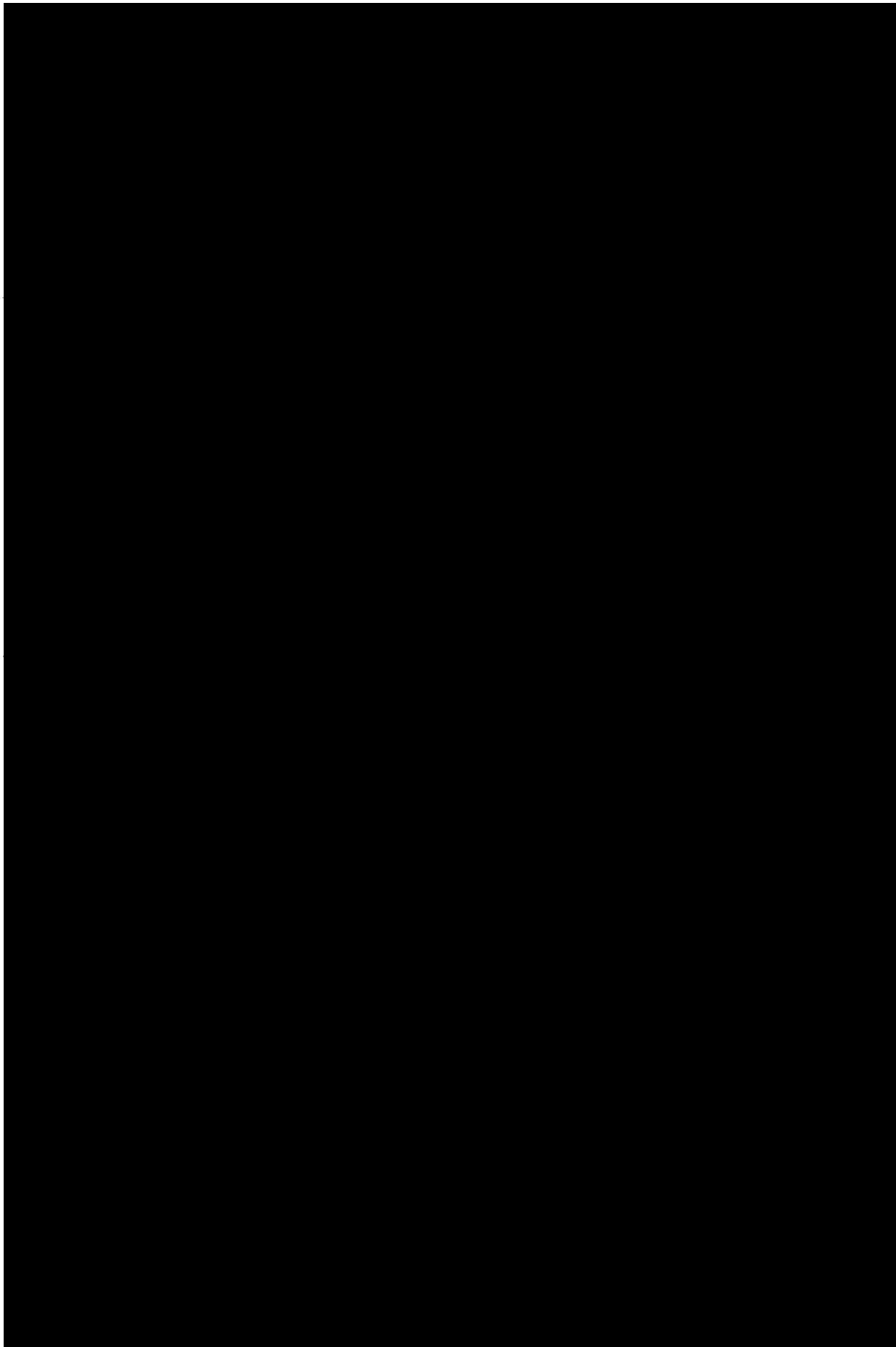
A handwritten signature in black ink, appearing to be 'Shane Rattenbury', written in a cursive style.

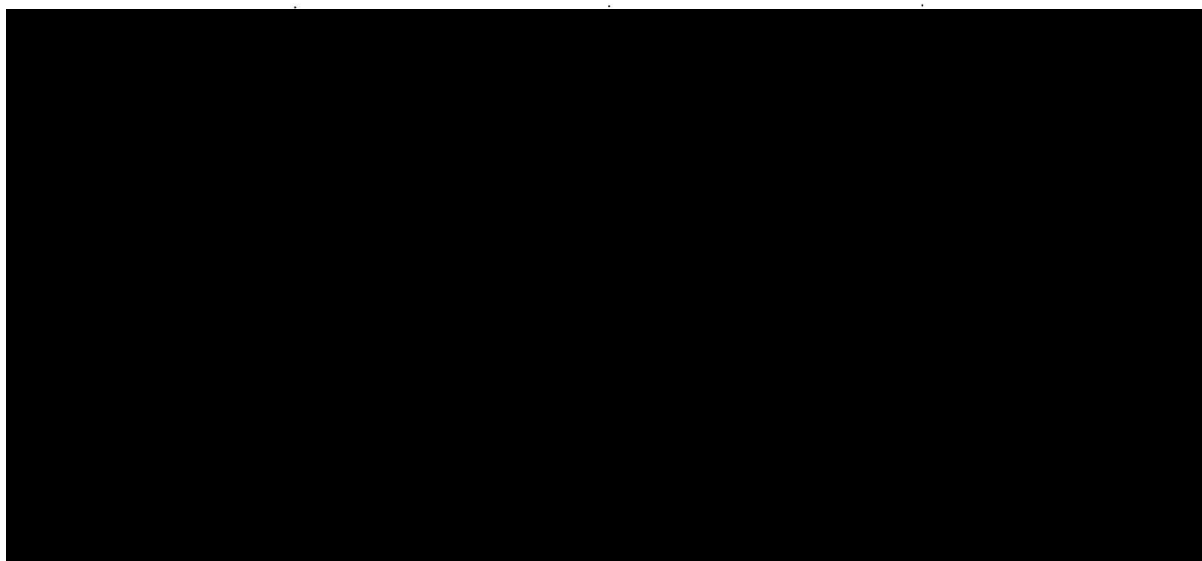
Shane Rattenbury MLA

27 June 2016

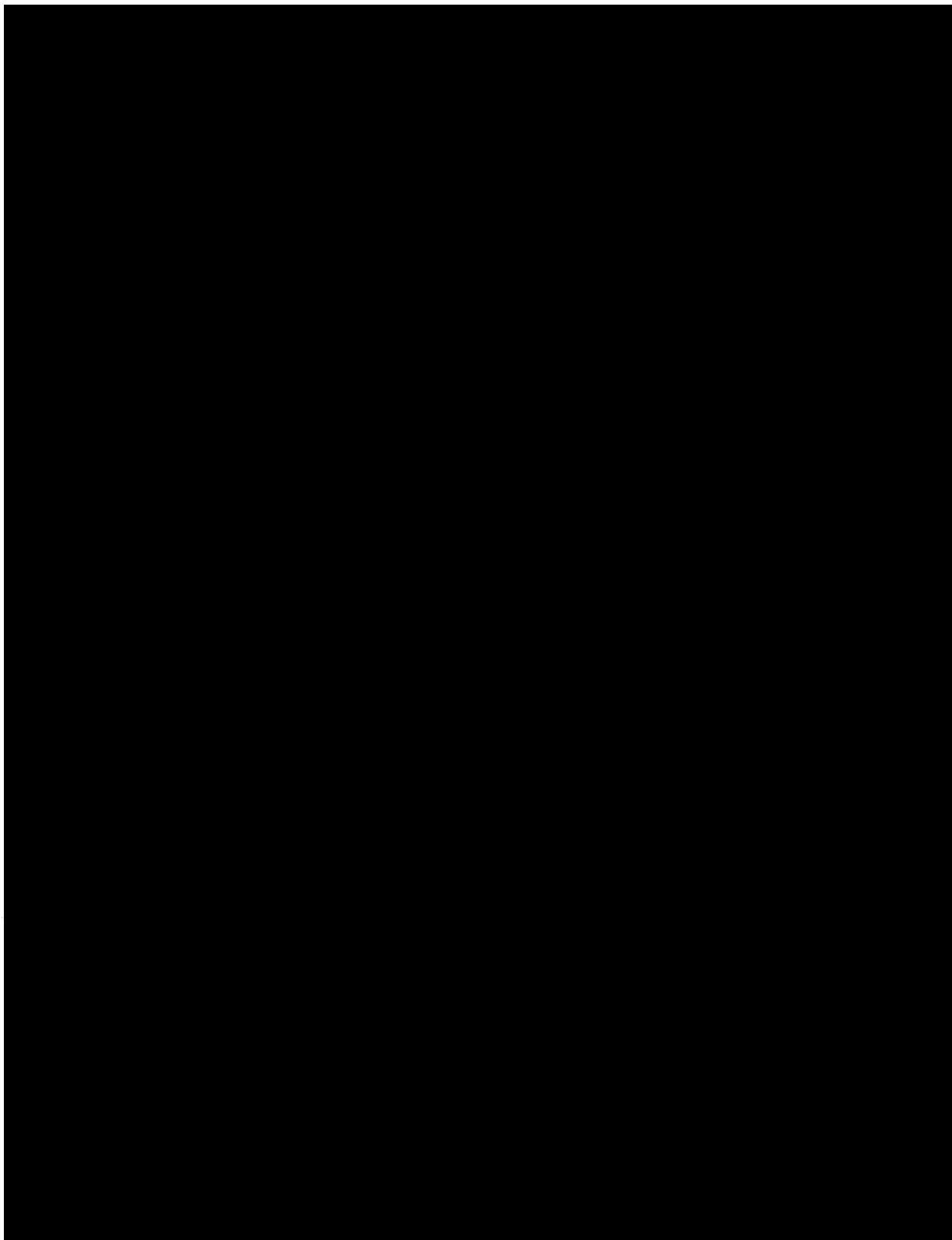


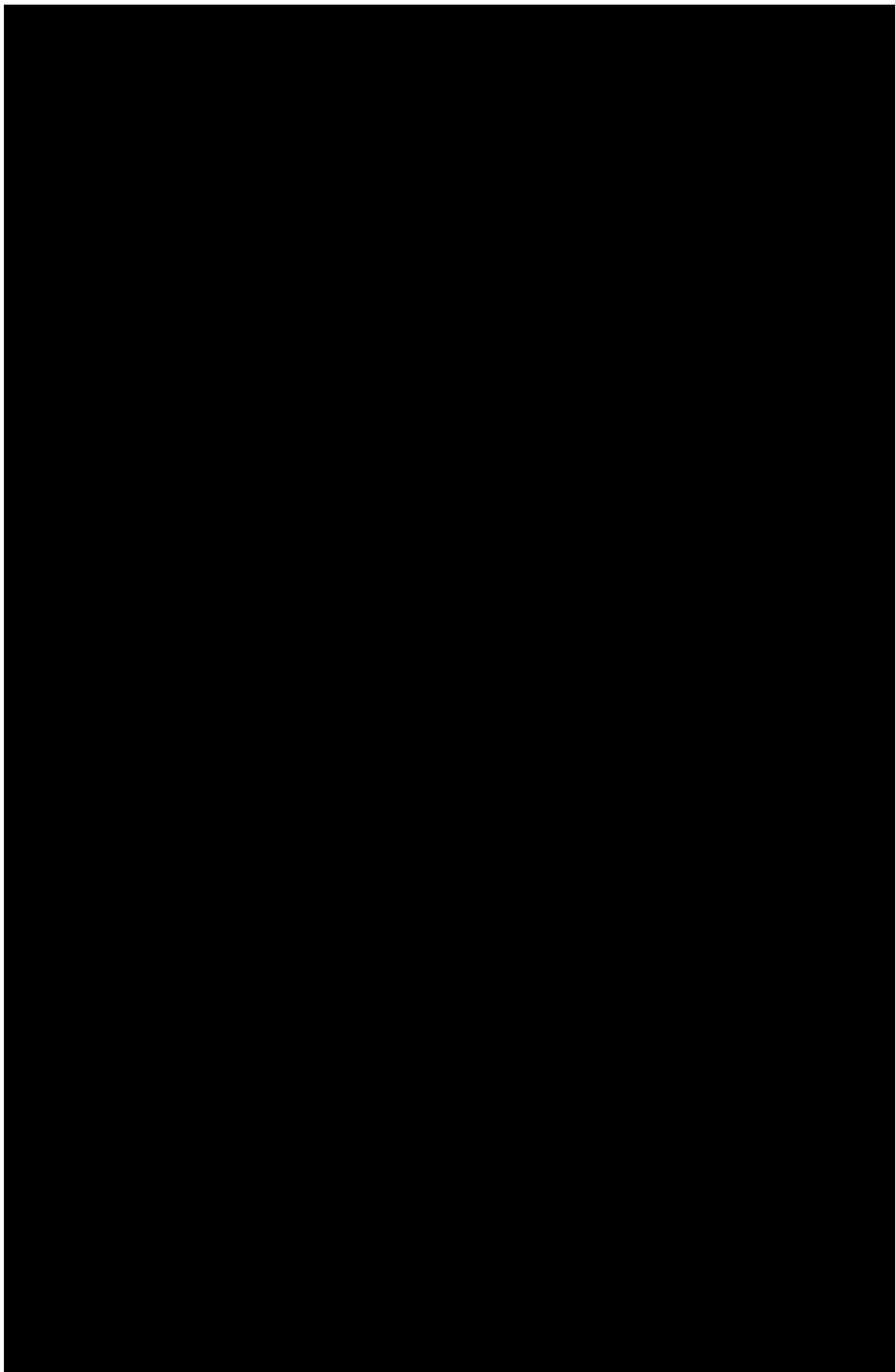


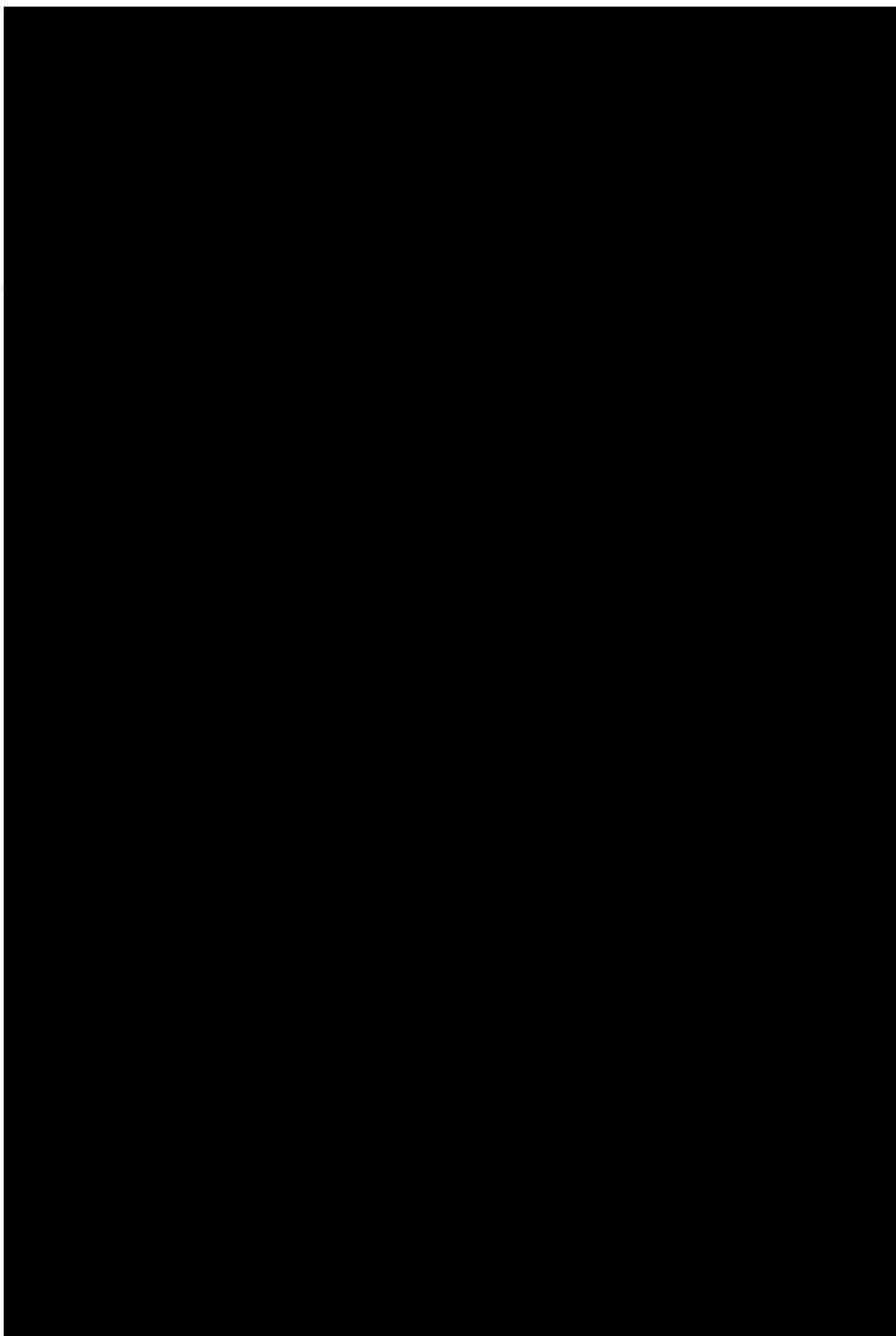


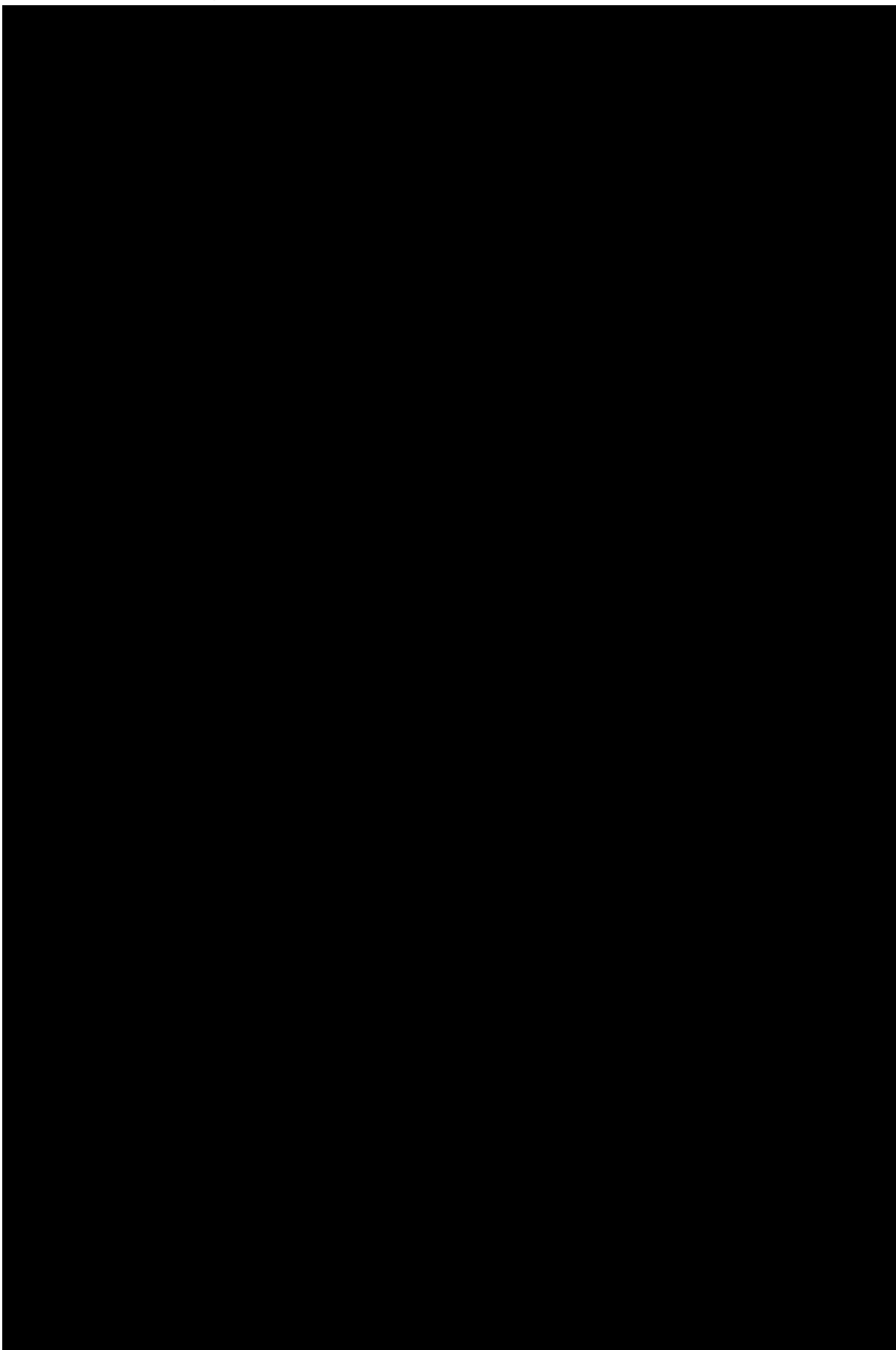


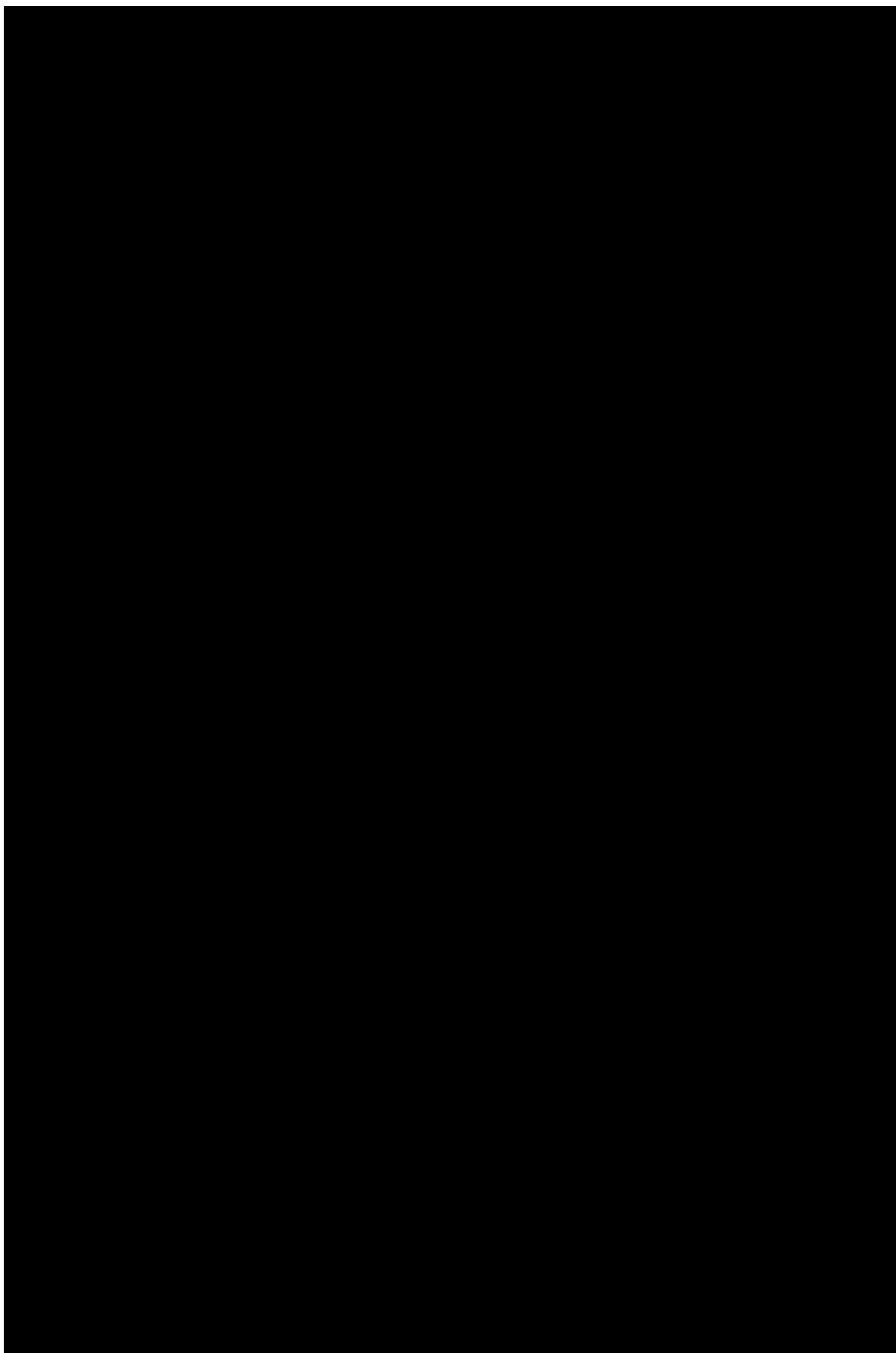
Attachment 1

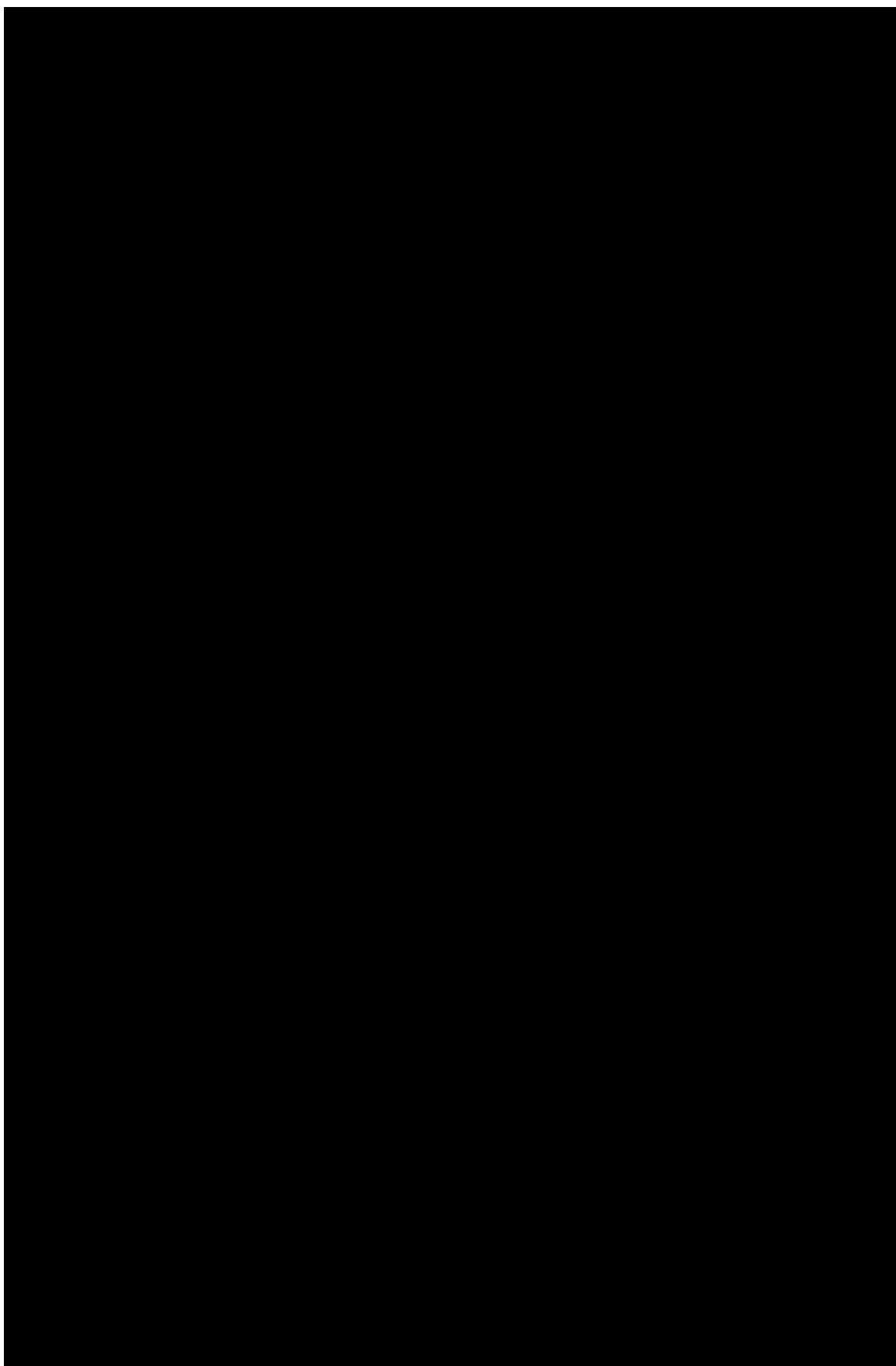


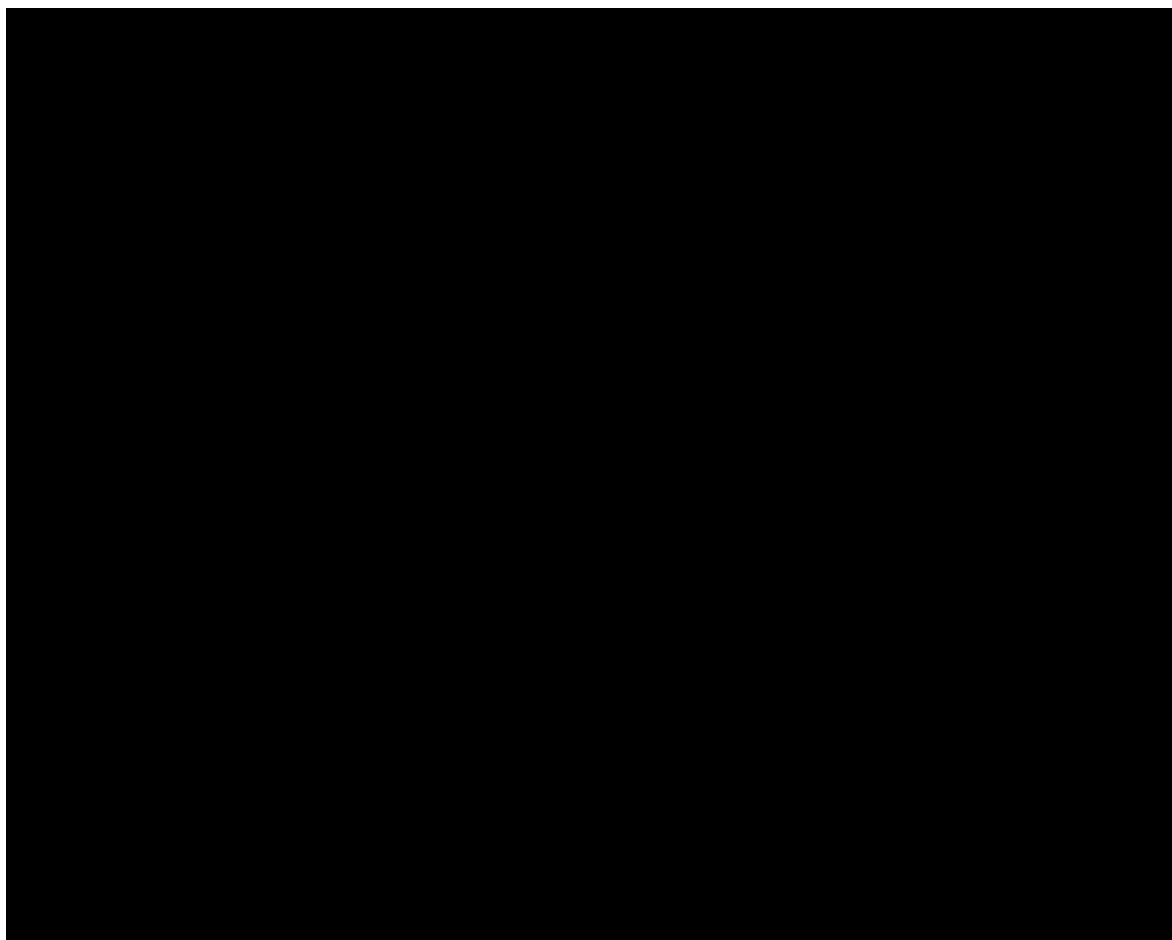












From: Whybrow, Mark
Sent: Friday, 2 September 2016 2:23 PM
To: Whitten, Meredith <Meredith.Whitten@act.gov.au>; Wynants, John <John.Wynants@act.gov.au>
Subject: FW: Cleaning Contactor Compliance Review Report December 2015 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

FYI

From: Shane Bellchambers [<mailto:shaneb@bellchambersbarrett.com.au>]
Sent: Friday, 2 September 2016 2:02 PM
To: Whybrow, Mark
Cc: Sart Spinks; Francesco Di Luzio
Subject: RE: Cleaning Contactor Compliance Review Report December 2015 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Mark

This issue was addressed in our report to ETD. We noted on review of pay slips from Phillips Cleaning Service that [REDACTED] had been incorrectly paid at a lower rate, however was back paid to cover the difference. I attached the supporting payslip that we were provided with in relation to the back payment.

Refer Page 11 of our report:

8	Minimum hourly rates Ensure the minimum hourly rate as per the Panel Deed and Services Contract has been paid to each cleaner.	No exceptions identified. One instance was noted of pay rates being under the minimum per the Panel Deed. This inconsistency was noted for [REDACTED] from Phillips Cleaning Service [REDACTED] However, the contractor confirmed and provided evidence that the pay rate had been corrected, and the cleaner was appropriately
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	back paid to cover the lower rate on 12/7/2015.
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Please call me if you wish to discuss

Regards

Shane



Shane Bellchambers FCA Partner
Level 1, 33 Torrens Street, Braddon ACT 2612
PO Box 5115, Braddon ACT 2612

M. [REDACTED]
P. 02 6140 5813

shaneb@bellchambersbarrett.com.au
bellchambersbarrett.com.au

From: Whybrow, Mark [<mailto:Mark.Whybrow@act.gov.au>]
Sent: Thursday, 1 September 2016 4:21 PM
To: Shane Bellchambers
Cc: Wynants, John; Whitten, Meredith
Subject: Cleaning Contactor Compliance Review Report december 2015 [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Shane

I have received information that indicates that a cleaner at [REDACTED] was not paid in line with minimum pay rate under the panel agreement in 2014 and was paid at rate of \$22.02 for work at [REDACTED] in 2014. The review compliance check indicated that a sample of [REDACTED] was taken for 2014 (pg 9) and that there were no exceptions noted for [REDACTED] (pg 12).

Can you please confirm the basis for the conclusion of no exceptions for cleaners pays at [REDACTED]

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
Phone: 02 62052685 | Fax: 02 62055472 | Mobile: [REDACTED]
Education | ACT Government |

Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT
2601 |

<http://www.det.act.au>

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