



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2020-214

| Information to be published | Status |
|---|-----------|
| 1. Access application | Published |
| 2. Decision notice | Published |
| 3. Documents and schedule | Published |
| 4. Additional information identified | No |
| 5. Fees | Waived |
| 6. Processing time (in working days) | 35 |
| 7. Decision made by Ombudsman | N/A |
| 8. Additional information identified by Ombudsman | N/A |
| 9. Decision made by ACAT | N/A |
| 10. Additional information identified by ACAT | N/A |

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: FOI Request
Date: Wednesday, 11 November 2020 5:03:24 PM
Attachments: [FOI request 11Nov2020.pdf](#)

Dear FOI Officer

Please note and action the attached request made under the *Freedom of Information Act 2016* (ACT).

Yours sincerely





The FOI Coordinator
Information Access Unit
Chief Minister, Treasury & Economic Development Directorate

Email: CMTEDDfoi@act.gov.au

Dear Sir/Madam



**REQUEST UNDER THE *FREEDOM OF INFORMATION ACT 2016 (ACT)*
RE: *GOVERNMENT PROCUREMENT (SECURE LOCAL JOBS) CODE 2020, DI2020-278***

I request all documents, including meeting notes, submissions, reports and correspondence, held by the CMTEED relating to:

1. the review of DI2019-47 and the reasons for its revocation;
2. the drafting of DI2020-278, and
3. engagement with other directorates, non-government entities and individuals regarding the review and revocation of DI2019-47 and the drafting of DI2020-278.

The above request relates to documents held by CMTEED under both the current administrative arrangements, NI2020-707, and under all previous administrative arrangements.

I make this request under the *Freedom of Information Act 2016 (ACT)*.

Should you require any further information on my request, please contact my office by email to  by phone on  or by mail to the address below.

Yours sincerely







ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-214



Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 11 November 2020.

Specifically, you are seeking: “... all documents, including meeting notes, submissions, reports and correspondence, held by CMTEDD relating to:

1. the review of DI2019-47 and the reasons for its revocation;
2. the drafting of DI2020-278, and
3. engagement with other directorates, non-government entities and individuals regarding the review and revocation of DI2019-47 and the drafting of DI2020-278.”

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 16 December 2020. However, following on from third party consultations, the due date is now 4 January 2021.

Third Party Consultation

In processing this request, third party consultation was undertaken with relevant third parties pursuant to section 38 of the Act. The relevant third parties did not object to the release of the information they were consulted on. The views of these third parties were considered as part of the decision-making process.

Decision on access

Searches were completed for relevant documents and 100 documents were identified that fall within the scope of your request.

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

I have decided to grant access in full to three documents relevant to your request. I have also decided to refuse access to 59 documents as I consider them to be:

- contrary to the public interest information under schedule 1; or
- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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

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

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request;
- views of relevant third parties; and
- the *Human Rights Act 2004*.

Exemption claimed

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

Contrary to the public interest information under schedule 1, section 1.2 of the Act (Information subject to Legal Professional Privilege)

Documents 42 to 100 of the identified documents contain documents exchanged between CMTEDD and the ACT Government Solicitor Office for the purposes of obtain legal opinion. I consider the advice is subject to legal professional privilege as it was brought into existence for the dominant purpose of providing a legal opinion. I am satisfied that the communications were made in circumstances of confidentiality and were provided by an independent legal adviser satisfying the requirements to attract legal professional privilege. I have confirmed that privilege on these documents has not been waived. Accordingly, I am satisfied this information is contrary to the public interest pursuant to schedule 1 1.2 of the Act.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

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

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

Factors favouring disclosure in the public interest:

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

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) Contribute to the positive and informed debate on important issues or matters of public interest; and

(xiii) contribute to the administration of justice generally, including procedural fairness.

Having considered the factors above, I consider that the release of these documents may contribute to positive and information debate on industrial relations matters including sectors which have been subject to recent media attention. I consider there is public interest in the contents of these documents and the reasons behind the decision to amend legislation. Further, I also consider that release of these documents may contribute to the administration of justice generally, including procedural fairness by allowing you to have a record of the communications and decision-making process behind the revocation of DI2019-47 and the drafting of DI2020-278.

Factors favouring nondisclosure in the public interest:

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factors in favour of non-disclosure that I believe are relevant to determine if release of the information contained within these documents is within the ‘public interest’:

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) Prejudice the protection of an individual’s right to privacy or other rights under the Human Rights Act 2004.

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses and mobile numbers of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

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

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(e) of the Act.

Online publishing – Disclosure Log

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

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

Ombudsman Review

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

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

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

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

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

Yours sincerely



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

4 January 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

All documents, including meeting notes, submissions, reports and correspondence, held by the CMTEED relating to: 1. the review of DI2019-47 and the reasons for its revocation; 2. the drafting of DI2020-278, and 3. engagement with other directorates, non-government entities and individuals regarding the review and revocation of DI2019-47 and the drafting of DI2020-278.

CMTEEDFOI 2020-214

| Ref No | Page number | Description | Date | Status | Reason for Exemption | Online Release Status |
|--------|-------------|---|-------------|-----------------|--|-----------------------|
| 1 | 1-5 | Ministerial Brief – Amendment to the Secure Local Jobs Code | 8 Sep 2020 | Partial release | Sch 1 1.2 | Yes |
| 2 | 6-7 | Email – SLJC Update for Minister 8 Nov 2019 | 8 Nov 2019 | Partial release | Sch 1 1.2 Out of scope | Yes |
| 3 | 8-9 | Email – SLJC Update for Minister 15 Nov 2019 | 15 Nov 2019 | Partial release | Out of scope | Yes |
| 4 | 10-11 | Email – SLJC Update for Minister 29 Nov 2019 | 29 Nov 2019 | Partial release | Out of scope | Yes |
| 5 | 12-25 | Email – SLJC Advisory Council meeting #5 - meeting agenda and papers | 29 Nov 2019 | Partial release | Sch 1 1.2 Sch 2 s2.2(a)(ii) Out of Scope | Yes |
| 6 | 26-29 | Email – Exec briefing - SLIC Action Items attached | 3 Dec 2019 | Partial release | Out of Scope | Yes |
| 7 | 30-31 | Email – Actions Exec briefing SLJC | 4 Dec 2019 | Full release | N/A | Yes |
| 8 | 32-33 | Email – SLJC Update for Minister – 6 Dec 2019 | 6 Dec 19 | Partial release | Out of scope | Yes |
| 9 | 34-41 | Email – with attachment - Secure locals jobs registrars report Dec 2019 | 3 Dec 2019 | Partial release | Sch 2 s2.2(a)(ii) | Yes |
| 10 | 42-50 | Email and agenda Meeting 14 February 2020 including actions register | 4 Feb 2020 | Partial release | Sch 2 s2.2(a)(ii) | Yes |
| 11 | 51-52 | Email – SLJC CFMEU – WCAG Input | 7 Feb 2020 | Partial release | Sch 2 s2.2(a)(ii) | Yes |
| 12 | 53-61 | Email – 14 February 2020 Meeting 6 - Agenda and attachments | 10 Feb 2020 | Partial release | Sch 2 s2.2(a)(ii) | Yes |
| 13 | 62-63 | Email with updated meeting agenda for 14 Feb 2020 | 14 Feb 2020 | Partial release | Sch 2 s2.2(a)(ii) | Yes |

| | | | | | | |
|----|---------|--|-------------|-----------------|-----------------------------------|-----|
| 14 | 64-67 | Email and attachments – agenda and draft minutes for council meeting 14 Feb 2020 | 21 Feb 2020 | Partial release | Sch 2 s2.2(a)(ii) Out of Scope | Yes |
| 15 | 68-72 | Email – attachment Meeting agenda and minutes of 14 Feb 2020 | 14 Apr 2020 | Partial release | Sch 2 s2.2(a)(ii) | Yes |
| 16 | 73-79 | Registrars report – attachment to above email at Folio 14 | Apr 2020 | Partial release | Out of Scope | Yes |
| 17 | 80 | Email from CFMEU – Code amendments | 8 May 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 18 | 81-82 | Email response to CFMEU – Code amendments | 8 May 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 19 | 83-94 | Email – SLJC Advisory Council meeting agenda 21 Apr 2020 – attachments including draft minutes of 14 Feb 2020 and actions register | 19 May 2020 | Partial release | Sch 1 1.2 Sch 2.2(a)(ii) | Yes |
| 20 | 95-101 | Registrar’s Report April 2020 | Apr 2020 | Partial release | Out of scope | Yes |
| 21 | 102-104 | Email – Agenda SLJC Minister meeting 12 Jun 2020 | 12 Jun 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 22 | 105-107 | Email – Agenda SLJC Minister meeting 22 Jun 2020 | 19 Jun 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 23 | 108-110 | Email – Agenda SLJC Minister meeting 29 Jun 2020 | 26 Jun 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 24 | 111-113 | Email – Agenda SLJC Minister meeting 6 Jul 2020 | 2 Jul 2020 | Partial release | Out of scope | Yes |
| 25 | 114-116 | Email – Agenda SLJC Minister meeting 13 Jul 2020 | 13 Jul 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 26 | 117-119 | Email – Agenda – SLJC Minister meeting 12 Jul 2020 | 19 Jul 2020 | Partial release | Out of scope | Yes |
| 27 | 120 | Email – SLJC follow up | 21 Jul 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 28 | 121-123 | Email – Agenda – SLJC Minister meeting 27 Jul 2020 | 24 Jul 2020 | Partial release | Sch 1 1.2 Out of scope | Yes |
| 29 | 124-126 | Email – Draft agenda – SLJC Minister meeting 3 Aug 2020 | 31 Jul 2020 | Partial release | Sch 2.2(a)(ii) Out of scope | Yes |
| 30 | 127-129 | Email – Agenda – SLJC Minister meeting 10 Aug 2020 | 7 Aug 2020 | Partial release | Out of scope | Yes |
| 31 | 130-132 | Email – Agenda SLJC Minister meeting 17 Aug 2020 | 16 Aug 2020 | Partial release | Out of scope | Yes |
| 32 | 133-135 | Email – Agenda SLJC Minister meeting 24 Aug 2020 | 21 Aug 2020 | Partial release | Sch 1 1.2 Out of scope | Yes |

| | | | | | | |
|-------------------------|---------|--|-------------|-----------------|-----------------------------|-----|
| 33 | 136-137 | Email – CL 15 Proposed amendments | 28 Aug 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 34 | 138-140 | Email trail – Minister request Code version three draft | 28 Aug 2020 | Partial release | Sch 1 1.2 | Yes |
| 35 | 141-143 | Email – Agenda Minister SLJC Briefing 31 Aug 2020 | 31 Aug 2020 | Partial release | Sch 1 1.2 Sch 2.2(a)(ii) | Yes |
| 36 | 144-146 | Email – document 2 attached with proposals raised with code v3 | 3 Sep 2020 | Full release | N/A | Yes |
| 37 | 147-148 | Email – Agenda Minister SLJC Briefing 7 Sep 2020 | 4 Sep 2020 | Partial release | Out of scope | Yes |
| 38 | 149-151 | Email – response to document 2 attached with proposals raised with code v3 | 4 Sep 2020 | Partial release | Sch 1 1.2 | Yes |
| 39 | 152-156 | Email - response to document 2 attached with proposals raised with code v3 | 4 Sep 2020 | Full release | N/A | Yes |
| 40 | 157-160 | Email trail - response to document 2 attached with proposals raised with code v3 | 4 Sep 2020 | Partial release | Sch 1 1.2 | Yes |
| 41 | 161 | Email – for review – Brief for Minister | 7 Sep 2020 | Partial release | Sch 2.2(a)(ii) | Yes |
| 42-100 | | Documents covered under LPP | | Exempt | Sch 1 1.2 | No |
| Total No of Docs | | | | | | |
| 100 | | | | | | |

Chief Minister, Treasury and Economic Development Directorate

SENSITIVE: LEGAL

To: Minister for Government Services and Procurement

| |
|-------------------------------|
| Tracking No.: CMTEDD2020/3443 |
|-------------------------------|

Date: 08/09/2020

CC: Head of Service

From: Registrar, Secure Local Jobs Code

Subject: Amendment to the Secure Local Jobs Code

Critical Date:

Critical Reason: Routine

- DDG, WCAG .../.../...

Recommendations

That you:

1. **note** there remains a risk that the proposed changes to Section 15 of the Secure Local Jobs Code may conflict with the *Fair Work Act 2009 (Cth)*;

Noted / Please Discuss

2. **agree** to the changes to the Secure Local Jobs Code; and;

Agreed / Not Agreed / Please Discuss

3. **sign** the attached disallowable instrument to revoke and remake the Secure Local Jobs Code with the proposed amendments (Attachment A).

Signed / Not Signed / Please Discuss

Suzanne Orr MLA 08/09/20

| |
|----------------------------|
| Minister's Office Feedback |
|----------------------------|

SENSITIVE: LEGAL

Background

1. The Secure Local Jobs Package arrangements began on 15 January 2019 with the commencement of the *Government Procurement (Secure Local Jobs) Amendment Act 2018* (Amendment Act) and supporting instruments.
2. Some ambiguities arose regarding the application of the Code that required clarification after the Code's commencement. These ambiguities were addressed by the former Minister for Workplace Safety and Industrial Relations who revoked and remade the Secure Local Jobs Code with the proposed amendments on 30 April 2019.
3. Since these amendments to the Code were made, some further ambiguities and matters of operation of the Code have been identified. To address these matters, an amended Secure Local Jobs Code (the Code) has been prepared for your consideration (Attachment A). An explanatory statement has been prepared that explains the changes to the Code (Attachment B). The amended sections of the Code are provided with track changes for your information at Attachment C.
4. The Secure Local Jobs Code Advisory Council have provided comment and input during the development of the proposed amendments. The Advisory Council met on 3 September 2020, at which proposed amendments to the Code were discussed. At the meeting Council members sought the opportunity to reflect on the amendments as presented and provided comment on the proposed Code through your office. Feedback provided to your office has been incorporated in the attached documentation for your consideration.
5. The Code is made via disallowable instrument under section 22M of the *Government Procurement Act 2001* (the Procurement Act) and provides detailed requirements relating to workplace standards for territory-funded work.

Issues

6. Under the *Legislation Act 2001* (Legislation Act), a power given under an Act to make a statutory instrument includes a power to amend or repeal the instrument in the same way as the power to make the instrument.
7. The Legislation Act requires a regulatory impact statement (RIS) to be prepared for a proposed disallowable instrument where it is likely to impose appreciable costs on the community, or part of the community.
8. A RIS was prepared for the original Code and supporting instruments in accordance with this requirement. It is not considered that a new RIS is required because the changes are an amendment of a territory law that do not fundamentally affect the law's application or operation (Legislation Act: subsection 36(e) refers).

Investigation of compliance with labour relations, training and workplace equity plans

9. The current version of the Code does not enable the Registrar to investigate complaints into a Code Certified Entity's non-compliance with commitments made in their labour relations, training and workforce equity plans (LRTWE plans).
10. The ability of persons to make complaints is contained in section 22Q(1) of the Procurement Act. Section 22T(1) of the Procurement Act provides for a range of actions in relation to an entity's Certificate, that the Registrar may take if satisfied an entity that holds a Certificate has failed to comply with the Code. These actions include the Registrar cancelling an entity's Code certificate or imposing sanctions on an entity's Code certificate.
11. The amendments to the Code include non-compliances with LRTWE Plans in the scope of the Registrar's investigative powers¹ by:
 - a. ensuring Code Certificates are issued on the basis of a condition that the entity complies with the commitments in its LRTWE Plan (if any) during the term of any contract for territory-funded work; and
 - b. including in the Code a new obligation on Code Certified Entities to comply with the conditions on their Certificates (if any).
12. This amendment to the Code would mean a failure to comply with a LRTWE Plan will be a non-compliance with the conditions on the Code Certified Entity's Certificate, and therefore a non-compliance with the Code. The Registrar would then be able to seek information regarding a complaint about a failure to comply with the LRTWE Plan under section 22S(b) of the Procurement Act and take any applicable actions under section 22T of the Procurement Act.

Strengthening the Registrar's ability to obtain information for compliance purposes

13. An amendment to section 12 of the Code has been made to strengthen the Registrar's ability to obtain information from Code certified entities regarding their compliance with Code obligations. The addition of an additional clause at section 12(2) requires Code certified entities to comply with any written request from the Registrar regarding the entity's compliance with the Code.
14. The addition of this clause will assist compliance and enforcement activities as failure to respond to written requests for information from the Registrar is a breach of Code obligations.

¹ The Procurement Act does not specifically provide the Registrar a power to investigate complaints, however this is implied, including by section 22S(1)(b) of the Act. This issue may be considered in the scope of Advisory Council's review of the Code.

Providing clarity to industry on the matters and evidence required to demonstrate compliance with Code obligations on recognition of the right to collectively bargain

15. Amendments to section 15 of the Code have been made following concerns raised by stakeholders on the operation of this part of the Code. The proposed amendments provide guidance to Code Certified Entities on the process and evidence requirements to demonstrate compliance with Code obligations. The additional clarity on evidence requirements strengthens the ability of the Registrar to process and investigate complaints and allegations of non-compliance.

Sch 1 1.2

Compliance of Directors and related entities with Code obligations when issuing Code Certificates

17. Currently, at section 17(3) of the Code (Application for Code Certification), it is a requirement for issuance of a Certificate that the applicant's "Associated Entities", as defined in the *Corporations Act 2001* (Cth), have a satisfactory history of compliance with the matters set out in section 11(1) of the Code.
18. The amended Code includes a new definition of "Related Entities" which allow the Registrar to consider whether the applicant's directors are, or were directors, of other companies and if so, those companies' history of compliance with section 11(1) of the Code. In particular, the amendment allows the Registrar when considering whether to issue the entity a Code Certificate to consider if directors of the applicant entity were directors of other companies that have had adverse rulings against them in relation to industrial laws.
19. The additional definition expands the number of entities applicants must list in their application for Code Certificates and includes companies that were in existence within the last 5 years even if no longer in existence. The definition also includes companies that are undergoing external administration.
20. Clause 17(3) of the Code has been amended to incorporate the "Related Entities" definition and require a satisfactory history of compliance with section 11 of the Code in order to be issued a Code certificate by the Registrar. A further amendment has also been included at Clause 17 of the Code to enable the Registrar to take into consideration an applicant's history of compliance with any conditions on its Certificate when deciding whether to reissue a Code Certificate.

Financial Implications

21. Nil.

Consultation

Internal

22. Workplace Safety and Industrial Relations in Treasury were consulted by both the former and current Secure Local Jobs Code Registrar when identifying the need for the changes in order to clarify the application of the Code.

Cross Directorate

23. ACT Parliamentary Council's Office and the ACT Government Solicitor have provided advice and drafting for the proposed amendments to the Code.
24. ACT Parliamentary Council's Office have been consulted in the preparation of the Disallowable Instrument and Explanatory Statement.

External

25. The Secure Local Jobs Code Advisory Council have been consulted in the development of the proposed amendments to the Code and provided comment through your office on the proposed amendments.

Work Health and Safety

26. Nil.

Benefits/Sensitivities

27. The Code is a disallowable instrument and as such must be tabled in the Legislative Assembly not later than six sitting days after its notification day. This will mean the amended Code will be subject to a six sitting day disallowance period which, if disallowed, would mean the original Code would remain in force.

Sch 1 1.2

Communications, media and engagement implications

29. The Secure Local Jobs Package arrangements have historically received some media attention. The changes to the Code may draw further media or opposition attention and should this occur, media taking points will be prepared.

Signatory Name: David Robertson Phone: 54534

Action Officer: David Robertson Phone: 54534

Attachments

| Attachment | Title |
|--------------|--|
| Attachment A | Disallowable instrument with attached amended Code |
| Attachment B | Explanatory statement |
| Attachment C | Specific changes to Code with track changes |

From: "Parkinson, Andrew"
Sent: 08/11/2019 4:18 AM
To: "Ferguson, David" <David.Ferguson@act.gov.au>; "Connell, Patrick" <Patrick.Connell@act.gov.au>
Cc: "Murdoch, Max" <Max.Murdoch@act.gov.au>; "Whitten, Meredith" <Meredith.Whitten@act.gov.au>
Subject: SLJC Update for Minister Orr - 8 November 2019

UNCLASSIFIED For-Official-Use-Only

Out of scope

Issues

- Further letter sent to the CFMEU regarding their interpretation of Clause 15 (Part 1-3 and 5-8) of the Code—awaiting a response from CFMEU.
- Drafting code amendments to clarify which subcontractors require code certificates.

Sch 1 1.2

Out of scope

Andrew Parkinson | Secure Local Jobs Code Registrar

Phone 02 6205 4593 | Mobile 0478 301 085

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

25
1994-2019

Years of the
ACT Public Service

From: "Parkinson, Andrew"
Sent: 15/11/2019 5:09 AM
To: "Connell, Patrick" <Patrick.Connell@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>
Cc: "Murdoch, Max" <Max.Murdoch@act.gov.au>; "Whitten, Meredith" <Meredith.Whitten@act.gov.au>
Subject: SLJC Update for Minister Orr - 15 November 2019

UNCLASSIFIED For-Official-Use-Only

Out of scope

Issues

- Further letter sent to the CFMEU regarding their interpretation of Clause 15 (Part 1-3 and 5-8) of the Code—awaiting a response from CFMEU
- Proposed Code v3 updates:
 - clarifying which subcontractors require certificates;
 - including directors with associated entity requirements;
 - LRWTE Plans;
 - (new) Requiring entity to comply with any condition on the certificate
 - (new) specific requirement to allow registrar and compliance officers to enter site
- Code Certificates could be conditioned to require entity to implement a LRWTE Plans. The condition can be imposed by regulation or the registrar and could be targeted to entities in contract with the government. If code changed to include compliance with conditions this would allow complaints about non-compliance with LRTWE and investigations to occur. Contract administration task would still remain with directorates but allows registrar to encourage compliance.

Out of scope

Andrew Parkinson | Secure Local Jobs Code Registrar

Phone 02 6205 4593 | Mobile 0478 301 085

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government



From: "Parkinson, Andrew"
Sent: 29/11/2019 2:39 AM
To: "Ferguson, David" <David.Ferguson@act.gov.au>; "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>; "Whitten, Meredith" <Meredith.Whitten@act.gov.au>
Subject: SLJC Update for Minister Orr - 29 November 2019

UNCLASSIFIED For-Official-Use-Only

Good afternoon – I've changed the format slightly this week.

Out of scope

Issues

- Further letter sent to the CFMEU regarding their interpretation of Clause 15 (Part 1-3 and 5-8) of the Code – received a written response from CFMEU raising their specific concerns with behaviour that may be in accordance with Fair Work Act but contrary to 15.5 of Code.
- Proposed Code v3 updates:
 - clarifying which subcontractors require certificates:
 - including directors with associated entity requirements:
 - LRWTE Plans:
 - (new) Requiring entity to comply with any condition on the certificate
 - (new) specific requirement to allow registrar and compliance officers to enter site
- Code Certificates could be conditioned to require entity to implement a LRWTE Plans. The condition can be imposed by regulation or the registrar and could be targeted to entities in contract with the government. If code changed to include compliance with conditions this would allow complaints about non-compliance with LRWTE and investigations to occur. Contract administration task would still remain with directorates but allows registrar to encourage compliance.

Out of scope

Andrew Parkinson | Secure Local Jobs Code Registrar

Phone 02 6205 4593 | Mobile 0478 301 085

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



From: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Sent: 29/11/2019 5:02 AM
To: "Alex White" <[Sch 2.2(a)(ii)]@unionsact.org.au>; "Lilian" <[Sch 2.2(a)(ii)]@canberrabusiness.com>; "Lyndal Ryan" <[Sch 2.2(a)(ii)]@unitedvoice.org.au>; "Menka Zarzour" <[Sch 2.2(a)(ii)]@millenniumsg.com>; "Michael Schaper" <[Sch 2.2(a)(ii)]@canberrabusiness.com>; "Whitten, Meredith" <Meredith.Whitten@act.gov.au>; "Zach Smith" <[Sch 2.2(a)(ii)]@cfmeu.org>
Cc: "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>; "Pupulkovski, Jessica" <Jessica.Pupulkovski@act.gov.au>; "Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>
Subject: SLJC Advisory Council meeting #5
Attachments: [Redacted], Secure Local Jobs Circular #1 - Guide for Delegates.pdf, Secure Local Jobs Circular #2 - Accepting Responses.pdf, Secure Local Jobs Circular #3 - LRTWE Plan minimum requirements.pdf, Secure Local Jobs Circular #4 - What work needs a Code Certificate.pdf, SLJC Advisory Council MINUTES 2 Oct 2019_FINAL DRAFT.docx, 4 Dec 2019 Meeting Agenda.docx, 2018-288.pdf, [Redacted] Out of scope [Redacted]

UNCLASSIFIED

Good afternoon Council Members,

Please find attached the agenda for the next meeting of the Advisory Council to be held on Wednesday 4 December at 10am.

Also attached are a number of documents relating to action items from previous meetings.

The registrar's report will be sent out before the meeting.

Regards

Andrew Parkinson | Secure Local Jobs Code Registrar

Phone 02 6205 4593 | Mobile 0478 301 085

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



25 Years of the
ACT Public Service
1994-2019



ACT
Government

**Secure Local Jobs Code
Advisory Council**

Agenda item 5

Out of scope

ACTIONS REGISTER

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|------------------------|-----------------------------|--|-----------------|-------------|--------------|
| <h1>Out of scope</h1> | | | | | |
| Meeting 4 4/10/2019 | Item 6 LRTWE Enforcement | Chair and Registrar to meet with Minister about the legislation review and agree on an action plan. Mtg#5 – meeting scheduled for 13 December | Complete | Registrar | Next Meeting |
| <h1>Out of scope</h1> | | | | | |

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|-----------------------|-------------------------|----------|--------|-------------|----------|
| <h1>Out of scope</h1> | | | | | |

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|-----------------------|-------------------------|----------|--------|-------------|----------|
| <h1>Out of scope</h1> | | | | | |

Completed Action Items

| Meeting | Completed action item | Comments | Completed By | Completion date |
|-----------------------|-----------------------|----------|--------------|-----------------|
| <h1>Out of scope</h1> | | | | |

Out of scope



MINUTES FROM PREVIOUS MEETING

Purpose of Paper

To record proceedings of meeting held Wednesday, 2 October 2019

Recommendation

This paper is issued for Council's endorsement.

Author

Name: Jess Pupulkovski

Date: 2 October 2019

Attachments: DRAFT Minutes

Members:

Ms. Meredith Whitten (Chair), Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith,
Dr. Michael Schaper, Ms. Menka Zarzour, Mr. Darren Smith (A/g Registrar)

Observers:

Mr. David Ferguson

Mr. Patrick Connell

Ms Suzanne Orr MLA, Minister for Government Services and Procurement

Apologies:

Secretariat

Jess Pupulkovski and Kirsty Bourke, Secure Local Jobs Branch

MINUTES OF SECURE LOCAL JOBS CODE ADVISORY COUNCIL

Wednesday, 2 October 2019, 10:00am – 12:00pm

The Olympic Room, Nara Plaza North, Nara Building, 1 Constitution Avenue Canberra City

Meeting start: 10:00am

1.0 Welcome, introductions

The Chair opened the meeting, made introductions and advised Suzanne Orr MLA, Minister for Government Services and Procurement would be attending the session at 11:00am.

Mr White requested to add a discussion point to 'Other Business'. He wished to discuss the compliance framework.

Out of scope

2.0 Apologies

Nil

Out of scope

Out of scope

Out of scope

Out of scope

- Ms Ryan questioned what additional powers are necessary for the branch to improve on enforcement of the Code and whether legislative changes are required as she is keen to look at the enforcement of LRTWE plans. The Chair confirmed the legislation must be reviewed within 2 years. Ms Ryan stated that these amendments need to be a priority. The Chair noted Ms Ryans comments and confirmed this would need to be discussed with Minister Orr. Ms Bourke identified some of the challenges and limitations and that the team are identifying some of the issues with the code. Ms Bourke stated in practice it is very difficult to apply any enforcement. She confirmed that it appears there are powers in the legislation but they cannot currently be applied due to discrepancies between the legislation of the guide. A framework is to be developed in the coming months to better reflect and detail the requirements and powers, with a focus on having a robust compliance framework that will withstand the scrutiny of ACAT and other potential challenges.

ACTION: Chair and Registrar to meet with Minister about the legislation review and agree on an action plan.

- Mr Zach Smith stated that this scheme is at a critical point and discussed the IRE scheme, which was based on a sound theory but it was perceived to have failed workers and didn't fully deliver on the intent. He stated that we put education and awareness aside and focus on enforcement and that if this requires legislative changes this needs to happen now. Mr Bourke stated that the Compliance Unit is enforcing what can be enforced to the best of their ability.
- Mr Zach Smith confirmed no businesses are consulting with the CFMEU in relation to LRTWE plans. Ms Ryan seconded Mr Zach Smith's comments and requested this issue be included in the legislation review.

Out of scope

Sch 1 1.2

Out of scope

Out of scope

Meeting close: 12:00pm

Meeting 5

10:00am-12.00pm, Wednesday 4 December 2019

The Olympic Room (ground floor), Nara Building, 1 Constitution Avenue, Canberra City

Members:

Ms. Meredith Whitten (Chair), Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith,
Dr. Michael Schaper, Ms. Menka Zarzour, Mr. Andrew Parkinson (SLJC Registrar)

Apologies:

Secretariat

Jess Pupulkovski and Kirsty Bourke, Secure Local Jobs Branch

| Agenda Item | Lead |
|--|-----------|
| 1.0 Welcome / Introductions | Chair |
| 2.0 Apologies | Chair |
| 3.0 Disclosure of Interests | Chair |
| Out of scope | Chair |
| | Chair |
| 6.0 Registrar's Report: to be provided separately | Registrar |
| Out of scope | All |
| | Chair |
| Meeting Close | Chair |

From: "Rad, Chadia" <Chadia.Rad@act.gov.au> on behalf of "CMCD DLO" <CMCDDLO@act.gov.au>
Sent: 03/12/2019 10:36 PM
To: "Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>; "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>
Subject: Actions Exec briefing - SLJC
Attachments: Min Orr - Exec briefing - SLJC Action Items.xlsx

Hi Andrew/Sara

Please find attached actions list updated following briefing with Minister Orr on 2 December.

Many thanks
Chadia

Chadia Rad | Chief Minister's Directorate Liaison Officer
Office of the Chief Minister

Chief Minister, Treasury and Economic Development Directorate & Major Projects Canberra | ACT Government

Phone: +61 2 6205 3029 | **Email:** CMDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra
City ACT 2601 | www.act.gov.au



From: "TaylorPindo, Sariel" <Sariel.TaylorPindo@act.gov.au>
Sent: 04/12/2019 11:15 PM
To: "Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Subject: RE: Actions Exec briefing - SLJC

UNCLASSIFIED

Hi both

I agree with Andrew, and the only other action item I had was for Andrew to set up a meeting with GSO which is scheduled for tomorrow.

Also just to clarify, I understand re #16 the Minister asked for a factual brief for noting the issue but also providing the history of CFMEU engagement on clause 15.

Thanks heaps for providing this Chadia, super helpful.

Sara

From: Parkinson, Andrew <Andrew.Parkinson@act.gov.au>
Sent: Wednesday, 4 December 2019 9:42 AM
To: CMCD DLO <CMCDDLO@act.gov.au>
Cc: TaylorPindo, Sariel <Sariel.TaylorPindo@act.gov.au>
Subject: RE: Actions Exec briefing - SLJC

UNCLASSIFIED

Chadia

Looking at the list, I think that all the items other than #16 (briefing re CFMEU / s15) have been completed.

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



From: Rad, Chadia <Chadia.Rad@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Wednesday, 4 December 2019 9:36 AM
To: Parkinson, Andrew <Andrew.Parkinson@act.gov.au>; TaylorPindo, Sariel <Sariel.TaylorPindo@act.gov.au>
Subject: Actions Exec briefing - SLJC

Hi Andrew/Sara

Please find attached actions list updated following briefing with Minister Orr on 2 December.

Many thanks

Chadia

Chadia Rad | Chief Minister's Directorate Liaison Officer

Office of the Chief Minister

Chief Minister, Treasury and Economic Development Directorate & Major Projects Canberra | ACT Government

Phone: +61 2 6205 3029 | **Email:** CMDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra

City ACT 2601 | www.act.gov.au



From: "Parkinson, Andrew"
Sent: 06/12/2019 12:17 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "Whitten, Meredith" <Meredith.Whitten@act.gov.au>
Cc: "CMCD DLO" <CMCDDLO@act.gov.au>; "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject: SLJC Update for Minister Orr - 6 December 2019

UNCLASSIFIED For-Official-Use-Only

Out of scope

Issues

- Section 15 of Code
- Code v3 updates: target date?
 - clarifying which subcontractors require certificates:
 - including directors with associated entity requirements:
 - LRWTE Plans:
 - (new) Requiring entity to comply with any condition on the certificate
 - (new) specific requirement to allow registrar and compliance officers to enter site

Out of scope

Andrew Parkinson | Secure Local Jobs Code Registrar

Phone 02 6205 4593 | Mobile 0478 301 085

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

25
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Years of the
ACT Public Service

From: "Parkinson, Andrew" <Andrew.Parkinson@act.gov.au>
Sent: 03/12/2019 3:04 AM
To: "Alex White" <Sch 2.2(a)(ii)@unionsact.org.au>; "Lilian" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Lyndal Ryan" <Sch 2.2(a)(ii)@unitedvoice.org.au>; "Menka Zorzour" <Sch 2.2(a)(ii)@millenniumsg.com>; "Michael Schaper" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Whitten, Meredith" <Meredith.Whitten@act.gov.au>; "Zach Smith" <Sch 2.2(a)(ii)@cfmeu.org>; "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>
Cc: "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>; "Pupulkovski, Jessica" <Jessica.Pupulkovski@act.gov.au>; "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject: RE: SLJC Advisory Council meeting #5
Attachments: Secure Locals Jobs Registrars Report Dec 2019.pdf

UNCLASSIFIED

Good Afternoon

Please find attached my Registrar's report for tomorrow's meeting.

Regards

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



From: Secure Local Jobs Code <securelocaljobs@act.gov.au>
Sent: Friday, 29 November 2019 4:02 PM
To: Alex White <Sch 2.2(a)(ii)@unionsact.org.au>; Lilian <Sch 2.2(a)(ii)@canberrabusiness.com>; Lyndal Ryan <Sch 2.2(a)(ii)@unitedvoice.org.au>; Menka Zorzour <Sch 2.2(a)(ii)@millenniumsg.com>; Michael Schaper <Sch 2.2(a)(ii)@canberrabusiness.com>; Whitten, Meredith <Meredith.Whitten@act.gov.au>; Zach Smith <Sch 2.2(a)(ii)@cfmeu.org>
Cc: Bourke, Kirsty <Kirsty.Bourke@act.gov.au>; Pupulkovski, Jessica <Jessica.Pupulkovski@act.gov.au>; Parkinson, Andrew <Andrew.Parkinson@act.gov.au>
Subject: SLJC Advisory Council meeting #5

UNCLASSIFIED

Good afternoon Council Members,

Please find attached the agenda for the next meeting of the Advisory Council to be held on Wednesday 4 December at 10am.

Also attached are a number of documents relating to action items from previous meetings.

The registrar's report will be sent out before the meeting.

Regards

Andrew Parkinson | Secure Local Jobs Code Registrar

Phone 02 6205 4593 | Mobile 0478 301 085

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



ACT GOVERNMENT

Secure Local Jobs Code Advisory Council: Registrar's Report

December 2019



Out of scope

Out of scope

Out of scope

- **Minor Code amendments:** The Secure Local Jobs Branch is working on some minor amendments to the Secure Local Jobs Code to reflect some technical issues. These include:
 - Requirement to consider director's history of compliance (not just associated entities)
 - Clarifying which subcontractors require certificates
 - Requiring an entity to comply with any condition on the certificate
 - Specific requirement to allow registrar and compliance officers to enter a site
- **Interpretation of clause 15 of Code:** There have been a number of questions raised about the obligations under clause 15 (Collective Bargaining) and how that relates to the requirements under the Fair Work Act. A number of different views have been presented and are being considered with a view to providing guidance to help Code covered entities comply with their obligations under the code.

Out of scope



Contacts

Secure Local Jobs Branch email: securelocaljobs@act.gov.au

Andrew Parkinson

Secure Local Jobs Code Registrar

Chief Minister, Treasury and Economic Development Directorate

From: "Secure Local Jobs Code"
Sent: 04/02/2020 9:32 PM
To: "Evans, Jacinta" <Jacinta.Evans@act.gov.au>; "Alex White" <Sch 2.2(a)(ii)@unionsact.org.au>; "Lyndal Ryan" <Sch 2.2(a)(ii)@unitedvoice.org.au>; "Zach Smith" <Sch 2.2(a)(ii)@cfmeu.org>; "Menka Zarzour" <Sch 2.2(a)(ii)@millenniumsg.com>; "Lilian" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Ferguson, David" <David.Ferguson@act.gov.au>; "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>
Cc: "Prowse, Fay" <Fay.Prowse@act.gov.au>; "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>; "Pupulkovski, Jessica" <Jessica.Pupulkovski@act.gov.au>
Subject: Secure Local Jobs Advisory Council - Meeting 6
Attachments: 14 February 2020 Meeting Agenda.docx, Agenda item 5 - SLJC Advisory Council Actions Register.docx, DRAFT SLJC Version 3.0.pdf, DRAFT Noncompliance Guidelines Version 2.0.pdf

UNCLASSIFIED Sensitive

Good morning Council Members,

Please find attached the agenda for the next meeting of the Advisory Council to be held on Friday 14 February at 2pm.

Also attached are related papers including the Action Items register. Please note, the registrar's report will be circulated before the meeting.

Regards

Jess Pupulkovski | Compliance Officer

Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate

ACT Government

M | Sch 2.2(a)(ii) P | 02 6207 0127

Level 4, Nara House, 1 Constitution Ave, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



Meeting 5

2:00–4:00pm, Friday 14 February 2020

Nara Conference Room (Level 4), Nara Building, 1 Constitution Avenue, Canberra City

Members:

Ms. Jacinta Evans (Chair), Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith,
Ms. Menka Zarzour, Mr. Graham Catt

Observers:

Ms. Sara Taylor Pindo, Mr David Ferguson

Apologies:

Secretariat

Jess Pupulkovski & Kirsty Bourke (Secure Local Jobs Branch)

| Agenda Item | Lead |
|---|-----------|
| 1.0 Welcome / Introductions / Acknowledgement | Chair |
| 2.0 Apologies | Chair |
| 3.0 Disclosure of Interests | Chair |
| Out of scope | Chair |
| | Chair |
| | Registrar |
| 7.0 Updated Secure Local Jobs Code (Version 3.0) | Registrar |
| Out of scope | Registrar |
| | Registrar |
| | Chair |
| | Chair |

Out of scope

Out of scope

IN CONFIDENCE

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|------------------------|-----------------------------|--|-----------------|-------------|--------------|
| Out of scope | | | | | |
| Meeting 4 4/10/2019 | Item 6 LRTWE Enforcement | Chair and Registrar to meet with Minister about the legislation review and agree on an action plan. Mtg#5 – meeting scheduled for 13 December | Complete | Registrar | Next Meeting |

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

From: "Pupulkovski, Jessica" <Jessica.Pupulkovski@act.gov.au>
Sent: 07/02/2020 3:40 AM
To: "CMCD DLO" <CMCDDLO@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>; "Evans, Jacinta" <Jacinta.Evans@act.gov.au>
Cc: "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>
Subject: RE: SLJC CFMEU Letters: WCAG Input - QTBs for CM and Ministers Orr & Ramsay

UNCLASSIFIED

Hi Chadia,

Yes, the newest draft of the Code includes an amendment to section 15(4) and the addition of a new sub-section subsequently. Please let me know if you need any further details of these changes to the Code.

Kind regards

Jess Pupulkovski | Compliance Officer

Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate

ACT Government

M [Sch 2.2\(a\)\(i\)](#) P | 02 6207 0127

Level 4, Nara House, 1 Constitution Ave, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From: Rad, Chadia <Chadia.Rad@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Friday, 7 February 2020 2:06 PM
To: Prowse, Fay <Fay.Prowse@act.gov.au>; Evans, Jacinta <Jacinta.Evans@act.gov.au>
Cc: Pupulkovski, Jessica <Jessica.Pupulkovski@act.gov.au>; Bourke, Kirsty <Kirsty.Bourke@act.gov.au>
Subject: RE: SLJC CFMEU Letters: WCAG Input - QTBs for CM and Ministers Orr & Ramsay

UNCLASSIFIED

Hi Jacinta

MO would like to confirm if we are preparing version 3 of the code that addresses the defects which made section 15 of the code ineffective?

Many thanks
Chadia

Chadia Rad | Chief Minister's Directorate Liaison Officer
Office of the Chief Minister

Chief Minister, Treasury and Economic Development Directorate & Major Projects Canberra | ACT Government

Phone: +61 2 6205 3029 | **Mobile:** [Sch 2.2\(a\)\(i\)](#) **Email:** CMDDLO@act.gov.au | ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601 | www.act.gov.au



From: Prowse, Fay <Fay.Prowse@act.gov.au>

Sent: Friday, 7 February 2020 1:02 PM

To: CMCD DLO <CMCDDLO@act.gov.au>

Cc: Evans, Jacinta <Jacinta.Evans@act.gov.au>; Pupulkovski, Jessica <Jessica.Pupulkovski@act.gov.au>; Bourke, Kirsty <Kirsty.Bourke@act.gov.au>

Subject: SLJC CFMEU Letters: WCAG Input - QTBs for CM and Ministers Orr & Ramsay

UNCLASSIFIED

Hi Chadia

SLJC CFMEU Letters QTB attached.

Regards

Fay Prowse | Executive Officer to Deputy-Director General – Jacinta Evans

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au;

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

From: Prowse, Fay

Sent: Thursday, 6 February 2020 1:04 PM

To: CMCD DLO <CMCDDLO@act.gov.au>

Cc: Bourke, Kirsty <Kirsty.Bourke@act.gov.au>; Pupulkovski, Jessica <Jessica.Pupulkovski@act.gov.au>; Callen, Michelle <Michelle.Callen@act.gov.au>; Ernst, Denise <Denise.Ernst@act.gov.au>; Noud, Russell <Russell.Noud@act.gov.au>; Lind, Lena <Lena.Lind@act.gov.au>; Evans, Jacinta <Jacinta.Evans@act.gov.au>

Subject: WCAG Input - QTBs for CM and Ministers Orr & Ramsay

UNCLASSIFIED

Hi Chadia

Please find attached QTBs as follows:

Out of scope

Minister Orr

- Secure Local Jobs Code
- Secure Local Jobs Code CFMEU Letters – **This Brief is still to come**

Out of scope

Fay Prowse | Executive Officer to Deputy-Director General – Jacinta Evans

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au;

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

From: "Evans, Jacinta" <Jacinta.Evans@act.gov.au>
Sent: 10/02/2020 5:06 AM
To: "Robertson, David" <David.Robertson@act.gov.au>
Subject: FW: Secure Local Jobs Advisory Council - Meeting 6
Attachments: 14 February 2020 Meeting Agenda.docx, Agenda item 5 - SLJC Advisory Council Actions Register.docx, DRAFT SLJC Version 3.0.pdf, DRAFT Noncompliance Guidelines Version 2.0.pdf

UNCLASSIFIED Sensitive

Hi David

FYI.

Cheers

Jacinta

From: Secure Local Jobs Code <securelocaljobs@act.gov.au>
Sent: Wednesday, 5 February 2020 8:33 AM
To: Evans, Jacinta <Jacinta.Evans@act.gov.au>; Alex White <Sch 2.2(a)(ii)@unionsact.org.au>; Lyndal Ryan <Sch 2.2(a)(ii)@unitedvoice.org.au>; Zach Smith <Sch 2.2(a)(ii)@cfmeu.org>; Menka Zarzour <Sch 2.2(a)(ii)@millenniumsg.com>; Lilian <Sch 2.2(a)(ii)@canberrabusiness.com>; Ferguson, David <David.Ferguson@act.gov.au>; Taylor Pindo, Sariel <Sariel.TaylorPindo@act.gov.au>
Cc: Prowse, Fay <Fay.Prowse@act.gov.au>; Bourke, Kirsty <Kirsty.Bourke@act.gov.au>; Pupulkovski, Jessica <Jessica.Pupulkovski@act.gov.au>
Subject: Secure Local Jobs Advisory Council - Meeting 6

UNCLASSIFIED Sensitive

Good morning Council Members,

Please find attached the agenda for the next meeting of the Advisory Council to be held on Friday 14 February at 2pm.

Also attached are related papers including the Action Items register. Please note, the registrar's report will be circulated before the meeting.

Regards

Jess Pupulkovski | Compliance Officer
Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate
ACT Government
M | 0466 932 858 P | 02 6207 0127
Level 4, Nara House, 1 Constitution Ave, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



Meeting 5

2:00–4:00pm, Friday 14 February 2020

Nara Conference Room (Level 4), Nara Building, 1 Constitution Avenue, Canberra City

Members:

Ms. Jacinta Evans (Chair), Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith,
Ms. Menka Zarzour, Mr. Graham Catt

Observers:

Ms. Sara Taylor Pindo, Mr David Ferguson

Apologies:

Secretariat

Jess Pupulkovski & Kirsty Bourke (Secure Local Jobs Branch)

| Agenda Item | Lead |
|--|-----------|
| 1.0 Welcome / Introductions / Acknowledgement | Chair |
| 2.0 Apologies | Chair |
| 3.0 Disclosure of Interests | Chair |
| Out of scope | Chair |
| | Chair |
| | Registrar |
| 7.0 Updated Secure Local Jobs Code (Version 3.0) | Registrar |
| Out of scope | Registrar |
| | Registrar |
| | Chair |
| | Chair |

Out of scope

Out of scope

IN CONFIDENCE

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|------------------------|-----------------------------|--|-----------------|-------------|--------------|
| Out of scope | | | | | |
| Meeting 4 4/10/2019 | Item 6 LRTWE Enforcement | Chair and Registrar to meet with Minister about the legislation review and agree on an action plan. Mtg#5 – meeting scheduled for 13 December | Complete | Registrar | Next Meeting |

Out of scope

Out of scope

Out of scope

Out of scope

Out of scope

From: "Pupulkovski, Jessica" <Jessica.Pupulkovski@act.gov.au>
Sent: 14/02/2020 2:25 AM
To: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Cc: "Evans, Jacinta" <Jacinta.Evans@act.gov.au>; "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>
Subject: updated agenda
Attachments: 14 February 2020 Meeting Agenda.docx

UNCLASSIFIED

Hi Fay

Attached is an amended agenda for Jacinta to chair today's Advisory Council meeting. I have printed 10 and will send them down Kirsty, with copies of the attachments.

Jess

Jess Pupulkovski | Compliance Officer
Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate
ACT Government
M | [Sch 2.2\(a\)\(iii\)](tel:0262070127) P | 02 6207 0127
Level 4, Nara House, 1 Constitution Ave, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



Meeting 5

2:00–4:00pm, Friday 14 February 2020

Nara Conference Room (Level 4), Nara Building, 1 Constitution Avenue, Canberra City

Members:

Ms. Jacinta Evans (Chair), Mr David Robertson (Registrar) Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith, Mr. Graham Catt

Observers:

Ms. Sara Taylor Pindo, Mr David Ferguson

Apologies: Ms. Menka Zarzour

Secretariat

Kirsty Bourke (Secure Local Jobs Branch)

| Agenda Item | Lead |
|--|-----------|
| 1.0 Welcome / Introductions / Acknowledgement | Chair |
| 2.0 Apologies | Chair |
| 3.0 Disclosure of Interests | Chair |
| Out of scope | Chair |
| | Chair |
| | Registrar |
| 7.0 Updated Secure Local Jobs Code (Version 3.0) | Registrar |
| Out of scope | Registrar |
| | Registrar |
| | Chair |
| | Chair |

From: "Robertson, David" <David.Robertson@act.gov.au>
Sent: 21/02/2020 3:04 AM
To: "Alex White" <Sch 2.2(a)(ii)@unionsact.org.au>; "Lilian" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Lyndal Ryan" <Sch 2.2(a)(ii)@unitedvoice.org.au>; "Menka Zarzour" <Sch 2.2(a)(ii)@millenniumsg.com>; "Michael Schaper" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Zach Smith" <Sch 2.2(a)(ii)@cfmeu.org>
Cc: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>; "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>; "Evans, Jacinta" <Jacinta.Evans@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: DRAFT Minutes - Secure Local Jobs Advisory Council Meeting 14 February 2020
Attachments: DRAFT SLJC Advisory Council MINUTES 14 Feb 2020 - For Comment.docx

UNCLASSIFIED For-Official-Use-Only

Dear Advisory Council Members,

Please find attached the Draft Minutes from Council's meeting Friday, 14 February 2020.

Would you please provide any comment or feedback you may have on the DRAFT minutes by COB Friday, 28 February 2020 to securelocaljobs@act.gov.au.

We will consolidate any comments received and include in papers sent out in preparation for the next Advisory Council meeting scheduled for 10:00am Wednesday 1 April 2020.

Kind regards,
David

David Robertson | Secure Local Jobs Code Registrar
Phone 02 6207 3005 | Mobile <Sch 2.2(a)(ii)>
Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



Out of scope

MINUTES OF SECURE LOCAL JOBS CODE ADVISORY COUNCIL

Friday, 14 February 2020, 14:00pm – 16:00pm

Level 4 Conference Room, Nara Level 4, North, Nara Building, 1 Constitution Avenue Canberra City

Meeting start: 14:00pm

1.0 Welcome, introductions

The Chair opened the meeting with an Acknowledgement of Country and made introductions. The Chair welcomed Mr Graham Catt, in place of Dr Schaper for 6 months. The council welcomed the new Chair, Jacinta Evans and the new Registrar, David Robertson

2.0 Apologies

Zach Smith, Menka Zarzour

3.0 Disclosure of Interests

The council members were asked to declare any conflicts of interest with items on the agenda. None were declared.

Out of scope

7.0 Updated Secure Local Jobs Code (Version 3.0)

Council discussed the draft presented, and noted the revised Code needs the ability to enforce commitments made in the Labour Relations, Training and Workplace Equity (LRTWE) plans. Council noted that it is the Minister's intended view that LRTWE plans would become enforceable in the new version of the Code. Council members also questioned whether the Code would cover the business as a whole and all its operations, not just its work on ACT Government sites. It was highlighted that the changes to Section 17 of the Draft Code helped to close this gap. Council members commented on the development of capability across Government to assess LRTWE Plans as part of the procurement evaluation process.

The Chair and Registrar noted the discussion on the draft revised Code presented to Council, noting further work will be undertaken on the draft. It was agreed an update would be provided to Council members out of session for comment and then presented to the Minister.

Out of scope

From: "Bourke, Kirsty" <Kirsty.Bourke@act.gov.au>
Sent: 14/04/2020 6:54 AM
To: "Evans, Jacinta" <Jacinta.Evans@act.gov.au>; "Alex White" <Sch 2.2(a)(ii)@unionsact.org.au>; "Lyndal Ryan" <Sch 2.2(a)(ii)@unitedvoice.org.au>; "Menka Zarzour" <Sch 2.2(a)(ii)@millenniumsg.com>; "Michael Schaper" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Zach Smith" <Sch 2.2(a)(ii)@cfmeu.org>
Cc: "Prowse, Fay" <Fay.Prowse@act.gov.au>; "Lilian" <Sch 2.2(a)(ii)@canberrabusiness.com>; "Ferguson, David" <David.Ferguson@act.gov.au>; "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>
Subject: Secure Local Jobs Advisory Council - Meeting 7, Tuesday 21 April 2020
Attachments: Secure Local Jobs Code Advisory Council - 21 April 2020 Meeting Agenda.pdf, Agenda Item 4 - DRAFT SLJC Advisory Council MINUTES 14 Feb 2020.pdf, Agenda item 5 - SLJC Advisory Council Actions Register.pdf, Agenda Item 7 - DRAFT SLJC Version 3.1.pdf, Agenda Item 8 - DRAFT Complaints and Noncompliance Investigation Guidelines Version 2.1.pdf, Agenda Item 9 - Secure Locals Jobs Registrars Report Apr 2020.pdf

UNCLASSIFIED

Dear Advisory Council Members,

Please find attached papers for Council's next meeting scheduled for Tuesday, 21 April 2020, 10:00am – 12:00pm.

We are currently working with our IT area in order to be able to conduct the meeting by WebEx videoconference. We will send you a meeting invitation in the next few days with all the relevant details in order for you to join the meeting. We expect the invitation to join the meeting will simply be a click to connect however, we are awaiting final confirmation.

Should you have any queries please contact us on 6207 3005.

Kind regards,
Kirsty

Kirsty Bourke | Assistant Director

Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate | ACT Government

M | [REDACTED] P | 02 6207 3005

Level 4, Nara Building, 1 Constitution Ave Canberra City 2601 | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.





Meeting 7

10:00am–12:00pm, Tuesday 21 April 2020

Via Webex, Nara Building, 1 Constitution Avenue, Canberra City

Members:

Ms. Jacinta Evans (Chair), Mr David Robertson (Registrar) Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith, Mr. Graham Catt, Ms. Menka Zarzour

Observers:

Ms. Sara Taylor Pindo, Mr David Ferguson

Apologies:

Secretariat

Kirsty Bourke (Secure Local Jobs Branch)

| Agenda Item | Lead |
|--|-----------|
| 1.0 Welcome / Introductions / Acknowledgement | Chair |
| 2.0 Apologies | Chair |
| 3.0 Disclosure of Interests | Chair |
| Out of scope | Chair |
| | Registrar |
| | Registrar |
| 7.0 Updated Secure Local Jobs Code (Version 3.1) – final discussion | Registrar |
| Out of scope | Registrar |
| | Registrar |
| | Chair |
| | Chair |

Out of scope

MINUTES OF SECURE LOCAL JOBS CODE ADVISORY COUNCIL

Friday, 14 February 2020, 14:00pm – 16:00pm

Level 4 Conference Room, Nara Level 4, North, Nara Building, 1 Constitution Avenue Canberra City

Meeting start: 14:00pm

1.0 Welcome, introductions

The Chair opened the meeting with an Acknowledgement of Country and made introductions. The Chair welcomed Mr Graham Catt, in place of Dr Schaper for 6 months. The council welcomed the new Chair, Jacinta Evans and the new Registrar, David Robertson

2.0 Apologies

Zach Smith, Menka Zarzour

3.0 Disclosure of Interests

The council members were asked to declare any conflicts of interest with items on the agenda. None were declared.

Out of scope

7.0 Updated Secure Local Jobs Code (Version 3.0)

Council discussed the draft presented, and noted the revised Code needs the ability to enforce commitments made in the Labour Relations, Training and Workplace Equity (LRTWE) plans. Council noted that it is the Minister's intended view that LRTWE plans would become enforceable in the new version of the Code. Council members also questioned whether the Code would cover the business as a whole and all its operations, not just its work on ACT Government sites. It was highlighted that the changes to Section 17 of the Draft Code helped to close this gap. Council members commented on the development of capability across Government to assess LRTWE Plans as part of the procurement evaluation process.

The Chair and Registrar noted the discussion on the draft revised Code presented to Council, noting further work will be undertaken on the draft. It was agreed an update would be provided to Council members out of session for comment and then presented to the Minister.

Out of scope

ACT GOVERNMENT

Secure Local Jobs Code Advisory Council: Registrar's Report

April 2020



ACT
Government

Out of scope

Key Activities April – June 2020

- **Finalising Code amendments:** The Secure Local Jobs Branch is working to finalise the proposed amendments to the Secure Local Jobs Code to reflect some technical issues in Code operations. These include:
 - Requirement to consider director's history of compliance (not just associated entities)
 - Clarifying which subcontractors require certificates
 - Requiring an entity to comply with any condition on the certificate
 - Specific requirement to allow registrar and compliance officers to enter a site

Out of scope

Out of scope

Out of scope

Out of scope



ACT
Government

Contacts

Secure Local Jobs Branch email: securelocaljobs@act.gov.au

David Robertson

Secure Local Jobs Code Registrar

Chief Minister, Treasury and Economic Development Directorate

From: "Zach Smith" <[redacted]@cfmeu.org>
Sent: 08/05/2020 1:07 AM
To: "Robertson, David" <David.Robertson@act.gov.au>
Cc: "Matthew Harrison" [redacted]@unionsact.org.au;"Lyndal Ryan"
[redacted]@unitedworkers.org.au>
Subject: Code amendments

Hi Dave,

Following our meeting yesterday, Matthew and I spoke with Lyndal regarding your proposed Code amendments. We are happy for you to proceed with these amendments on the basis that they will effectively rope in all employers engaged on government works into the SLJC scheme irrespective of their position in the contracting/supply chain.

Regards, Zach



Zachary Smith
Assistant Divisional Branch Secretary
CFMEU - Construction & General Division (ACT Branch)
Unit 7-10, 8 Cape Street
Dickson, ACT 2602

Sch 2.2(a)(ii)

I acknowledge the traditional Aboriginal owners of country throughout the ACT and pay my respect to them, their culture and their Elders past, present and future.

Disclaimer: The information in this e-mail may be confidential and/or legally privileged. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

From: "Robertson, David"
Sent: 08/05/2020 1:35 AM
To: "Zach Smith" <Sch 2.2(a)(ii)@cfmeu.org>
Cc: "Matthew Harrison" <Sch 2.2(a)(ii)@unionsact.org.au>; "Lyndal Ryan" <Sch 2.2(a)(ii)@unitedworkers.org.au>; "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject: RE: Code amendments

UNCLASSIFIED For-Official-Use-Only

Hi Zach,

Thanks for the advice and for the opportunity to meet with you and Matthew yesterday.

We will be in touch about the next Advisory Council meeting and will provide an update on progress of the proposed update to the Code

Kind regards,
David

David Robertson | Secure Local Jobs Code Registrar
Phone 02 6207 3005 | Mobile Sch 2.2(a)(ii)
Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

From: Zach Smith <Sch 2.2(a)(ii)@cfmeu.org>
Sent: Friday, 8 May 2020 11:07 AM
To: Robertson, David <David.Robertson@act.gov.au>
Cc: Matthew Harrison <Sch 2.2(a)(ii)@unionsact.org.au>; Lyndal Ryan <Sch 2.2(a)(ii)@unitedworkers.org.au>
Subject: Code amendments

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Regards, Zach



Zachary Smith
Assistant Divisional Branch Secretary

CFMEU - Construction & General Division (ACT Branch)
Unit 7-10, 8 Cape Street
Dickson, ACT 2602

Sch 2.2(a)(ii)

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From: "Robertson, David"
Sent: 19/05/2020 6:14 AM
To: "Graham Catt" [redacted]@canberrabusines.com>
Subject: FW: Secure Local Jobs Advisory Council - Meeting 7, Tuesday 21 April 2020
Attachments: Secure Local Jobs Code Advisory Council - 21 April 2020 Meeting Agenda.pdf, Agenda Item 4 - DRAFT SLJC Advisory Council MINUTES 14 Feb 2020.pdf, Agenda item 5 - SLJC Advisory Council Actions Register.pdf, Agenda Item 7 - DRAFT SLJC Version 3.1.pdf, Agenda Item 8 - DRAFT Complaints and Noncompliance Investigation Guidelines Version 2.1.pdf, Agenda Item 9 - Secure Locals Jobs Registrars Report Apr 2020.pdf

UNCLASSIFIED

As discussed

From: Bourke, Kirsty <Kirsty.Bourke@act.gov.au>
Sent: Tuesday, 14 April 2020 4:55 PM
To: Evans, Jacinta <Jacinta.Evans@act.gov.au>; Alex White [redacted]@unionsact.org.au>; Lyndal Ryan [redacted]@unitedvoice.org.au>; Menka Zazour [redacted]@millenniumsg.com>; Michael Schaper [redacted]@canberrabusines.com>; Zach Smith [redacted]@cfmeu.org>
Cc: Prowse, Fay <Fay.Prowse@act.gov.au>; Lilian [redacted]@canberrabusines.com>; Ferguson, David <David.Ferguson@act.gov.au>; Taylor Pindo, Sariel <Sariel.TaylorPindo@act.gov.au>; Robertson, David <David.Robertson@act.gov.au>
Subject: Secure Local Jobs Advisory Council - Meeting 7, Tuesday 21 April 2020

UNCLASSIFIED

Dear Advisory Council Members,

Please find attached papers for Council's next meeting scheduled for Tuesday, 21 April 2020, 10:00am – 12:00pm.

We are currently working with our IT area in order to be able to conduct the meeting by WebEx videoconference. We will send you a meeting invitation in the next few days with all the relevant details in order for you to join the meeting. We expect the invitation to join the meeting will simply be a click to connect however, we are awaiting final confirmation.

Should you have any queries please contact us on 6207 3005.

Kind regards,
Kirsty

Kirsty Bourke | Assistant Director
Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate | ACT Government
M | [redacted] P | 02 6207 3005
Level 4, Nara Building, 1 Constitution Ave Canberra City 2601 | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.





Meeting 7

10:00am–12:00pm, Tuesday 21 April 2020

Via Webex, Nara Building, 1 Constitution Avenue, Canberra City

Members:

Ms. Jacinta Evans (Chair), Mr David Robertson (Registrar) Mr. Alex White, Ms. Lyndal Ryan, Mr. Zach Smith, Mr. Graham Catt, Ms. Menka Zarzour

Observers:

Ms. Sara Taylor Pindo, Mr David Ferguson

Apologies:

Secretariat

Kirsty Bourke (Secure Local Jobs Branch)

| Agenda Item | Lead |
|--|-----------|
| 1.0 Welcome / Introductions / Acknowledgement | Chair |
| 2.0 Apologies | Chair |
| 3.0 Disclosure of Interests | Chair |
| Out of scope | Chair |
| | Registrar |
| | Registrar |
| 7.0 Updated Secure Local Jobs Code (Version 3.1) – final discussion | Registrar |
| Out of scope | Registrar |
| | Registrar |
| | Chair |
| | Chair |

Out of scope

MINUTES OF SECURE LOCAL JOBS CODE ADVISORY COUNCIL

Friday, 14 February 2020, 14:00pm – 16:00pm

Level 4 Conference Room, Nara Level 4, North, Nara Building, 1 Constitution Avenue Canberra City

Meeting start: 14:00pm

1.0 Welcome, introductions

The Chair opened the meeting with an Acknowledgement of Country and made introductions. The Chair welcomed Mr Graham Catt, in place of Dr Schaper for 6 months. The council welcomed the new Chair, Jacinta Evans and the new Registrar, David Robertson

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Zach Smith, Menka Zarzour

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The council members were asked to declare any conflicts of interest with items on the agenda. None were declared.

Out of scope

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Council discussed the draft presented, and noted the revised Code needs the ability to enforce commitments made in the Labour Relations, Training and Workplace Equity (LRTWE) plans. Council noted that it is the Minister's intended view that LRTWE plans would become enforceable in the new version of the Code. Council members also questioned whether the Code would cover the business as a whole and all its operations, not just its work on ACT Government sites. It was highlighted that the changes to Section 17 of the Draft Code helped to close this gap. Council members commented on the development of capability across Government to assess LRTWE Plans as part of the procurement evaluation process.

The Chair and Registrar noted the discussion on the draft revised Code presented to Council, noting further work will be undertaken on the draft. It was agreed an update would be provided to Council members out of session for comment and then presented to the Minister.

Out of scope



Out of scope

ACTIONS REGISTER

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|-----------------------|-------------------------|----------|--------|-------------|----------|
| <h1>Out of scope</h1> | | | | | |

IN CONFIDENCE

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|------------------------|-----------------------------|--|-----------------|-------------|--------------|
| Out of scope | | | | | |
| Meeting 4 4/10/2019 | Item 6 LRTWE Enforcement | Chair and Registrar to meet with Minister about the legislation review and agree on an action plan. Mtg#5 – meeting scheduled for 13 December | Complete | Registrar | Next Meeting |

Out of scope

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|-----------------------|-------------------------|----------|--------|-------------|----------|
| <h1>Out of scope</h1> | | | | | |

IN CONFIDENCE

| Meeting | Outstanding action item | Comments | Status | Responsible | Deadline |
|-----------------------|-------------------------|----------|--------|-------------|----------|
| <h1>Out of scope</h1> | | | | | |

Completed Action Items

| Meeting | Completed action item | Comments | Completed By | Completion date |
|--------------|-----------------------|----------|--------------|-----------------|
| Out of scope | | | | |
| Sch 1 1.2 | | | | |
| Out of scope | | | | |

Out of scope

ACT GOVERNMENT

Secure Local Jobs Code Advisory Council: Registrar's Report

April 2020



ACT
Government

Out of scope

Key Activities April – June 2020

- **Finalising Code amendments:** The Secure Local Jobs Branch is working to finalise the proposed amendments to the Secure Local Jobs Code to reflect some technical issues in Code operations. These include:
 - Requirement to consider director's history of compliance (not just associated entities)
 - Clarifying which subcontractors require certificates
 - Requiring an entity to comply with any condition on the certificate
 - Specific requirement to allow registrar and compliance officers to enter a site

Out of scope

Out of scope

Out of scope

Out of scope



ACT
Government

Contacts

Secure Local Jobs Branch email: securelocaljobs@act.gov.au

David Robertson

Secure Local Jobs Code Registrar

Chief Minister, Treasury and Economic Development Directorate

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 12/06/2020 4:17 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 12 June 2020 (Webex)
Attachments: Agenda - Minister Orr SLIC Briefing - Monday 15 June 2020.docx

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Good Afternoon all

Please find attached the agenda and statistics update for Monday's Meeting with Minister Orr in relation to the Secure Local Jobs Code Portfolio.

Regards

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West
Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au
Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au
ACTPS IPAA EA Series Committee Representative5

Out of scope

Out of scope

David Robertson | Secure Local Jobs Code Registrar

Phone 02 6207 3005 | Mobile [Sch 2.2\(a\)\(ii\)](#)

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 15 June at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|--|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Out of scope • Progressing the updated Code | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 19/06/2020 3:08 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 22 June 2020 (Webex)
Attachments: Agenda - Minister Orr SLIC Briefing - Monday 22 June 2020.docx

UNCLASSIFIED For-Official-Use-Only

Hi all

Please find attached the agenda for the Minister's meeting scheduled for Monday 22 June, and the Stats (below).

Regards

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au;

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

Out of scope

Out of scope

David Robertson | Secure Local Jobs Code Registrar

Phone 02 6207 3005 | Mobile Sch 2.2(a)(ii)

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



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Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 22 June at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|--|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Out of scope • Progressing the updated Code | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Lakey, Cara" <Cara.Lakey@act.gov.au>
Sent: 26/06/2020 5:53 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 29 June 2020 (Webex)
Attachments: Agenda - Minister Orr SLIC Briefing - Monday 29 June 2020.docx

UNCLASSIFIED For-Official-Use-Only

Hi all

Please find attached the agenda for the Minister's meeting scheduled for Monday 29 June, and the Stats.

Out of scope

Out of scope

Regards

Cara Lakey

A/g Executive Assistant to Deputy Director General, Dr Damian West
Workforce, Capability and Governance Division

Office Manager and Event Coordination
Whole of Government Senior Executive Contracts and Events
ACT Public Service Awards for Excellence
Public Sector Management Group | Workforce, Capability and Governance Division |
Chief Minister, Treasury and Economic Development Directorate

Phone: 02 620 71866 | **Mobile:** [Sch 2.2\(a\)\(ii\)](tel:0412 222 222) |

Email: cara.lakey@act.gov.au | www.act.gov.au

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601

2020 ACT Public Service
Awards for Excellence



Nominations close Friday 17 July | www.act.gov.au/actpsawards

Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 29 June at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|---|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Out of scope • Progressing the updated Code (Advisory Council) | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All <ul style="list-style-type: none"> 1. DR 2. DR 3. DR |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 02/07/2020 11:36 PM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 6 July 2020 (Webex)
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 6 July 2020.docx

UNCLASSIFIED

Hi all

Agenda and statistics for next Monday's Meeting with Minister Orr.



Out of scope

Out of scope

Regards

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Registrar
- David Momcilovic, DLO

Apologies

Monday 6 July at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All 1. DR |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 13/07/2020 12:32 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 13 July 2020 (Webex)
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 13 July 2020.docx

UNCLASSIFIED For-Official-Use-Only

Hi all

Agenda for today's SLJC Portfolio meeting with Minister Orr – apologies for the delay in getting this through to you

Regards

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au;

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

Out of scope

Out of scope

David Robertson | Secure Local Jobs Code Registrar

Phone 02 6207 3005 | Mobile [Sch 2.2\(a\)\(ii\)](#)

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 13 July at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|--|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Preparation of Brief and DI Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 19/07/2020 11:19 PM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 12 July 2020 (Webex)
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 20 July 2020.docx

UNCLASSIFIED

Hi all

Please find attached the agenda and statistics for the Minister's meeting scheduled for today.

Out of scope

Out of scope

Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 20 July at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Preparation of Brief and DI • Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | | | All |

From: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>
Sent: 21/07/2020 12:26 AM
To: "Robertson, David" <David.Robertson@act.gov.au>
Subject: SLJC follow up

UNCLASSIFIED

Hi David

Just following up on a few things.

Could you let me know when you have that meeting scheduled for on Clause 15?

Also, this is going back a long while but I had thought we had introduced a new industry (community sector) on the search function, though perhaps it was just introducing the search function? Pat Bates at the ASU has asked me if I could provide him with a list of certified community sector organisations, is that possible?

Thanks heaps

Sara Taylor Pindo | Adviser
Office of Minister Suzanne Orr
ACT Government
p (02) 6207 2930 | m [REDACTED]



From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 24/07/2020 5:13 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 27 July 2020 (Webex)
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 27 July 2020.docx

UNCLASSIFIED

Hi all

Please find attached the agenda for the Minister's meeting scheduled for Monday next week and the Stats (below).

Out of scope

Out of scope

Sch 1 1.2

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 27 July at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Brief and DI in train to Office • Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Lakey, Cara" <Cara.Lakey@act.gov.au>
Sent: 31/07/2020 1:46 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: DRAFT Agenda - Secure Local Jobs Code Minister Orr Meeting, 3 August 2020 (Webex)
Attachments: Agenda - Minister Orr SLIC Briefing - Monday 3 August 2020.docx

UNCLASSIFIED For-Official-Use-Only

Hi All

Please find attached the draft agenda for the Minister's meeting scheduled for Monday next week and the Stats (below).

Regards

Cara Lakey

Executive Assistant to Deputy Director General, Dr Damian West
Workforce, Capability and Governance Division

Whole of Government Senior Executive Contracts and Events
ACT Public Service Awards for Excellence
Public Sector Management Group | Workforce, Capability and Governance Division |
Chief Minister, Treasury and Economic Development Directorate

Phone: 02 620 71866 | **Mobile:** [REDACTED] |

Email: cara.lakey@act.gov.au | www.act.gov.au

Level 5, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601

2020 ACT Public Service
Awards for Excellence



Nominations close Friday 17 July | www.act.gov.au/actpsawards

Out of scope

Out of scope

David Robertson | Secure Local Jobs Code Registrar

Phone 02 6207 3005 | Mobile [Sch 2.2\(a\)\(ii\)](#)

Secure Local Jobs Code | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 3 August at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Brief and DI with Office Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 07/08/2020 3:38 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>; "Lahey, Cara" <Cara.Lahey@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 10 August 2020(Webex)
Attachments: Agenda - Minister Orr SLIC Briefing - Monday 10 August 2020.docx

OFFICIAL

Hi good afternoon all

Agenda for the Minister's meeting scheduled for Monday next week and the Stats (below).

Out of scope

Out of scope

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au;

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 10 August at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Brief and DI with Office Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 16/08/2020 8:58 PM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "Prowse, Fay" <Fay.Prowse@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Lahey, Cara" <Cara.Lahey@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 17 August 2020 (Webex)
Attachments: Agenda - Minister Orr SLIC Briefing - Monday 17 August 2020.docx

OFFICIAL

Good Morning all

Please find attached the agenda for the Minister's meeting scheduled for today, and the Stats (below).

Out of scope

Out of scope

Regards

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

ACTPS IPAA EA Series Committee Representative

Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 17 August at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | [Redacted] | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Brief and DI with Office [Redacted: Out of scope] | | David Robertson |
| 4 | [Redacted] | | David Robertson |
| 5 | [Redacted] | | All |

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 21/08/2020 5:53 AM
To: "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Prowse, Fay" <Fay.Prowse@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>; "Lakey, Cara" <Cara.Lakey@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 24 August 2020 (Webex)
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 24 August 2020.docx

OFFICIAL

Agenda for the Minister's meeting scheduled for Monday next week and the Stats (below).

Out of scope

Out of scope

David Robertson | Secure Local Jobs Code Registrar

Phone 02 6207 3005 | Mobile [Sch 2.2\(a\)\(ii\)](#)

Secure Local Jobs Code | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 24 August at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|--|-------|--|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: | | David Robertson |
| | <div style="background-color: #cccccc; padding: 10px; text-align: center; font-size: 2em; font-weight: bold;">Sch 1 1.2</div> <ul style="list-style-type: none"> • Advisory Council meeting 3 September 2020 <div style="background-color: #cccccc; padding: 10px; text-align: center; font-size: 2em; font-weight: bold;">Out of scope</div> | | |
| 4 | Out of scope | | David Robertson |
| 5 | | | All <ul style="list-style-type: none"> • DR |

From: "Robertson, David"
Sent: 28/08/2020 6:27 AM
To: "Ferguson, David" <David.Ferguson@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>
Subject: CL 15 Proposed amendments

OFFICIAL

Hi David,

Please see below highlighted proposed changes to CL 15 of the Code. These are to the additional proposed amendments (see highlighted text).

15 Recognition of the Right to Collectively Bargain

- (1) For this section:
 - bargaining representatives*** is defined in section 176 of the *Fair Work Act 2009* (Cth).
 - employee organisation*** means an organisation of employees.
 - notification time*** is defined in section 173(2) of the *Fair Work Act 2009* (Cth).
- (2) Code Certified Entities must make their employees aware of:
 - a. their employment rights, including the right to collectively bargain; and
 - b. their right to freely choose a bargaining representative for a proposed Enterprise Agreement; and
 - c. the classes of people they may be elected as their bargaining representative.
- (3) Section 15 (2) will be satisfied if the Code Certified Entity gives the registrar a written declaration at least [xx] days before the notification time for the proposed Enterprise Agreement that the Entity has:
 - a. invited its employees and representatives of Eligible Unions to attend a meeting; and
 - b. allowed invited employees and representatives of Eligible Unions to attend the meeting; and
 - c. at the meeting, made employees aware of the matters in section 15 (2) or allowed representatives of an Eligible Union to do so.
- (4) For new employees, section 15(2) will also be satisfied if the Code Certified Entity provides a Fair Work Information Statement in accordance with section 125 of the *Fair Work Act 2009* (Cth) and provides induction training in accordance with section 14 of this Code.
- (5) Where a Code Certified Entity has employees that are eligible to be members of an Eligible Union they must make such arrangements as are necessary to allow their employees', bargaining representatives from the Eligible Union(s) and all other bargaining representatives to participate in negotiations to develop Enterprise Agreements that are appropriate to the circumstances of the individual enterprise or industry.
- (6) In undertaking negotiations related to the development of an Enterprise Agreement, a Code Certified Entity must recognise that employees are free to choose their bargaining representatives and must not adopt or implement policies or practices that seek to encourage their employees to appoint a particular entity or person as their bargaining representative.
- (10) To avoid doubt, nothing in this section 15 requires a Code Certified Entity to be covered by or propose to be covered by an enterprise agreement.



ACT
Government

I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



From: "Orr, Suzanne" <Suzanne.Orr@act.gov.au>
Sent: 28/08/2020 6:13 AM
To: "West, Damian" <Damian.West@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>
Cc: "Ferguson, David" <David.Ferguson@act.gov.au>
Subject: Code version three draft

Hi Damian and David,

Just a quick note, if there is a draft of the code ready or just about ready to go would you mind sending me a copy ASAP so I can read it over the weekend and prior to our next briefing.

Regards
Suzanne

Sent from my iPad

From: "West, Damian" <Damian.West@act.gov.au>
Sent: 28/08/2020 6:22 AM
To: "Orr, Suzanne" <Suzanne.Orr@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>
Cc: "Ferguson, David" <David.Ferguson@act.gov.au>
Subject: RE: Code version three draft

UNOFFICIAL

Afternoon Minister,

David has proposed amendments [Sch 1 1.2](#) today (for sharing with the council) which we had intended to send across together over the weekend. David can send the proposed amendments asap with the later to follow if this is ok.

Regards

Damian

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

From: Orr, Suzanne <Suzanne.Orr@act.gov.au>
Sent: Friday, 28 August 2020 4:13 PM
To: West, Damian <Damian.West@act.gov.au>; Robertson, David <David.Robertson@act.gov.au>
Cc: Ferguson, David <David.Ferguson@act.gov.au>
Subject: Code version three draft

Hi Damian and David,

Just a quick note, if there is a draft of the code ready or just about ready to go would you mind sending me a copy ASAP so I can read it over the weekend and prior to our next briefing.

Regards
Suzanne

Sent from my iPad

From: "Orr, Suzanne" <Suzanne.Orr@act.gov.au>
Sent: 28/08/2020 6:23 AM
To: "West, Damian" <Damian.West@act.gov.au>
Cc: "Robertson, David" <David.Robertson@act.gov.au>; "Ferguson, David" <David.Ferguson@act.gov.au>
Subject: Re: Code version three draft

Sounds good - thank you

Sent from my iPad

> On 28 Aug 2020, at 4:22 pm, West, Damian <Damian.West@act.gov.au> wrote:
>
> ?UNOFFICIAL
>
> Afternoon Minister,
>
> David has proposed amendments **Sch 1 1.2** today (for sharing with the council) which we had intended to send across together over the weekend. David can send the proposed amendments asap with the later to follow if this is ok.
>
> Regards
>
> Damian
>
> -----Original Message-----
> From: Orr, Suzanne <Suzanne.Orr@act.gov.au>
> Sent: Friday, 28 August 2020 4:13 PM
> To: West, Damian <Damian.West@act.gov.au>; Robertson, David <David.Robertson@act.gov.au>
> Cc: Ferguson, David <David.Ferguson@act.gov.au>
> Subject: Code version three draft
>
> Hi Damian and David,
>
> Just a quick note, if there is a draft of the code ready or just about ready to go would you mind sending me a copy ASAP so I can read it over the weekend and prior to our next briefing.
>
> Regards
> Suzanne
>
> Sent from my iPad

From: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Sent: 31/08/2020 1:20 AM
To: "Robertson, David" <David.Robertson@act.gov.au>
Subject: FW: Agenda - Secure Local Jobs Code Minister Orr Meeting, 31 August 2020 (Webex)
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 31 August 2020.docx

OFFICIAL

Fay Prowse | Executive Officer to Deputy-Director General – Dr Damian West
Workforce Capability and Governance | Phone: 02 6205 0358 | Email: Fay.Prowse@act.gov.au;
Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government
Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au
ACTPS IPAA EA Series Committee Representative

From: Prowse, Fay
Sent: Friday, 28 August 2020 2:46 PM
To: Taylor Pindo, Sariel <Sariel.TaylorPindo@act.gov.au>; Ferguson, David <David.Ferguson@act.gov.au>; CMCD DLO <CMCDDLO@act.gov.au>
Cc: West, Damian <Damian.West@act.gov.au>; Lakey, Cara <Cara.Lakey@act.gov.au>
Subject: Agenda - Secure Local Jobs Code Minister Orr Meeting, 31 August 2020 (Webex)

OFFICIAL

Please find attached the agenda for the Minister's meeting scheduled for Monday next week and the Stats (below).

Out of scope

Out of scope

David Robertson | Secure Local Jobs Code Registrar

Phone 02 6207 3005 | Mobile [Sch 2.2\(a\)\(ii\)](#)

Secure Local Jobs Code | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 31 August at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|---|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: Sch 1 1.2 Out of scope • Advisory Council Meeting Thursday 3 September | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | Out of scope | | All |

From: "Ferguson, David" <David.Ferguson@act.gov.au>
Sent: 03/09/2020 11:53 PM
To: "Robertson, David" <David.Robertson@act.gov.au>
Subject: Document2
Attachments: Document2.docx

David, two proposals raised so far with the code v3:

1. It appears that working through the details of subcontractors will take longer than we have. Can the definitions of "applicable subcontractor" and changes to definitions of "subcontractor" be dropped from this update? That also means changes to section 8 should be dropped. (Related entities changes are okay)
2. I've attached a mockup of what clause 15 might look like taking on board stakeholder feedback, the changes are to my eye minor (they specifically address some scenarios like the possibility of a short notice meeting, and not telling union members that unless they sign a form the union is the default bargaining entity. They also relate new 15(3) to 15(9) which appears completely consistent. Grateful for your thoughts on this

David

15 Recognition of the Right to Collectively Bargain

(1) For this section:

bargaining representatives is defined in section 176 of the Fair Work Act 2009 (Cth).

employee organisation means an organisation of employees.

notification time is defined in section 173(2) of the Fair Work Act 2009 (Cth).

(2) Code Certified Entities must make their employees aware of:

(a) their employment rights, including the right to collectively bargain; and

(b) their right to freely choose a bargaining representative for a proposed Enterprise Agreement; and

(c) the default status of unions as bargaining representatives for union members in a manner consistent with s 176 of the Fair Work Act 2009 (Cth).

(3) Section 15(2) will be satisfied if the Code Certified Entity gives the registrar a written declaration that within 21 days after the notification time for the proposed Enterprise Agreement the Entity has:

(a) invited, with a reasonable period of notice of the time and location of the meeting, its employees and representatives of Eligible Unions to attend a meeting; and

(b) allowed invited employees and representatives of Eligible Unions to attend and participate in the meeting; and

(c) at the meeting, made employees aware of the matters in section 15(2) or allowed representatives of an Eligible Union to do so;

(d) any meeting held for the purpose of this clause must take place in paid time for the employees.

(4) For new employees, section 15(2) will also be satisfied if the Code Certified Entity provides a Fair Work Information Statement in accordance with section 125 of the Fair Work Act 2009 (Cth) and provides induction training in accordance with section 14 of this Code.

(5) Where a Code Certified Entity has employees that are eligible to be members of an Eligible Union they must make such arrangements as are necessary to allow their employees', bargaining representatives from the Eligible Union(s) and all other bargaining

representatives to participate in negotiations to develop Enterprise Agreements that are appropriate to the circumstances of the individual enterprise or industry.

(6) In undertaking negotiations related to the development of an Enterprise Agreement, a Code Certified Entity must recognise that employees are free to choose their bargaining representatives and must not adopt or implement policies or practices that seek to encourage their employees to appoint a particular entity or person as their bargaining representative.

(7) A Code Certified Entity must not adopt or implement policies or practices that seek to encourage their employees to revoke the status of an employee organisation as their bargaining representative for a proposed Enterprise Agreement.

(8) A Code Certified Entity shall make reasonable allowances for their employees and their bargaining representative (where in place) to participate in negotiations to develop Enterprise Agreements, including but not limited to:

- (a) allowing employees paid time to meet with their bargaining representatives regarding Enterprise Agreement negotiations;
- (b) meeting regularly with bargaining representatives in good faith for the purpose of enterprise bargaining negotiations; and
- (c) allowing a union workplace delegate or employee representative to distribute material to the workplace concerning bargaining.

(9) In the course of collective bargaining, a Code Certified Entity, or their representative or agents, must not:

- (a) advise, encourage, incite or coerce an employee to revoke the bargaining status of the bargaining representative; or
- (b) hold negotiations, including any meeting for the purpose of providing the information described in section 15(2), with relevant employees regarding the Enterprise Agreement without first providing bargaining representatives a reasonable opportunity to attend the negotiation.

From: "Procter, Louise" <Louise.Procter@act.gov.au>
Sent: 04/09/2020 6:10 AM
To: "Ferguson, David" <David.Ferguson@act.gov.au>; "Taylor Pindo, Sariel" <Sariel.TaylorPindo@act.gov.au>; "West, Damian" <Damian.West@act.gov.au>; "Robertson, David" <David.Robertson@act.gov.au>; "Orr, Suzanne" <Suzanne.Orr@act.gov.au>; "CMCD DLO" <CMCDDLO@act.gov.au>
Cc: "Prowse, Fay" <Fay.Prowse@act.gov.au>
Subject: Agenda -Minister Orr SLJC Briefing
Attachments: Agenda - Minister Orr SLJC Briefing - Monday 7 September 2020.docx

OFFICIAL

Good afternoon

Please find attached the Agenda for Monday's meeting.

Kind regards

Louise Procter | A/g Executive Assistant to Deputy-Director General – Dr Damian West

Workforce Capability and Governance | Phone: 02 6205 3506 | Email: Louise.Procter@act.gov.au

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

Level 4, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

Secure Local Jobs Code



Attendees:

- Minister Suzanne Orr MLA
- David Ferguson, Chief of Staff
- Sariel Taylor Pindo, Adviser
- Damian West, Deputy Director General, Workforce Capability and Governance
- David Robertson, Secure Local Jobs Code Acting Registrar
- David Momcilovic, DLO

Apologies

Monday 7 September 2020 at 11:45am (Webex)

| # | Item | Paper | Lead |
|---|--|-------|-----------------|
| 1 | Welcome and apologies | | Minister Orr |
| 2 | Out of scope | | David Robertson |
| 3 | Secure Local Jobs Code (version 3.0) update and any code related matters: <ul style="list-style-type: none"> • Update to DI to follow Advisory Council members feedback to Minister’s office Out of scope | | David Robertson |
| 4 | Out of scope | | David Robertson |
| 5 | | | All |

From: "Robertson, David"
Sent: 04/09/2020 1:10 AM
To: "West, Damian" <Damian.West@act.gov.au>
Subject: FW: Document2
Attachments: Document2.docx

OFFICIAL

Sch 1 1.2

From: Ferguson, David <David.Ferguson@act.gov.au>
Sent: Friday, 4 September 2020 9:54 AM
To: Robertson, David <David.Robertson@act.gov.au>
Subject: Document2

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David

15 Recognition of the Right to Collectively Bargain

(1) For this section:

bargaining representatives is defined in section 176 of the Fair Work Act 2009 (Cth).

employee organisation means an organisation of employees.

notification time is defined in section 173(2) of the Fair Work Act 2009 (Cth).

(2) Code Certified Entities must make their employees aware of:

- (a) their employment rights, including the right to collectively bargain; and
- (b) their right to freely choose a bargaining representative for a proposed Enterprise Agreement; and
- (c) the default status of unions as bargaining representatives for union members in a manner consistent with s 176 of the Fair Work Act 2009 (Cth).

(3) Section 15(2) will be satisfied if the Code Certified Entity gives the registrar a written declaration that within 21 days after the notification time for the proposed Enterprise Agreement the Entity has:

- (a) invited, with a reasonable period of notice of the time and location of the meeting, its employees and representatives of Eligible Unions to attend a meeting; and
- (b) allowed invited employees and representatives of Eligible Unions to attend and participate in the meeting; and
- (c) at the meeting, made employees aware of the matters in section 15(2) or allowed representatives of an Eligible Union to do so;
- (d) any meeting held for the purpose of this clause must take place in paid time for the employees.

(4) For new employees, section 15(2) will also be satisfied if the Code Certified Entity provides a Fair Work Information Statement in accordance with section 125 of the Fair Work Act 2009 (Cth) and provides induction training in accordance with section 14 of this Code.

(5) Where a Code Certified Entity has employees that are eligible to be members of an Eligible Union they must make such arrangements as are necessary to allow their employees', bargaining representatives from the Eligible Union(s) and all other bargaining

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From: "Robertson, David"
Sent: 04/09/2020 3:07 AM
To: "Ferguson, David" <David.Ferguson@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>
Subject: FW: Document2
Attachments: Document2.docx

OFFICIAL

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From: "Robertson, David"
Sent: 04/09/2020 6:38 AM
To: "Ferguson, David" <David.Ferguson@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>
Subject: RE: Document2

OFFICIAL

Thanks David, we'll update and get it over to the office on Monday.

Cheers,
David

From: Ferguson, David <David.Ferguson@act.gov.au>
Sent: Friday, 4 September 2020 3:40 PM
To: Robertson, David <David.Robertson@act.gov.au>
Cc: West, Damian <Damian.West@act.gov.au>
Subject: RE: Document2

David, yep this looks good – an updated DI would be great, I don't think we'll get anymore comments and I'll call Graham and explain where the Minister landed (don't see much implication for his members tbh, this isn't a massively substantial change to cl15 obligations)

Many thanks

David

From: Robertson, David <David.Robertson@act.gov.au>
Sent: Friday, 4 September 2020 1:08 PM
To: Ferguson, David <David.Ferguson@act.gov.au>
Cc: West, Damian <Damian.West@act.gov.au>
Subject: FW: Document2

OFFICIAL

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From: "Ferguson, David" <David.Ferguson@act.gov.au>
Sent: 04/09/2020 5:39 AM
To: "Robertson, David" <David.Robertson@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>
Subject: RE: Document2

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From: "Ferguson, David" <David.Ferguson@act.gov.au>
Sent: 04/09/2020 3:22 AM
To: "Robertson, David" <David.Robertson@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>
Subject: RE: Document2

David, I'm not expecting any further comments but give me an afternoon to check in!

From: Robertson, David <David.Robertson@act.gov.au>
Sent: Friday, 4 September 2020 1:08 PM
To: Ferguson, David <David.Ferguson@act.gov.au>
Cc: West, Damian <Damian.West@act.gov.au>
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From: "Ferguson, David" <David.Ferguson@act.gov.au>
Sent: 07/09/2020 11:32 PM
To: "Robertson, David" <David.Robertson@act.gov.au>
Cc: "West, Damian" <Damian.West@act.gov.au>
Subject: RE: Document2

David, I've spoken to Graham Catt this morning, and he is comfortable with our proposed way forward on the basis it will not dramatically change code obligations. Given timing and his relatively late coming to Secure Local Jobs he wanted to flag that he wasn't in a position to endorse or reject in detail any of the particular changes, but he accepts the Minister's desire to introduce reform.

One further comment on your draft code – can we simply get rid of any reference to notification time in 15(3)? It isn't a mandatory meeting, Sch 1 1.2 and the issue of 21 days before/after notification time (given notification time cannot be predicted in advance) is causing headaches with the Council.

Thanks

David

From: Robertson, David <David.Robertson@act.gov.au>
Sent: Monday, 7 September 2020 12:18 PM
To: Ferguson, David <David.Ferguson@act.gov.au>
Cc: West, Damian <Damian.West@act.gov.au>
Subject: RE: Document2

OFFICIAL

Hi David,

We're finalising the package for the DI on the amended Code and I just wanted to check that you got to speak with Graham about the proposed changes as per your email on Friday?

Cheers,
David

From: Robertson, David
Sent: Friday, 4 September 2020 4:39 PM
To: Ferguson, David <David.Ferguson@act.gov.au>
Cc: West, Damian <Damian.West@act.gov.au>
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David

From: "Momcilovic, David" <David.Momcilovic@act.gov.au> on behalf of "CMCD DLO" <CMCDDLO@act.gov.au>
Sent: 07/09/2020 8:51 AM
To: "Taylor Pindo, Sarel" <Sarel.TaylorPindo@act.gov.au>
Cc: "Treasury DLO" <TreasuryDLO@act.gov.au>
Subject: For review - Brief for Minister Orr - CMTEDD2020/3443 - Amendment to Secure Local Jobs Code

OFFICIAL

Hi Sara

As discussed during this morning's SLJ teleconference, please find linked below the brief and disallowable instrument with the amended Code for Minister Orr's consideration and signature prior to commencement of the Caretaker period.

<\\act.gov.au\Assembly\GovMin\Orr\DLO\00. Orr digital signing\00. Sara\CMTEDD - 3443 - Amendment to Secure Local Jobs Code>

Thanks
David

David Momcilovic | Directorate Liaison Officer
Office of the Chief Minister, Andrew Barr MLA
Chief Minister, Treasury and Economic Development Directorate & Major Projects Canberra
Mobile: [Sch 2.2\(a\)\(ii\)](#) | **E-mail:** CMDDLO@act.gov.au
ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601 | www.act.gov.au



I'm currently working flexibly from home. I'm sending this email now because it's a good time for me, but I don't expect that you will read, respond to or action it outside of your regular hours.

I respectfully acknowledge the Ngunnawal people as the traditional custodians of the land on which my home is located.

This email and attachments are confidential and may be privileged. If you received this email in error, please inform the sender immediately, delete it and do not use, copy or disclose it.

Enterprise bargaining

Overview

Enterprise bargaining is the process of negotiation generally between the employer, employees and their bargaining representatives with the goal of making an enterprise agreement. The Fair Work Act 2009 establishes a set of clear rules and obligations about how this process is to occur, including rules about bargaining, the content of enterprise agreements, and how an agreement is made and approved.

What is an agreement?

A registered agreement sets out the terms and conditions of employment between an employee or group of employees and one or more employers.

Under the national workplace relations system there are two categories of agreements:

- enterprise agreements
- agreement-based transitional instruments.

Agreement-based transitional instruments include various individual and collective agreements that could be made before 1 July 2009 under the former Workplace Relations Act 1996. They also include Individual Transitional Employment Agreements (ITEAs) that were made during the 'bridging period' (1 July 2009 – 31 December 2009). These agreements will continue to operate as agreement-based transitional instruments until terminated or replaced.

Agreement-based transitional instruments include:

- collective agreements
- pre-reform certified agreements (i.e. those made before 27 March 2006)
- preserved individual and collective state agreements
- Individual Transitional Employment Agreements (ITEAs)
- Australian Workplace Agreements (AWAs).

For more information on agreement-based transitional instruments including the variation and termination of these agreements, go to www.fairwork.gov.au

What is an enterprise agreement?

An enterprise agreement is between one or more national system employers and their employees, as specified in the agreement. Enterprise agreements are negotiated by the parties through collective bargaining in good faith, primarily at the enterprise level. Under the Fair Work Act 2009, an enterprise can mean any kind of business, activity, project or undertaking.

Under the Fair Work Act 2009, the following new enterprise agreements can be made:

Single-enterprise agreement

A single-enterprise agreement is made between a single employer (or two or more single interest employers) and employees employed at the time the agreement is made, and who will be covered by the agreement. Single interest employers are employers that are in a joint venture or common enterprise or are related corporations. They can also be employers authorised as single interest employers by the Fair Work Commission, which may be either franchisees or other employers where the Minister for Employment has made a declaration.

Multi-enterprise agreement

A multi-enterprise agreement is made between two or more employers (that are not all single interest employers) and employees employed at the time the agreement is made and who will be covered by the agreement.

Greenfields agreement

A greenfields agreement is an enterprise agreement that is made in relation to a new enterprise of the employer or employers before any employees are employed. This can either be a single enterprise agreement or a multi-enterprise agreement. The parties to a greenfields agreement are the employer (or employers in a multi-enterprise greenfields agreement) and one or more relevant employee associations (usually a trade union).

What terms must be included in an enterprise agreement?

An enterprise agreement is an agreement about permitted matters which are:

- terms about the relationship between each employer and the employees covered by the agreement
- terms about the relationship between each employer and any employee organisations (e.g. a trade union) who will be covered by the agreement
- deductions from wages for any purpose authorised by an employee covered by the agreement
- how the agreement will operate.

An enterprise agreement must contain the following terms:

- a nominal expiry date for the agreement which is no longer than four years from the date the Fair Work Commission

approves the agreement

- a dispute settlement procedure, which must authorise either the Fair Work Commission or someone else that is independent of those covered by the agreement to settle disputes about any matters under the agreement in relation to terms of a modern award or the National Employment Standards ('NES')
- a flexibility term that allows for the making of individual flexibility arrangements (IFAs) for the purpose of meeting the genuine needs of the employer and employees. These are arrangements between an employer and an individual employee that vary the operation of the enterprise agreement in relation to the employee (see What is an Individual Flexibility Arrangement? below)
- a consultation term, which requires the employer to consult their employees about any major workplace changes that are likely to have a significant effect on them and allows the employees to have representation in that consultation. If there is no such consultation term, the model consultation term will apply.

You can access the model dispute settlement, flexibility and consultation terms from the at www.fwc.gov.au

The rate of pay for an employee under an enterprise agreement cannot be less than the relevant rate of pay under the modern award that would apply to the employee or under a national minimum wage order.

What can't be included in an enterprise agreement?

An enterprise agreement cannot include any unlawful content.

This includes:

- a discriminatory term
- an objectionable term (which are terms that require or allow payment of a bargaining services fee, or a contravention of the general protections provisions of the Fair Work Act 2009)
- a term that confers an entitlement or remedy in relation to unfair dismissal before the employee has completed the minimum employment period
- a term that excludes, or modifies, the application of unfair dismissal provisions in a way that is detrimental to, or in relation to, a person
- a term that is inconsistent with the industrial action provisions
- a term that provides for an entitlement to right of entry
- a term that allows for the exercise of any State or Territory OHS legislative right of entry in a manner different to the rights set out in the right of entry provisions of the Fair Work Act 2009.

The Fair Work Commission will review enterprise agreements for any unlawful content. The Fair Work Commission cannot

approve an enterprise agreement that contains unlawful content.

Terms in an enterprise agreement, transitional instruments (award or agreement-based), and modern awards cannot exclude the NES, and those that do will have no effect.

How is an enterprise agreement made?

The Fair Work Act 2009 provides a simple, flexible and fair framework that assists employers and employees to bargain in good faith to make an enterprise agreement.

Employers, employees and their bargaining representatives are involved in the process of bargaining for a proposed enterprise agreement. An employer must notify their employees of the right to be represented by a bargaining representative during the bargaining of an enterprise agreement (other than a greenfields agreement) as soon as possible, and not later than 14 days after the notification time for the agreement (usually the start of bargaining). The notification should be given to each current employee who will be covered by the enterprise agreement.

An employer who is making a greenfields agreement must give written notice to each employee organisation that is a bargaining representative for the proposed agreement. This notice must include the start date of the six month negotiation period for the greenfields agreement.

Who can be a bargaining representative?

A bargaining representative is a person or organisation that each party to the enterprise agreement may appoint to represent them during the bargaining process.

The Fair Work Act 2009 identifies the following as bargaining representatives:

- an employer that will be covered by the agreement
- a trade union who has a member that would be covered by the agreement (unless the member has specified in writing that he or she does not wish to be represented by the trade union, or has appointed someone else)
- a trade union who is entitled to represent one or more employees who will be covered by a greenfields agreement
- a trade union that has applied to the Fair Work Commission for a low paid authorisation that relates to the agreement
- a person specified in writing as their bargaining representative by either an employer or employee who would be covered by the agreement.

For employees who are a member of a trade union, the default bargaining representative is their trade union unless the employee appoints another person.

However, employees can generally appoint whoever they wish as their bargaining representative, including themselves.

What if a bargaining representative benefits?

Organisations that are bargaining representatives (employers, employer organisations, and unions) for a proposed enterprise agreement need to disclose certain financial benefits that they (or certain related parties) will (or could) get because of a term of the proposed agreement.

The disclosure must be set out in a document with details of the relevant financial benefit (a 'disclosure document'). An employer who creates a disclosure document must give it to their employees. A union or employer organisation who creates a disclosure document must give it to the employer, who then provides it to the employees.

You can access fact sheets and further information on corrupting benefits from the Registered Organisations Commission website at www.roc.gov.au.

What are the requirements of good faith bargaining?

Bargaining representatives are required to act in good faith in the process of bargaining for a proposed enterprise agreement.

The following are the good faith bargaining requirements that a bargaining representative must meet:

- attending and participating in meetings at reasonable times
- disclosing relevant information (other than confidential or commercially sensitive information) in a timely manner
- responding to proposals made by other bargaining representatives for the agreement in a timely manner
- giving genuine consideration to the proposals made by other bargaining representatives, and giving reasons for any responses to those proposals
- not behaving in a capricious or unfair way that undermines freedom of association or collective bargaining
- recognising and bargaining with the other bargaining representatives for the agreement.

The good faith bargaining requirements do not require a bargaining representative to make concessions during bargaining for the agreement, or reach agreement on the terms that are to be included in the agreement.

Before the Fair Work Commission approves an enterprise agreement, they must be satisfied that approving the agreement would not undermine good faith bargaining by one or more bargaining representatives for a proposed enterprise agreement.

In addition, a bargaining representative of an employee who will be covered by the agreement must not engage in pattern bargaining in relation to the agreement. Pattern bargaining

is when a bargaining representative is representing two or more proposed enterprise agreements and seeks common agreement terms with two or more employers. However, it is not pattern bargaining if the bargaining representative is genuinely trying to reach an agreement.

What are the steps to seek approval of an enterprise agreement?

Once bargaining is complete and a draft enterprise agreement has been made, it must be submitted to a vote by the employees who will be covered by the agreement.

Before a vote can occur for employee approval, the employer must ensure that:

- during the seven day period before voting for the agreement, employees are given a copy of the agreement and any other material incorporated in the enterprise agreement. The employer must also notify employees of the time and place the vote will occur and the voting method that will be used
- they take all reasonable steps to ensure that the terms of the enterprise agreement, and the effect of those terms, are explained to the employees, and
- the explanation is provided in an appropriate manner (e.g. appropriate for young employees, employees from culturally diverse backgrounds or employees who did not have a bargaining representative).

Employees must endorse the agreement by voting for it. The vote cannot occur until at least 21 days from the date employees were notified of their right to have a bargaining representative.

When is a vote successful?

The vote is successful when one of the following occurs:

- Single-enterprise agreement – a majority of the employees of the employer (or employers if there is more than one single interest employer) who cast a valid vote endorse the agreement.
- Multi-enterprise agreement – a majority of the employees of at least one of the employers, who cast a valid vote endorse the agreement. A multiple enterprise agreement only covers employers whose employees have voted to approve the agreement. Therefore, after the vote the agreement must be varied to remove those employers whose employees have not voted to approve the agreement.

There are no employees to vote on a greenfields agreement. This type of agreement must be signed by each employer and each relevant employee organisation that it covers.

Applying for Fair Work Commission approval

The application for a proposed enterprise agreement must be

lodged with the Fair Work Commission within 14 days of the agreement being made or within such further period as the Fair Work Commission allows.

The application must be accompanied by:

- a signed copy of the agreement
- any declarations that are required by the Fair Work Commission to accompany the application.

To approve an enterprise agreement, the Fair Work Commission must be satisfied that:

- the agreement has been genuinely agreed to by the employees covered by the agreement
- in the case of a multi-enterprise agreement, the agreement has been genuinely agreed to by each employer covered by the agreement and that no person coerced, or threatened to coerce, any employers to make the agreement
- the agreement passes the Better Off Overall Test (BOOT)
- the agreement does not include any unlawful terms, terms that are inconsistent with the NES, or terms about textile clothing or footwear (TCF) outworkers
- the group of employees covered by the agreement was fairly chosen
- the agreement specifies a date as its nominal expiry date (not more than four years after the date of FWC approval)
- the agreement provides a dispute settlement procedure
- the agreement includes a flexibility clause and a consultation clause
- approval is consistent with good faith bargaining
- for multi-enterprise agreements, only employers whose employees have approved the agreement are included
- TCF outworkers do not have detrimental terms compared with those under awards or industrial instruments.

Greenfields agreements are approved if the employee organisations are entitled to represent the interests of a majority of the employees and it is in the public interest.

If an employer and the employee organisations can't agree on the terms of a greenfields agreement after six months of bargaining, the employer can still lodge the agreement for approval with the Fair Work Commission.

In these circumstances, the Fair Work Commission must be satisfied the agreement:

- passes the BOOT
- provides for pay and conditions that are consistent with the standards of the relevant industry.

An enterprise agreement comes into operation seven days after approval by the Fair Work Commission, or at a later date as specified in the agreement. From this date on, an employee's terms and conditions are derived from the enterprise agreement.

What if there is a bargaining dispute?

Bargaining disputes may arise for a number of reasons, for example, a party may not be bargaining in good faith. If there is a bargaining dispute which cannot be resolved between the bargaining representatives, one or more bargaining representatives involved may apply to the Fair Work Commission for assistance in resolving a dispute.

Where necessary, the Fair Work Commission may issue a bargaining order in relation to the proposed agreement. A bargaining order will include the actions that the Fair Work Commission require to be taken, actions that are not to be taken and other matters that the Fair Work Commission considers necessary to promote fair and efficient bargaining.

When making a bargaining order, the Fair Work Commission must be satisfied that:

- the applicant has notified the relevant bargaining representative of their concern (unless the Fair Work Commission considers it is appropriate that this has not happened) and either:
 - one or more of the relevant bargaining representatives for the agreement have not met the good faith bargaining requirements
 - the bargaining process is not proceeding efficiently or fairly because there are multiple bargaining representatives for the agreement.

What if someone contravenes a bargaining order?

The Fair Work Ombudsman can investigate contraventions of a good faith bargaining order. Where a person contravenes a bargaining order, the Fair Work Ombudsman may take legal action for penalties of up to \$12,600 for an individual and \$63,000 for a corporation.

Alternatively, if a bargaining representative contravenes one or more bargaining orders, a bargaining representative can apply to the Fair Work Commission to assist in resolving the dispute.

What happens if the parties are unable to reach agreement?

Where parties are unable to reach agreement on the terms and conditions of a proposed enterprise agreement, a bargaining representative can make an application to the Fair Work Commission requesting assistance.

The Fair Work Commission can make a workplace determination, which prescribes terms and conditions for those employees to whom it applies. In addition, if there is a serious and sustained contravention of a bargaining order that has significantly undermined bargaining, the Fair Work Commission can make a serious breach declaration. If matters are not then settled after 21 days, the Fair Work Commission can make a workplace determination.

Employees are able to initiate industrial action when bargaining for a proposed enterprise agreement. There are strict rules which govern industrial action under the Fair Work Act 2009, including the rights, responsibilities and obligations of employers, employees and their organisations. For more information, please see the ***Fair Work Ombudsman Fact Sheet – Industrial Action***.

What assistance is there for low paid workers?

A bargaining representative or a trade union can apply to the Fair Work Commission to get a low-paid bargaining authorisation. The Fair Work Commission can institute a low-paid authorisation where it believes it is in the public interest to do so.

In deciding this, the Fair Work Commission looks at factors including:

- whether the employers and their employees are bargaining for the first time, or if they face difficulties in bargaining
- the current terms and conditions of employment of the employees
- whether it will help identify productivity and service delivery improvements
- the bargaining strength of the employers and employees involved.

The Fair Work Commission can then help certain low-paid employees and their employers negotiate a multi-enterprise agreement and make a determination in certain circumstances.

What is an individual flexibility arrangement?

While there are no longer statutory individual contracts under the Fair Work Act 2009, an employee and employer can enter into an individual flexibility arrangement (IFA) which varies the terms and conditions of an enterprise agreement in order to meet the genuine needs of the employee and employer.

Every enterprise agreement must contain a flexibility term that provides for individual flexibility arrangements.

When an employer and an employee enter into an IFA, it must:

- be genuinely agreed to by the employer and the employee

- result in the employee being better off overall than the employee would have been if no IFA was made
- be signed by both the employer and employee
- be signed by a parent or guardian of the employee in the case where the employee is under 18 years of age
- a copy of the IFA must be provided to the employee within 14 days of agreement.

If an IFA does not adhere to these terms it will still have effect. However, it may be in contravention of the Fair Work Act 2009. There are also strong protections which prevent undue influence or pressure being applied to an employee to get them to enter into an IFA. Penalties of up to \$12,600 for an individual and \$63,000 for a corporation can apply.

An IFA can be terminated either by mutual agreement in writing between the employer and the employee, or by either the employer or employee, by giving written notice. Modern awards require 13 weeks notice but this may be different in an enterprise agreement (but no more than 28 days).

For more information on IFAs, please see the ***Fair Work Ombudsman Best Practice Guide – Use of Individual Flexibility Arrangements***.

Further information

For further information on how to bargain in good faith and best practice enterprise bargaining, please see the ***Fair Work Ombudsman Best Practice Guide – Improving workplace productivity in bargaining***.

Enterprise bargaining and agreement making are provided for by sections 169–257 of the Fair Work Act 2009.

Individual Flexibility Arrangements are provided for by sections 144 and 145 of the Fair Work Act 2009.

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**. Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**. Ask for the Fair Work Infoline **13 13 94**