

[REDACTED]

From: Lyndal Ryan [Lyndal.Ryan@unitedvoice.org.au]
Sent: Thursday, 2 July 2015 7:47 PM
To: Wynants, John; Whybrow, Mark
Cc: Budnick, Narelle; Brighton, Meg; Stefan Russell-Uren
Subject: RE: Cleaning Contracts

Hi John,

Thank you for your prompt response. We will delay our site visits as requested. The sites visits are a necessary part of the process we must go through in order to get our claims lodged in the Court.

[REDACTED]

I look forward to meeting with you the week after next so that we can present some of the material that we are relying on in our applications to the Federal Court.

Regards
Lyndal

From: Wynants, John [John.Wynants@act.gov.au]
Sent: Thursday, 2 July 2015 7:04 PM
To: Whybrow, Mark
Cc: Lyndal Ryan; Budnick, Narelle; Brighton, Meg; Stefan Russell-Uren
Subject: Re: Cleaning Contracts

Lyndal

I am the Director responsible for the cleaning contracts.

I have been observing what has been happening between the union and Rose and Phillips Cleaning over the past couple of months.

I am aware that a scheduled program of sites visits this week did not occur and that an alternative date is being planned. As school term finishes tomorrow (Friday), I have asked that the visit occur during term 3 and not the term break.

I think it is time that we meet. I will ask my EA, Vivienne Budnick, to arrange a suitable date and time

John Wynants
Director
Infrastructure and Capital Works

> On 2 Jul 2015, at 6:17 pm, Whybrow, Mark <Mark.Whybrow@act.gov.au> wrote:
>
> Lyndal
>

> Due to a change of responsibilities within ETD, I no longer have carriage of cleaning contacts. I am happy to arrange a meeting with, United Voice and the appropriate ETD officers' for the week of 13 July 2014. I have copied relevant ETD officers into this response.

>

>

> Cheers

> Mark

>

> Mark Whybrow | Chief Finance Officer |
> Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED] | Strategic
> Finance | Education and Training Directorate | ACT Government | Level
> 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT
> 2601 | <mailto:mark.whybrow@act.gov.au> <http://www.det.act.gov.au>

>

>

>

>

> -----Original Message-----

> From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]

> Sent: Thursday, 2 July 2015 6:04 PM

> To: Whybrow, Mark

> Cc: Stefan Russell-Uren

> Subject: Cleaning Contracts

>

> Dear Mark,

>

> To that end I am seeking a meeting to put the facts as we see them to yourself or other relevant departmental officers. I would like to gain a better understanding of the process of any investigation that might follow from our meeting, and the timeframe in which this would occur.

>

> I have copied our Legal Officer - Stefan Russell-Uren who into this email. He has access to my diary as I will be on leave this coming week.

>

> Kind regards,

> Lyndal Ryan [REDACTED]

>

>

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

From: Whybrow, Mark
Sent: Friday, 3 July 2015 9:55 AM
To: Wynants, John
Subject: RE: Cleaning Contracts

Thanks John

Cheers
Mark

Mark Whybrow | Chief Finance Officer | [REDACTED] Strategic Finance | Education and Training Directorate | ACT Government | Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT 2601 | <mailto:mark.whybrow@act.gov.au> <http://www.det.act.gov.au>

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

From: Wynants, John
Sent: Thursday, 2 July 2015 7:05 PM
To: Whybrow, Mark
Cc: Lyndal Ryan; Budnick, Narelle; Brighton, Meg; Stefan Russell-Uren
Subject: Re: Cleaning Contracts

Lyndal

I am the Director responsible for the cleaning contracts.

I have been observing what has been happening between the union and Rose and Phillips Cleaning over the past couple of months.

I am aware that a scheduled program of sites visits this week did not occur and that an alternative date is being planned. As school term finishes tomorrow (Friday), I have asked that the visit occur during term 3 and not the term break.

I think it is time that we meet. I will ask my EA, Vivienne Budnick, to arrange a suitable date and time

John Wynants
Director
Infrastructure and Capital Works

> On 2 Jul 2015, at 6:17 pm, Whybrow, Mark <Mark.Whybrow@act.gov.au> wrote:

>

> Lyndal

>

> Due to a change of responsibilities within ETD, I no longer have carriage of cleaning contacts. I am happy to arrange a meeting with, United Voice and the appropriate ETD officers' for the week of 13 July 2014. I have copied relevant ETD officers into this response.

>

>

> Cheers

> Mark
>
> Mark Whybrow | Chief Finance Officer |
> Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED] | Strategic
> Finance | Education and Training Directorate | ACT Government | Level
> 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT
> 2601 | <mailto:mark.whybrow@act.gov.au> <http://www.det.act.gov.au>

> -----Original Message-----

> From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]
> Sent: Thursday, 2 July 2015 6:04 PM
> To: Whybrow, Mark
> Cc: Stefan Russell-Uren
> Subject: Cleaning Contracts

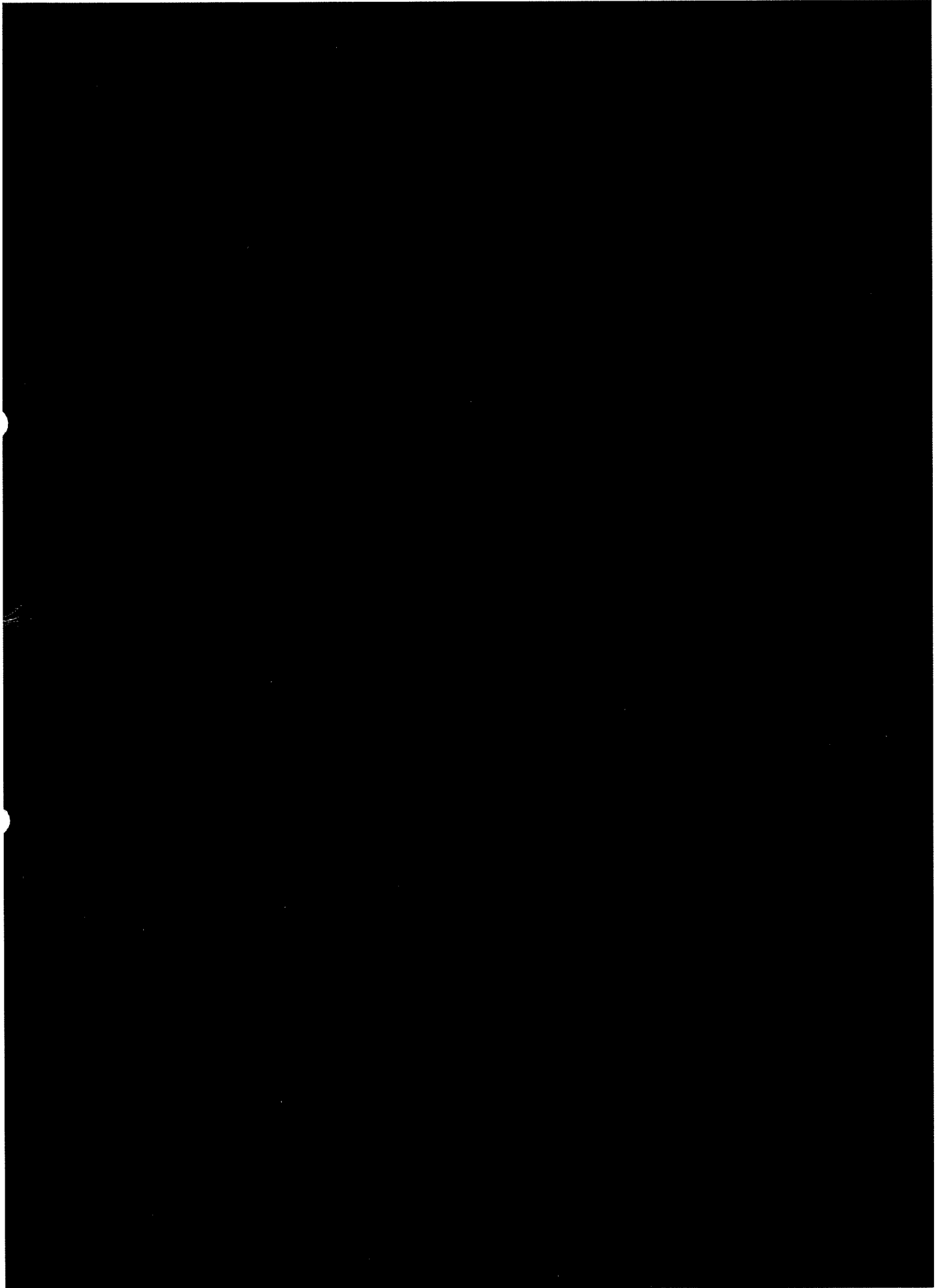
> Dear Mark,


[REDACTED]

To that end I am seeking a meeting to put the facts as we see them to yourself or other relevant departmental officers. I would like to gain a better understanding of the process of any investigation that might follow from our meeting, and the timeframe in which this would occur.

>
> I have copied our Legal Officer - Stefan Russell-Uren who into this email. He has access to my diary as I will be on leave this coming week.

>
> Kind regards,
> Lyndal Ryan [REDACTED]





Begin forwarded message:



From: "Brighton, Meg" <Meg.Brighton@act.gov.au>
Date: 26 October 2015 9:03:19 pm AEDT
To: Lyndal Ryan <Lyndal.Ryan@unitedvoice.org.au>
Cc: "Wynants, John" <John.Wynants@act.gov.au>, "Budnick, Narelle" <Narelle.Budnick@act.gov.au>, Stefan Russell-Uren <Stefan.Russell-Uren@unitedvoice.org.au>, "Whybrow, Mark" <Mark.Whybrow@act.gov.au>
Subject: Re: Phillips Cleaning

Dear Lyndall

Thank you for the email and report. I've been updated on the matter again today and I have asked ETD to undertake further work.

I will call you tomorrow to outline the actions I have asked for.

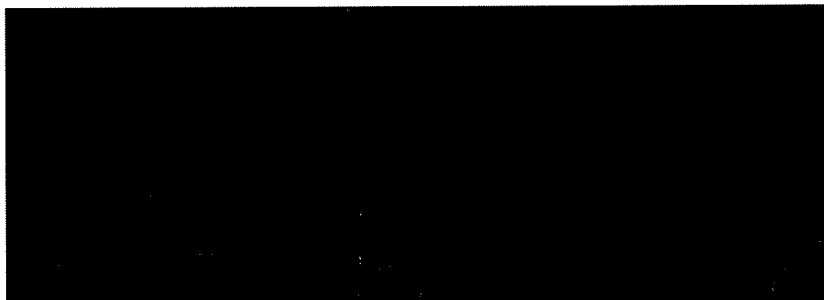
Regards
Meg

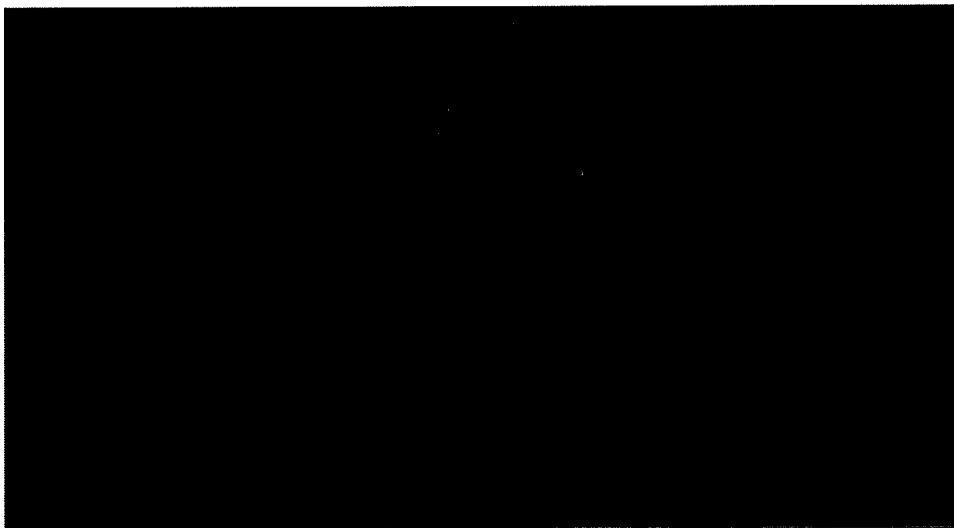
Meg Brighton | Deputy Director-General
T: +61 2 6207 0384 | F: +61 2 6205 9418 | 
 | E: meg.brighton@act.gov.au
| **Education and Training Directorate** | ACT Government
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

On 23 Oct 2015, at 2:26 PM, Lyndal Ryan <Lyndal.Ryan@unitedvoice.org.au> wrote:

Dear Meg,

As you are no doubt aware United Voice engaged a consultant to carry out a safety inspection at Alfred Deakin High. Please find attached a copy of the consultant's report.





Confidential Attachment

I have also attached a copy of a statutory declaration prepared by one of the cleaners employed by Philips at Calwell High to you on a confidential basis. United Voice is providing this document to you so that you might obtain the sign on records from the school and verify the statements made. [REDACTED]



This statement cannot under any circumstances be provided to the employer and the identity of the cleaner who has made this statement must not be disclosed to the employer without the author's and our consent. To be explicitly clear; the statement is confidential.

Sincerely,

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number : [REDACTED]



<Cleaning report for United Voice .docx>

**This folio is exempt
under section 43 of the
Freedom of Information Act 1989**

Hancock, Carly

From: Whybrow, Mark
Sent: Wednesday, 4 November 2015 4:07 PM
To: Lyndal Ryan; Budnick, Narelle
Cc: Wynants, John
Subject: FW: School Cleaner Pty Ltd
Attachments: Creditors minutes.pdf; Liquidators statement of accounts.pdf; Notice of intention to wind up.pdf

Lyndal

Thank you we will investigate

Narelle

Can you please chase up with the contractors. I want to know if the company that has gone into liquidation relates to any of our school contractors, even if it one of their staff hire firms.

Cheers
Mark

Mark Whybrow | Chief Finance Officer |
Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED]
Education and Training Directorate |
ACT Government | Level 1 Annex, 220 Northbourne Avenue, Braddon |
GPO Box 158 Canberra ACT 2601 |
<mailto:mark.whybrow@act.gov.au>
<http://www.det.act.au>

From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]
Sent: Tuesday, 3 November 2015 12:57 PM
To: Whybrow, Mark
Subject: FW: School Cleaner Pty Ltd

Hi Mark,

Stefan has unearthed some other information in relation to Philips Cleaning. Please see documents attached.

Please do not hesitate to contact me if needed.

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number : [REDACTED]

From: Stefan Russell-Uren
Sent: Tuesday, November 3, 2015 12:49 PM
To: Lyndal Ryan
Subject: School Cleaner Pty Ltd

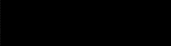
Lyndal,



Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – 

This attachment is exempt under
section 43 of the
Freedom of Information Act 1989.

[REDACTED]

From: Stefan Russell-Uren [Stefan.Russell-Uren@unitedvoice.org.au]
Sent: Tuesday, 24 November 2015 12:06 PM
To: Whybrow, Mark
Cc: Lyndal Ryan
Subject: Phillips Cleaning Services - State of Affairs
Attachments: 15.11.24 Russell to Whybrow.pdf

Mark

Please see and review the attached.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

**This attachment is exempt under
section 43 of the
Freedom of Information Act 1989.**

[REDACTED]

From: Whybrow, Mark
Sent: Tuesday, 24 November 2015 12:32 PM
To: Stefan Russell-Uren
Cc: Lyndal Ryan
Subject: RE: Phillips Cleaning Services - State of Affairs

Stefan

I acknowledge receipt of your letter putting ETD on notice of United Voice's intention to initiate proceeding against ETD if it does not immediately terminate Phillips Cleaning Services contract. I am disappointed by this action given the open and consultative relationship between ETD and United Voice on school cleaning issues.

The ACT government will respond in more detailed to your letter through our legal representatives.

Mark Whybrow | Chief Finance Officer |
Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED]
Education and Training Directorate |
ACT Government | Level 1 Annex, 220 Northbourne Avenue, Braddon |
GPO Box 158 Canberra ACT 2601 |
<mailto:mark.whybrow@act.gov.au>
<http://www.det.act.au>

From: Stefan Russell-Uren [<mailto:Stefan.Russell-Uren@unitedvoice.org.au>]
Sent: Tuesday, 24 November 2015 12:06 PM
To: Whybrow, Mark <Mark.Whybrow@act.gov.au>
Cc: Lyndal Ryan <Lyndal.Ryan@unitedvoice.org.au>
Subject: Phillips Cleaning Services - State of Affairs

Mark

Please see and review the attached.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

[REDACTED]

From: Stefan Russell-Uren [Stefan.Russell-Uren@unitedvoice.org.au]
Sent: Tuesday, 24 November 2015 4:37 PM
To: Whybrow, Mark
Subject: Application and statement of claim
Attachments: 15.11.24 Application (Stamped).pdf; 15.11.24 UV v PCS Points of Claim (Stamped).pdf

Mark,

Please see the attached. These documents are provided for your reference, confidentially.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

This attachment is exempt under
section 45 of the
Freedom of Information Act 1989.

[REDACTED]

From: Stefan Russell-Uren [Stefan.Russell-Uren@unitedvoice.org.au]
Sent: Wednesday, 2 December 2015 4:18 PM
To: DET Legal Liaison
Subject: FOI Request.
Attachments: 15.12.2 Russell to ETD.pdf

Please see the attached.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]



United Voice ACT Branch
Unit 5, Level 2,
40 Brisbane Ave
BARTON ACT 2600
ABN: 52 628 088 684

p 1800 805 027 (Toll-free)
f 02 6273 1628
e act@unitedvoice.org.au
w www.unitedvoice.org.au

Branch President
Ian Gair
Branch Secretary
Lyndal Ryan

2 December 2015

Dear FOI Coordinator,

1. This request is made under the *Freedom of Information Act 1989*.
2. In this document:
 - a. PCS means: Phillips Cleaning Services Pty Ltd or Phillips Cleaning Trust, School Cleaner Pty Ltd and Angelo Di Dio
 - b. RCS means: Rose Cleaning Services, Rose Cleaning Group Pty Ltd, Rose Cleaning Trust, Phillip Arcidiacono, Daniel Olssen, Sue Price and Peter Farmer.
 - c. ETD means: the Education and Training Directorate and any employee thereof.
 - d. United Voice means: United Voice (including its officials, employees and members)
3. I request the following documents from the ETD:
 - a) a copy of the report prepared by ETD as a result of the 'compliance checking program
 - b) A copy of any ethical statutory declaration from PCS or RCS:
 - c) All correspondence between ETD and PCS regarding:
 - i. United Voice,
 - ii. The provision of labour to PCS by another entity,
 - iii. The engagement of workers by an entity other than PCS in respect of a school at which PCS held the contract.
 - iv. PCS' alleged non-compliance with the Fair Work Act 2009
 - v. An enterprise agreement
 - vi. The payment of wages over term breaks
 - vii. The engagement of workers over term breaks
 - viii. Any investigation conducted by the ETD into PCS

- d) All correspondence between ETD and RCS regarding:
- i. United Voice,
 - ii. The provision of labour to RCS by another entity,
 - iii. The engagement of workers by an entity other than RCS in respect of a school at which RCS held the contract.
 - iv. RCS' alleged non-compliance with the Fair Work Act 2009
 - v. An enterprise agreement
 - vi. The payment of wages over term breaks
 - vii. The engagement of workers over term breaks
 - viii. Any investigation conducted by the ETD into RCS
- e) All correspondence between ETD and Burch regarding United Voice or PCS or RCS
- f) A copy of any labour hire agreement between PCS and any third party
- g) A copy of any labour hire agreement between RCS and any third party
- h) Copies of the following excerpts of the sign in books for each of the following schools for May to November 2015
- | | |
|-------------------|----------------------|
| i. Lyncham | vi. Lake Ginninderra |
| ii. Alfred Deakin | vii. Condor |
| iii. Narrabundah | viii. Lanyon |
| iv. Namadgi | ix. Gordon |
| v. Dickson | x. Monash |
- i) Any correspondence regarding PCS or RCS or United Voice (in connection with the school contracts) between any combination of the following:
- | | |
|--------------------|------------------|
| i. Narelle Budnick | iv. Mark Whybrow |
| ii. John Wynants | v. Joy Burch |
| iii. Meg Brighton | |

4. Any record of any investigation into PCS or RCS or United Voice
5. Any complaint made about United Voice to ETD or Burch.
6. On 2 December 2015 a meeting between ETD and the School Cleaning Contractors occurred. In relation to that meeting please provide:
 - a. any correspondence relating to the meeting (or subject matter thereof) either before or after between:
 - i. ETD and Burch or
 - ii. ETD and any school cleaning contractor
 - b. any minute, note or presentation slides used in the presentation
 - c. any document distributed by ETD or a contractor (and in ETD's possession) at the meeting.
7. Any documents can be provided in hard copy to United Voice at Unit 5, 40 Brisbane Avenue, Barton, ACT, 2600. I can be contacted on 02 61 201 203 regarding this request.

Kind Regards

Stefan Russell Uren

*Senior Legal Officer
United Voice*



From: Stefan Russell-Uren [Stefan.Russell-Uren@unitedvoice.org.au]
Sent: Monday, 14 December 2015 1:55 PM
To: Whybrow, Mark
Cc: Noud, Russell
Subject: Phillips Cleaning Services
Attachments: 15.12.14 Russell to Whybrow (With Attch).pdf


Mark,

Please see the attached and note paragraphs 2-5.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
nited Voice

(02) 61 201 203 - 



United Voice ACT Branch
Unit 5, Level 2,
40 Brisbane Ave
BARTON ACT 2600
ADN: 52 620 000 604

p 1800 805 027 (Toll-free)
f 02 6273 1628
e act@unitedvoice.org.au
w www.unitedvoice.org.au

Branch President
Ian Galr
Branch Secretary
Lyndal Ryan

14 December 2015

Dear Mark Whybrow,

Phillips Cleaning Services Pty Ltd

1. I write regarding Phillips Cleaning Services Pty Ltd. The intent of this letter is to advise you that further information has come to light since my letter of 24 November 2015. The new information bears on the content of that letter and accordingly the union's position.

Context from past correspondence

2. I refer to and repeat the terms of my previous correspondence. You will recall that on 24 November 2015:
 - a. I explained that [REDACTED]
 - b. I also acknowledged the ETD position - [REDACTED]
 - c. I drew to your attention ETD's knowledge of [REDACTED]
3. You are, no doubt aware, that [REDACTED] This has been explained ad nauseam and I do not propose to traverse the same ground again.

New Information from ACT Leave

4. On 14 December 2015, in response to a simple enquiry by the union, the Long Service Leave Authority (an ACT Government agency) [REDACTED]

5. I also note that the correspondence indicates that from between the date of commencement and 1 February 2012, [REDACTED]

6. Please see attached:

- a. Email Olivares to Russell
- b. [REDACTED] Annual Statement of Activity
- c. [REDACTED] Annual Statement of Activity
- d. [REDACTED] - Pay slip predating contributions.

Moving Forward

7. I have copied Russell Noud into this correspondence. Russell has some experience in industrial relations practice and may be a good resource for ETD to draw on. [REDACTED]

8. United Voice has found it difficult to comprehend the department's unwillingness to act [REDACTED]

Kind Regards

[REDACTED]
Stefan Russell Oren

*Senior Legal Officer
United Voice*

Stefan Russell-Uren

From: Mllll Ollvares <Mllll.Ollvares@actleave.act.gov.au>
Sent: Monday, 14 December 2015 12:22 PM
To: Stefan Russell-Uren
Subject: RE: Request for information.
Attachments: image001.png; image002.png; image003.jpg; [REDACTED]
[REDACTED]

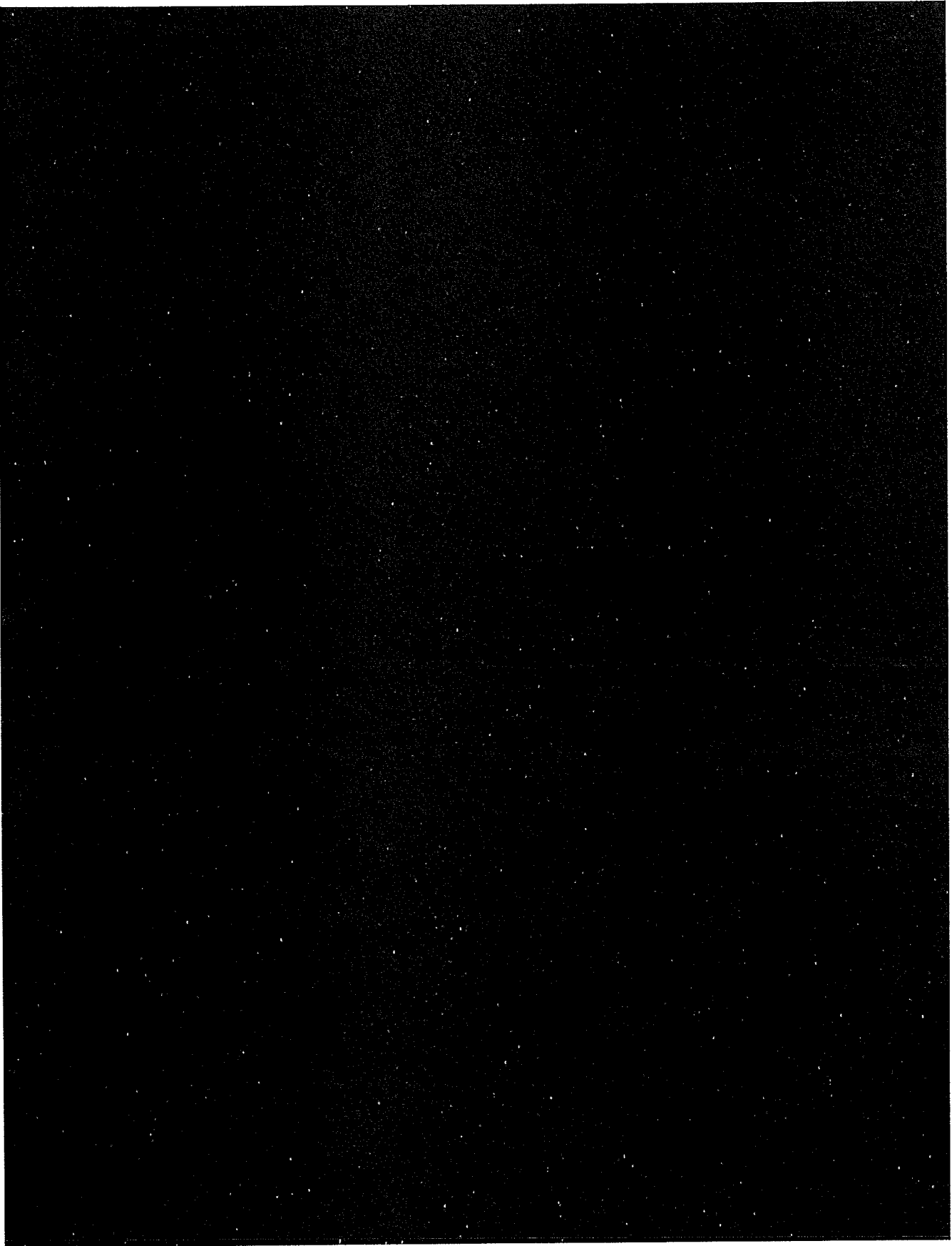
Good Morning Stefan,

I have confirmed what information I am able to provide you with for [REDACTED]

1. [REDACTED] information for Phillips Cleaning Service
 - a. Current employer is : Phillips Cleaning Service for [REDACTED] I have attached both their current annual statements.
 - b. ABN I am unable to provide, please ask both employees
 - c. The address of the business, unable to provide you with this information.
 - d. The registration date for [REDACTED] with Phillips Cleaning Service was 1 July 2013 and for [REDACTED] was the same 1 July 2013

2. [REDACTED] both worked for another employer but I am unable to provide you with that information to confirm who that employer was, please speak to [REDACTED] directly. However, I am able to provide you with start date and cease date and how much was contributed.





I have also attached an annual statement for both [REDACTED] which shows their current balance with the Authority for the 2014/2015 financial year.


Please let me know if you require any further assistance, however, this is the limited information I am allowed to provide you with as a third party.

With Regards,

Milli Olivares
Customer Service Officer
Long Service Leave Authority – Portable Long Service Leave Schemes

p (02) 6247 3900
f (02) 6257 6058
w milli.olivares@actleave.act.gov.au
Unit 8, 71 Constitution Avenue, Campbell
PO Box 234, Civic Square ACT 2608



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The information in this email is intended solely for the addressee named. It may contain legally privileged or confidential information that is subject to copyright. Use or transmission of the information in this email other than for authorised Long Service Leave Authority business purposes may constitute misconduct under the ACT Government Public Sector Code of Conduct and could potentially be an offence under the ACT Criminal Code. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. If you have received this message in error, please delete the email and notify the sender. No representation is made that this email is free of viruses. Virus scanning is recommended and is the responsibility of the recipient. The Long Service Leave Authority accepts no liability for loss or damage (whether caused by negligence or not) resulting from the use of any attached files.

From: Stefan Russell-Uren [mailto:Stefan.Russell-Uren@unitedvoice.org.au]
Sent: Monday, 7 December 2015 10:12 AM
To: Cleaning
Subject: FW: Request for Information.

Dear ACT Leave,

Could you confirm receipt of the email below and advise as to when the request might be completed with?

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

From: Stefan Russell-Uren
Sent: Monday, 23 November 2015 10:55 AM
To: 'cleaning@actleave.act.gov.au'
Subject: Request for Information.

Dear ACT Leave,

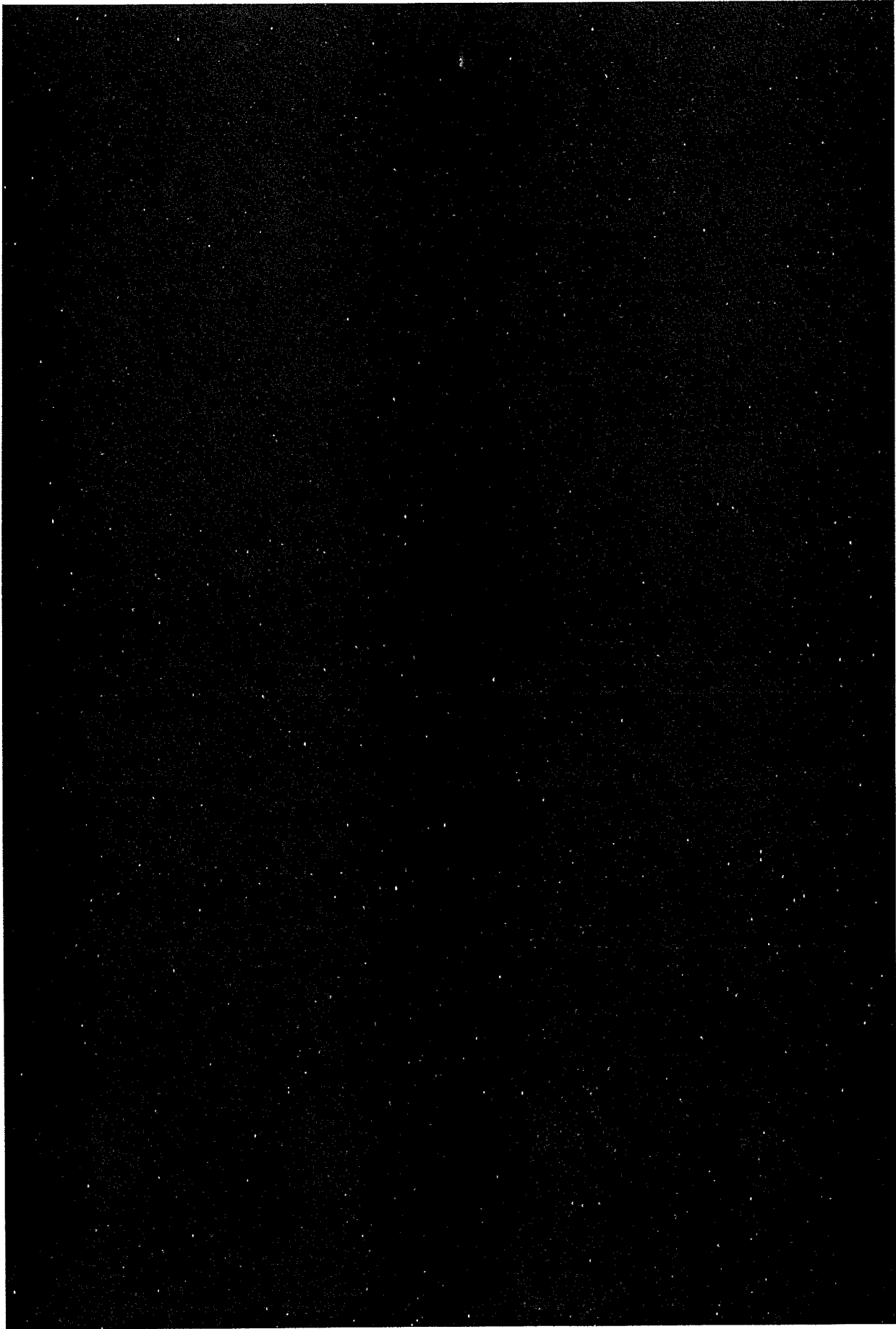
Please see the attached.

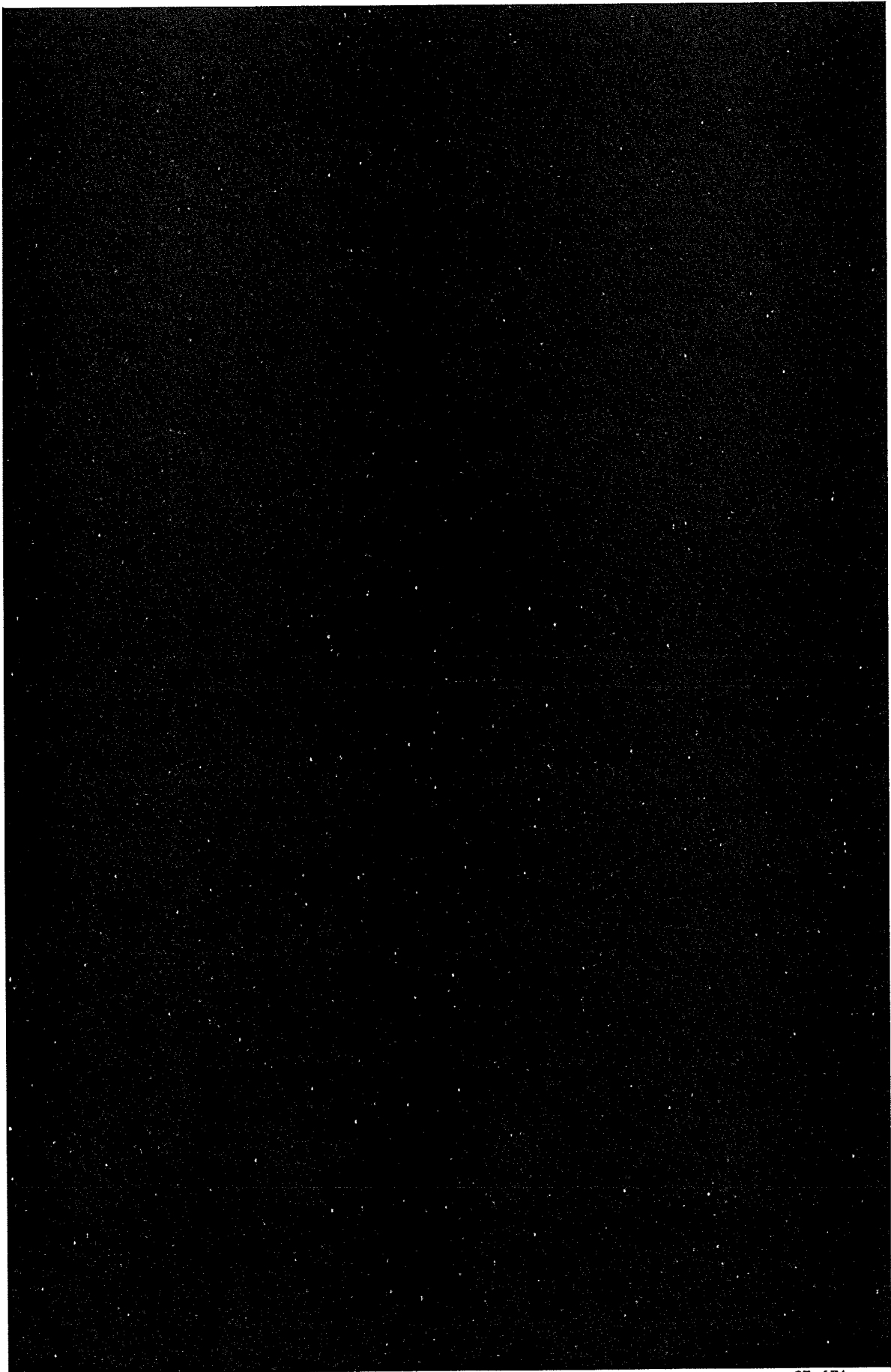
Kind Regards

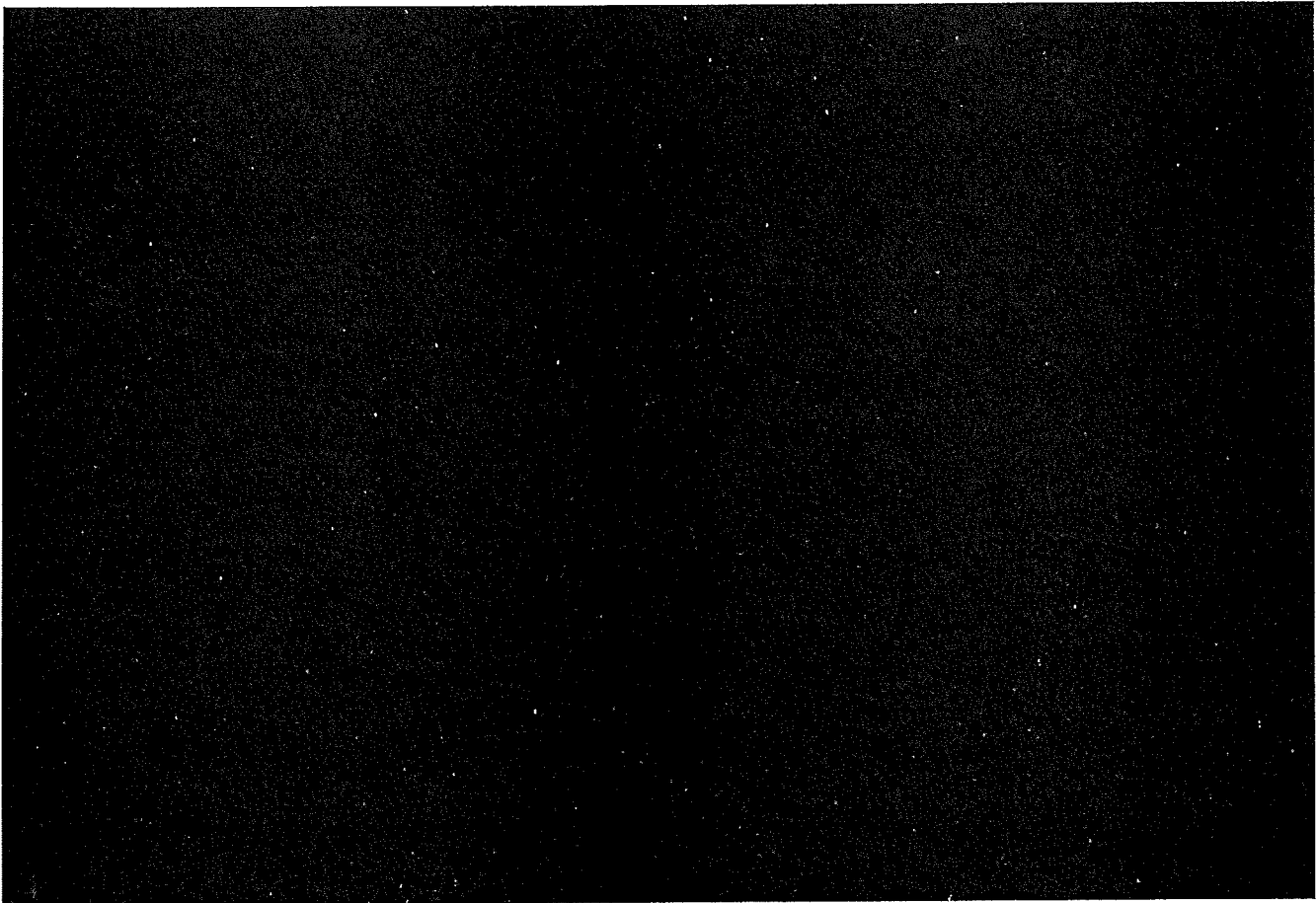
Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]







2. 8 * 9 = 72

[REDACTED]

From: Whybrow, Mark
Sent: Thursday, 25 February 2016 5:32 PM
To: Lyndal Ryan
Subject: RE: Alfred Deakin

Thank you Lyndal

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED]
Education | ACT Government |
Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT 2601 |
<http://www.det.act.au>

From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]
Sent: Thursday, 25 February 2016 5:23 PM
To: Whybrow, Mark <Mark.Whybrow@act.gov.au>
Subject: RE: Alfred Deakin

Sure – we have our first conciliation conference next Friday. We don't have a conference date for Rose as yet.

You may remember that there was a hearing on the application that Rose and Philips made to have their collective agreement set aside. It was heard in July and the decision has not been issued.

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number: [REDACTED]

From: Whybrow, Mark [<mailto:Mark.Whybrow@act.gov.au>]
Sent: Thursday, February 25, 2016 5:17 PM
To: Lyndal Ryan
Subject: RE: Alfred Deakin

Lyndal

Can you advise the status of the federal Court hearings between UV and Phillips.

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED]
Education | ACT Government |
Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT 2601 |

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

From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]
Sent: Thursday, 25 February 2016 1:52 PM
To: Whybrow, Mark <Mark.Whybrow@act.gov.au>; Budnick, Narelle <Narelle.Budnick@act.gov.au>
Cc: Wynants, John <John.Wynants@act.gov.au>
Subject: RE: Alfred Deakin

Hi Mark,

When I can. When I left Alfred Deakin the other night the book had been put away behind the glass panel.

There were several teachers in the room behind the glass including one who had seen me sign in. I asked to be handed the sign on book when the teacher (I could identify her if needed) said "no need, I will sign you out."

I will keep trying to sign in and out. I'm really happy to comply.

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number : [REDACTED]

From: Whybrow, Mark [<mailto:Mark.Whybrow@act.gov.au>]
Sent: Thursday, February 25, 2016 1:27 PM
To: Budnick, Narelle; Lyndal Ryan
Cc: Wynants, John
Subject: RE: Alfred Deakin

Thanks Narelle

Lyndal can you confirm that as well as providing advice to use of your visit that you are signing in and out when you visit schools.

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED]
Education | ACT Government |
Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT 2601 |
<http://www.det.act.au>

From: Budnick, Narelle
Sent: Thursday, 25 February 2016 12:54 PM
To: Whybrow, Mark <Mark.Whybrow@act.gov.au>; Lyndal Ryan <Lyndal.Ryan@unitedvoice.org.au>
Cc: Wynants, John <John.Wynants@act.gov.au>
Subject: RE: Alfred Deakin

Good afternoon Lyndal

The declared cleanable area of Alfred Deakin High School is 9637m² with a declared daily cleaning hours of 18.35.

There have been no changes to the m² or declared daily cleaning hours over the period of the Panel.

For note: The m² of schools is not included in the Services Agreements.

Kind regards
Narelle

Narelle Budnick | Project Officer

Phone: +61 2 62059384 | Fax: +61 2 62059333 | Email: narelle.budnick@act.gov.au

Infrastructure and Capital Works | Education | ACT Government

First Floor 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Whybrow, Mark

Sent: Thursday, 25 February 2016 11:44 AM

To: Lyndal Ryan; Budnick, Narelle

Cc: Wynants, John

Subject: RE: Alfred Deakin

Thanks Lyndal

I have it provided to you.

Narelle Can you facilitate the Lyndal's request.

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>

Phone: 02 62052685 | Fax: 02 62055472 | [REDACTED]

Education | ACT Government |

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

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

From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]

Sent: Thursday, 25 February 2016 10:40 AM

To: Whybrow, Mark <Mark.Whybrow@act.gov.au>

Subject: Alfred Deakin

Hi Mark,

As you know I went to Alfred Deakin last week to check on an issue regarding workloads. I tried to find a copy of the contract on the ACT website. It looks like nearly all the contracts have been published there but for some reason Alfred Deakin didn't come up in the search.

Can you please send me a copy? If it is easier just to supply information, the specific detail I am after is just what the floor area is?

Regards

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207

Mobile Number : [REDACTED]

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



ETD Reference: 2015/12238

DET 16-7444

Mr Stefan Russell Uren
Senior Legal Officer
United Voice ACT Branch
Unit 5, 40 Brisbane Avenue
BARTON ACT 2600

Dear Mr Russell Uren

I refer to your email received by the ACT Education Directorate (the Directorate) on 5 April 2016, in which you sought a review of a decision concerning access to documents under the ACT *Freedom of Information Act 1989* (the FOI Act).

Your initial request

In your original application, dated 2 December 2015, you sought access to copies of:

- *a copy of a report prepared by ETD as a result of a compliance checking program;*
- *ethical Statutory Declarations from Phillips Cleaning Services or Rose Cleaning Services;*
- *correspondence between ETD and Phillips Cleaning Services or Rose Cleaning Services regarding various industrial relations matters;*
- *correspondence between ETD and Minister Burch relating to United Voice, Phillips Cleaning Services or Rose Cleaning Services;*
- *copies of any labour hire agreement between Phillips Cleaning Services or Rose Cleaning Services and a third party;*
- *copies of sign in books for various schools between May and November 2015;*
- *correspondence between specific ETD officers regarding Phillips Cleaning Services, Rose Cleaning Services or United Voice, in connection with school contracts;*
- *any record of an investigation into Phillips Cleaning Services, Rose Cleaning Services or United Voice;*
- *any complaint made about United Voice to Minister Burch or ETD;*
- *correspondence relating to a meeting between ETD and School Cleaning Contractors on 2 December 2015.*

You were contacted on 18 December 2015 and asked whether you wanted to reduce the scope of the request. Your subsequent revision of the scope refined the dates of documents requested for particular items.

Request for internal review

You are seeking an Internal review on the grounds that:

- *redacted information in a number of documents released, such as names, signatures, email addresses, telephone numbers and addresses should be made available to you; the partial release of these documents has prevented you from ascertaining the views an individual might hold on one issue or another.*
- *exempt Statutory Declarations should be released in full as you maintain there is no information contained in a Statutory Declaration that would result in the unreasonable disclosure of personal information and that the exemption sections 43 and 45 of the Act should not apply, as these sections should only exempt strictly private and confidential information and not include documents such as Statutory Declarations.*

Internal Review Response

I am an officer authorised under section 59 of the FOI Act to make a decision in relation to your request.

My decisions in relation to your request for internal review are listed below against the individual points you made.

That names and signatures of cleaners on the school attendance sign in sheets be released

I have reviewed the original documents and am satisfied that the redactions made in the response to your original request are appropriate. The original decision to partially release the school attendance sign in sheets under section 41 of the Act, relates to information in these documents that affect personal privacy.

Section 41 states:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*

I have formed the view that the names and signatures of individual cleaners is personal information and therefore will not be released.

That email correspondence containing names, email addresses and work telephone numbers that have been redacted in the original release of documents, now be released on the basis that this information is not personal information

In reviewing your request, I have decided to release names of public servants and others appearing on email correspondence and email addresses and work telephone numbers.

I have formed the view that mobile phone numbers constitute personal information and I am not releasing these.

Statutory Declarations be released on the basis that they do not constitute strictly private or confidential information

I have reviewed the Statutory Declarations originally exempted. These documents were exempted under section 45 of the Act - documents relating to breaches of confidentiality:

Section 45 (1) exempts a document if its disclosure under this Act would constitute a breach of confidence.

I have reviewed these documents and I am satisfied that they were provided to the Directorate in confidence. As such, I am not releasing these documents, in accordance with section 45(1).

Schedule of documents

I have included the Schedule of documents ([Attachment A](#)) for your convenience. The rows that are coloured yellow indicate documents that I have decided to re-release to you under this internal review.

Your rights of further review

If you are not satisfied with my decision, you may seek a review in the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The contact details for the Tribunal are:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA CITY ACT 1740
Telephone: 6207 1740
Fax: 6205 4855

Email: tribunal@act.gov.au

An application for review may be made in writing to the Tribunal or by completing the Application for Review of a Decision form which is available on the Tribunal's website at www.acat.act.gov.au. There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

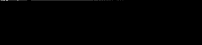
You have 28 days from the date of the internal review decision to appeal to the Tribunal.

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.

Yours sincerely


Tracy Stewart
Director
Governance and Assurance Branch
20 April 2016

Freedom of Information Schedule

Mr Stefan Russell Uren on behalf of United Voice, cleaning contracts in ACT public schools – 3 December 2015 – File Reference: 2015/12238

Please be aware that under the ACT Government's *Online FOI Publication* policy, information released to you under the ACT Freedom of Information Act 1989 may be released on the internet.

A copy of the policy, with details about what information may be published on the internet, is available online at: www.cmd.act.gov.au/open_government

Document Number	Description	Document Date	Decision Released/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
1	Email from Rose Cleaing to Narelle Budnick regarding an unplanned visit to Nainoa's School	19 February 2015	Partial release	s41 – documents affecting personal privacy	Yes – partial release s41
2	Sign-in Attendance Records – Alfred Deakin High School 10/4/15 – 27/11/15	10 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
3	Sign-in Attendance Records – Canberra Secondary College Lake Ginninderra 28/4/15 – 30/11/15	28 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
4	Sign-in Attendance Records – Charles Conder Primary School 28/04/15 – 03/02/16	28 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
5	Sign-in Attendance Records – Gordon Primary School 28/4/15 – 16/11/15	28 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
6	Sign-in Attendance Records – Lanyon High School 29/08/15 – 05/12/15	28 August 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
7	Sign-in Attendance Records – Monash Primary School 28/4/15 – 3/12/15	28 April 2015	Partial release	s41 – documents affecting personal privacy; and s43 – documents concerning a person's business or professional affairs. Information outside the scope of the request has been deleted.	Yes – partial release s41, s43 and partially out of scope.

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
8	Sign-in Attendance Records – Namadji School 28/4/15 – 14/12/15	28 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
9	Sign-in Attendance Records – Dickson College 30/4/15 – 07/12/15	30 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
10	Sign-in Attendance Records – Narrabundah College 30/4/15 – 4/12/15	30 April 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
11	Sign-in Attendance Records – Lyneham High School 01/5/15 – 17/12/15	01 May 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
12	Email from Mark Whybrow to John Wyanants regarding legal entities	08 May 2015	Partial release	s41 – documents affecting personal privacy.	Yes – partial release s41.
13	Email from John Wyanants to Narelle Budnick regarding legal obligations	08 May 2015	Partial release	s41 – documents affecting personal privacy.	Yes – partial release s41.

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
14	Email from Narelle Budnick to John Wynants regarding legal advice	20 May 2015	Exempt	s42 - legal professional privilege.	No - s42.
15	Email from Rose Cleaning to Narelle Budnick regarding Clean Start Agreement 2010 plus attachment Rose Cleaning Service and HMWU Clean Start Union Collective Agreement 2010 for ACT Government Schools	10 June 2015	Partial release	s41 - documents affecting personal privacy.	No - s43
16	Email from Narelle Budnick to John Wynants regarding Cleaning Contract 2015 plus attachment Ministers Weekly Meeting Brief	09 July 2015	Partial release	s41 - documents affecting personal privacy.	Yes - partial release s41
17	Email from John Wynants to Narelle Budnick regarding meeting follow up with United Voice	18 July 2015	Partial release	s41 - documents affecting personal privacy and s42 - legal professional privilege	Yes - partial release s41 and s42.
18	Email from Rose Cleaning to Narelle Budnick regarding the EPA plus attachment document sent by the Union to Fair Work Commission	29 July 2015	Partial release	s41 - documents affecting personal privacy.	Yes - partial release s41

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
19	Email from Meg Brighton to John Wynnants regarding allegations by United Voice	29 July 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.
20	Email from Meg Brighton to John Wynnants regarding school cleaning issues	03 August 2015	Partial release	s41 – documents affecting personal privacy	Yes – partial release s41
21	Email from Narelle Budnick to John Wynnants regarding legal advice	06 August 2015	Exempt	s42 – legal professional privilege	No – s42.
22	Email from John Wynnants to Meg Brighton regarding conference with ACTGSO - legal advice	07 August 2015	Exempt	s42 – legal professional privilege	No – s42.
23	Email from John Wynnants to Meg Brighton regarding current status of cleaning contracts	20 August 2015	Partial release	s41 – documents affecting personal privacy	Yes – partial release s41
24	Confidential Statutory Declaration	26 August 2015	Exempt	s41 – documents affecting personal privacy; and s43 – documents concerning a person's business or professional affairs; and s45 – confidential material communicated in mutual confidence.	No – s41, s43 and s45.

Document Number	Description	Document Date	Decision Released/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
25	Confidential Statutory Declaration	26 August 2015	Exempt	s41 – documents affecting personal privacy; and s43 – documents concerning a person's business or professional affairs; and s45 – confidential material communicated in mutual confidence.	No – s41, s43 and s45.
26	Confidential Statutory Declaration	26 August 2015	Exempt	s41 – documents affecting personal privacy; and s43 – documents concerning a person's business or professional affairs; and s45 – confidential material communicated in mutual confidence.	No – s41, s43 and s45.
27	Email from John Wynnants to Meg Brighton regarding enquiry from Fair Work Ombudsman	15 September 2015	Partial release	s41 – documents affecting personal privacy.	Yes – partial release s41.
28	Email from Narelle Budnick to John Wynnants regarding advice from ACTGSO	29 September 2015	Exempt	s42 – legal professional privilege	No – s42.

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
29	Email from John Wynnants to Maria Hawthorne regarding meeting with United Voice.	09 October 2015	Partial release	s41 – documents affecting personal privacy.	Yes – partial release s41.
30	Email from Meg Brighton to John Wynnants regarding meeting United Voice.	09 October 2015	Partial release	s41 – documents affecting personal privacy.	Yes – partial release s41.
31	Email from John Wynnants to Meg Brighton regarding United Voice plus attachments – Statutory Declaration: [REDACTED] and Work Health and Safety Inspection Alfred Deakin High School conducted by Wick Peterson & Associates.	23 October 2015	Partial release	s41 – documents affecting personal privacy.	No – s45.
32	Email from Meg Brighton to John Wynnants regarding site inspection by United Voice.	24 October 2015	Partial release	s41 – documents affecting personal privacy.	No – s45.
33	Email from Narelle Budnick to John Wynnants regarding Rose Cleanings concerns plus attachment – letter from Rose Cleaning Service	27 October 2015	Exempt	s45 – confidential material communicated in mutual confidence.	No – s45.
34	Email from Meg Brighton to Marc Emerson regarding termination of contracts.	28 October 2015	Partial release	s41 – documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes – partial release s41 and partially out of scope.

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
35	Email from Mark Whybrow to John Wynnants, Meg Brighton regarding United Voice and cleaning allegations	02 November 2015	Partial release	s41 - documents affecting personal privacy	Yes - partial release s41
36	Email from Mark Whybrow to Michael Deasey, Anne Sirpol, Narelle Budnick and Meg Brighton regarding correspondence with the ACTGS	03 November 2015	Exempt	s42 - legal professional privilege	No - s42
37	Confidential email from John Wynnants to Narelle Budnick regarding request to Rose Cleaning Service for employment contracts/agreements	04 November 2015	Partial release	s41 - documents affecting personal privacy; and s45 - confidential material communicated in mutual confidence	Yes - partial release s41 and s45
38	Confidential email from Narelle Budnick to Angelo Phillips Cleaning regarding request for employment contracts/agreements	04 November 2015	Partial release	s41 - documents affecting personal privacy; and s45 - confidential material communicated in mutual confidence	Yes - partial release s41 and s45
39	Email from John Wynnants to Narelle Budnick regarding contractors who clean the schools visited by United Voice	06 November 2015	Partial release	s41 - documents affecting personal privacy; information outside the scope of the request has been deleted	Yes - partial release s41 and partially out of scope

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption Including section of the Act	Online release status Yes/No and reason e.g. s41/s43
40	Email from Rose Cleaning to Narelle Budrick regarding underpayments plus attachment - Schedule A and B - Quantum of Underpayments, Federal Court of Australia.	12 November 2015	Partial release	s41 - documents affecting personal privacy.	No - s45.
41	Email from John Wynants to Mark Whybrow regarding employment requirements for cleaners during school terms and vacations.	22 November 2015	Partial release	s42 - legal professional privilege.	Yes - partial release s42.
42	PowerPoint printout provided at information meeting with Members of the Panel of Cleaning Contractors for AGI public schools 2 December 2015	01 December 2015	Partial release	s41 - documents affecting personal privacy.	Yes - partial release s41.
43	Email from Mark Whybrow to Meg Brighton regarding payroll tax	01 December 2015	Partial release	s41 - documents affecting personal privacy. Information outside the scope of the request has been deleted.	Yes - partial release s41 and partially out of scope.
44	Email from John Wynants to Meg Bryant Mark Whybrow regarding the compliance check and rates of pay	02 December 2015	Partial release	s36 - internal working document. Information outside the scope of the request has been deleted.	Yes - partial release s36 and partially out of scope.

Document Number	Description	Document Date	Decision Release/ Exempt	Reason for Exemption including section of the Act	Online release status Yes/No and reason e.g. s41/s43
45	Email from Narelle Buddick to Mark Whybrow regarding the information meeting for Members of the Panel of Cleaning Contractors for ACT public schools plus attachment – PowerPoint presentation slides, 2 December 2015	04 December 2015	Partial release	s41 – documents affecting personal privacy.	Yes – partial release s41
46	Bellchambers Barrett - Cleaning Contractor Compliance Review conducted for the Education and Training Directorate – Final Report	December 2015	Partial release	s41 – documents affecting personal privacy; and s43 – documents concerning a person's business or professional affairs.	Yes – partial release s41 and s43.

Hancock, Carly

From: Hancock, Carly on behalf of Whybrow, Mark
Sent: Friday, 8 July 2016 3:48 PM
To: lyndal.ryan@unitedvoice.org.au
Cc: Whybrow, Mark
Subject: Letter from Mr Mark Whybrow [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Attachments: 20160708153923851.pdf

Good afternoon Lyndal,

Please see attached letter from Mr Mark Whybrow in relation to a Statutory Declaration.

A hardcopy has been placed in the mail this afternoon.

Thank you and kind regards,

Sent on behalf of Mark Whybrow, Chief Finance Officer, by Carly Hancock | Finance and Office Administrator
Phone: 6205 5475 | Email: carly.hancock@act.gov.au

Strategic Finance | Education and Training Directorate | ACT Government

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



ACT
Government
Education

United Voice ACT Branch
Attn: Lyndal Ryan
Unit 5, Level 2
40 Brisbane Avenue
Barton ACT 2600

By mail and email: lyndal.ryan@unitedvoice.org.au

Dear Ms Ryan

I refer to previous correspondence relating to [REDACTED]

you have provided a statutory declaration made by [REDACTED] on 22 October 2015 (Statutory Declaration). The declaration was provided in confidence and permission to release the document is being sought.

In investigating the allegations the Education Directorate (EDU) engaged an independent expert [REDACTED]. Based upon a review of the independent expert's findings, EDU sought further explanation from Phillips. In response, Phillips has contended that without being provided with full details of the allegations (including the Statutory Declaration) there is a lack of natural justice being afforded to them.

To enable EDU to progress its inquiries, we seek the consent of the Union and [REDACTED] to provide a copy of the Statutory Declaration to Phillips [REDACTED]. Without that consent EDU may have difficulty progressing this matter any further.

Please advise your position (including requested consents) to me in writing by **COB 22 July 2016**.

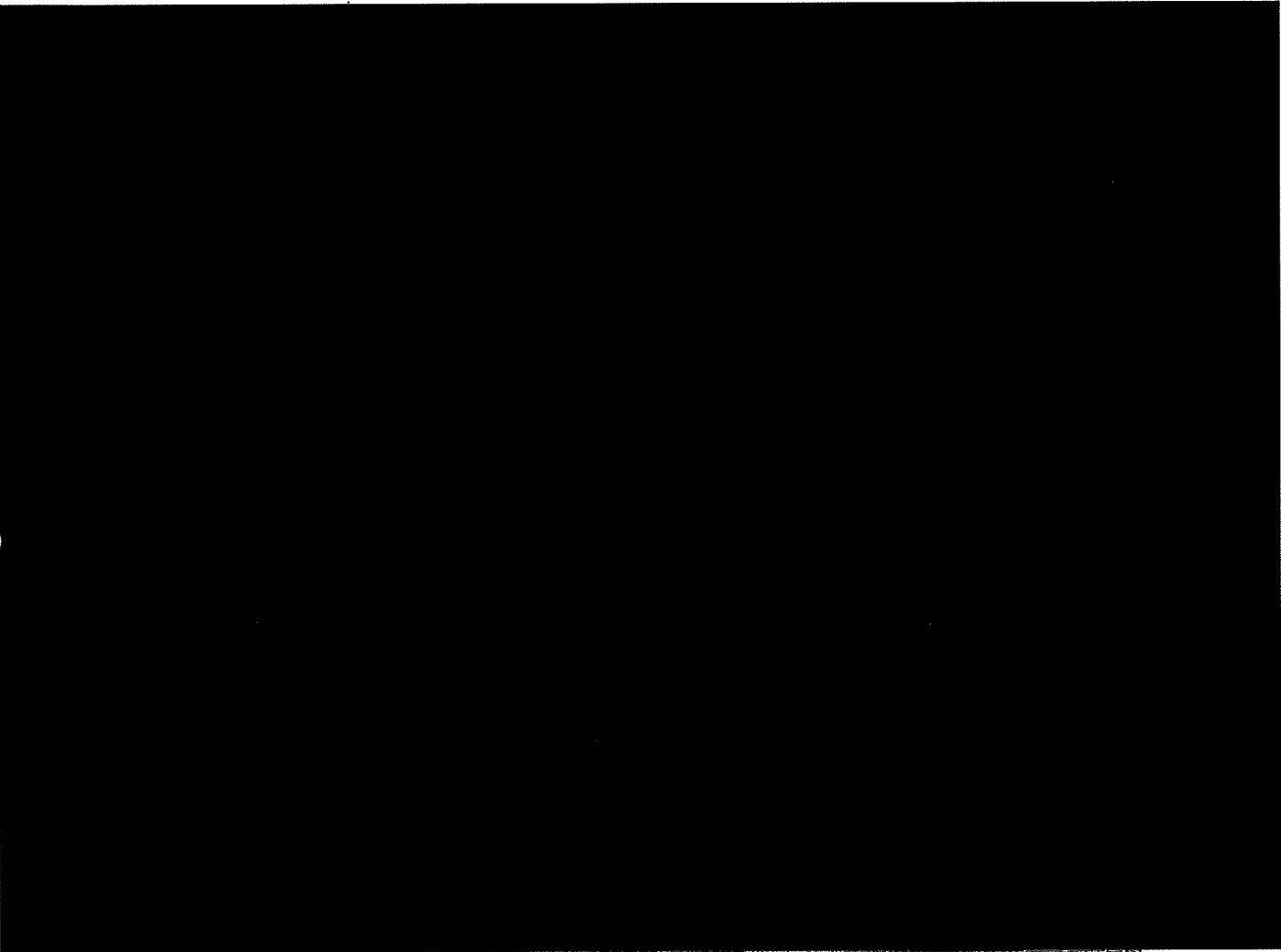
I note the inquiries of the EDU do not preclude the Union from taking any other action it deems appropriate in relation to the allegations, [REDACTED]

If you have any questions in relation to this letter please contact me on 6205 5338.

Yours sincerely

[REDACTED]
Mark Whybrow
Chief Finance Officer
Strategic Finance

8 June 2016



From: Lyndal Ryan
Sent: Friday, August 26, 2016 11:47 AM
To: 'Gstrein, Kylie'
Cc: 'Whybrow, Mark'
Subject: Phillips Cleaning Right of Entry

Dear Kylie,

Please bring this correspondence to the urgent attention of Stephen Gwilliam.

Regards,

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number [REDACTED]



United Voice ACT Branch
 Unit 5, Level 2,
 40 Brisbane Ave
 BARTON ACT 2600
 ABN: 52 628 088 684

p 1800 805 027 (Toll-free)
 f 02 6273 1628
 e act@unitedvoice.org.au
 w www.unitedvoice.org.au

Branch President
 Ian Gair
 Branch Secretary
 Lyndal Ryan

26th August 2016

Mr. S. Gwilliam
 A/g Director Infrastructure & Capital Works
 Education Directorate

Dear Mr. Gwilliam,

Thank you for providing United Voice with a copy of the letter to Phillips Cleaning dated 19th August 2016 advising the company of United Voice's intention to visit schools.

This support is very important to our members [REDACTED]

The Directorate's instruction to the employer was clear. EDT expected that Phillips would facilitate access to United Voice and that the company would comply with obligations under the panel deed.

Since this letter was written United Voice has visited four schools.

- **Melba Copland** - the supervisor of the company challenged the union's right of entry but then accepted our right to speak with cleaners. (Unfortunately the employer had not received your correspondence prior to the visit)
- **Gunghalin College and Calwell High**- the employer was not present and the visit was unobstructed. The registrars however assisted to facilitate access.
- **Lake Tuggeranong College** – both the director of the company and his supervisor attended the school [REDACTED]

[REDACTED] (I have attached my statement outlining the events of last evening)

I am hopeful that you will take into consideration the general vulnerability of these workers when determining an appropriate action.

Yours sincerely,

[REDACTED]
 Lyndal Ryan
 ACT Branch Secretary - United Voice

**Statement of Lyndal Ryan, ACT Branch Secretary United Voice
Regarding Site Visit at Tuggeranong College**

I arrived at Tuggeranong College a little after 5.30pm on Thursday 25th August 2016.

I noticed as I looked through the glass entry doors of the college that [REDACTED] and [REDACTED] and cleaning supervisor, were sitting in two lounge chairs in the foyer.

As I entered the foyer area I nodded and said "gentlemen" by way of a greeting. I then said, "Is the registrar still here?"

[REDACTED] answered no "she has just left" He then said "It is an electronic sign on here." and I replied, "I guess I can't sign in then."

I went to walk down the hallway to look for the cleaners [REDACTED] said, "I have told all the cleaners that whatever time they spend speaking with you they will need to make up at the end of the shift."

I said "that is completely unreasonable I will only be speaking to them for a few minutes"

He replied, "if they talk to you they are not working 15 or 30 minutes, they will have to make it up" I said, "I won't be that long, I only want to say hello to them."

[REDACTED] said, "I will get them all together in a room for you."

I said, "there will be more time lost doing that than if I simply walk around the school and speak to them individually."

[REDACTED] stood up from their chairs and walked toward me.

[REDACTED] said, "No I am going to get them all together in the one room because I want to stay in the room with you."

I said, "that is completely unacceptable. I am not going to meet with them with you in the room. You are blocking my right to enter."

[REDACTED] said, "I am not blocking your right to enter, the Chamber of Commerce has advised me that I can stay during the meeting. You can accept that you can meet in a room with me there or you can go."

I said, "I will leave but I consider that you have blocked my legitimate right to enter."

I left the building at 5.38pm

[REDACTED]
Signed
Lyndal Ryan
26th August 2016

From: Whybrow, Mark
Sent: Wednesday, 31 August 2016 4:02 PM
To: Stefan Russell-Uren; Wynants, John
Cc: Lyndal Ryan; Whlitten, Meredith
Subject: RE: Personel Pay Rate - Hours - Alfred deakin [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Stefan

Thank you for this information, I have forwarded to Mr John Wynants, as the responsible Director for review and response.

Cheers

Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
 Phone: 02 62052685 | Fax: 02 62055472 | Mobile: [REDACTED] |
 Education | ACT Government |
 Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT
 2601 |
<http://www.det.act.au>

From: Stefan Russell-Uren [<mailto:Stefan.Russell-Uren@unitedvoice.org.au>]
Sent: Wednesday, 31 August 2016 2:10 PM
To: Whybrow, Mark
Cc: Lyndal Ryan
Subject: Personel Pay Rate - Hours - Alfred deakin

Mark,

You will recall that during the dispute with Phillips Cleaning ETD conducted an investigation. As a result of that investigation ETD assured United Voice that Phillips was completely compliant and there were no examples of the underpayment of the personal pay rate anywhere. United Voice was assured that such a failure would be taken extremely seriously.

Please see and review the attached affidavit prepared by [REDACTED] cleans Alfred Deakin [REDACTED]. Annexed to the affidavit are his payslips [REDACTED]

Are you able to explain why this wasn't picked up by the department and will it be acted on?

We note that under the terms of the Alfred Deakin contract there are 18.5 hours of work. [REDACTED]

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

This attachment is exempt under
section 41 of the
Freedom of Information Act 1989.

From: Wynants, John
Sent: Tuesday, 27 September 2016 10:29 AM
To: Lyndal Ryan
Cc: Whitten, Meredith
Subject: RE: Personal Pay Rate Hours - Alfred Deakin High School [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]
Attachments: [REDACTED]

Lyndal

My apologies, now with affidavit attached

John W

From: Wynants, John
Sent: Tuesday, 27 September 2016 8:41 AM
To: 'Lyndal Ryan'
Cc: Whitten, Meredith
Subject: FW: Personal Pay Rate - Hours - Alfred Deakin High School [SEC=UNCLASSIFIED, DLM=Sensitive: Legal]

Dear Lyndal

I refer to the email below from Stefan Russell-Uren to Mark Whybrow and the attached affidavit. My apologies for the delay in being able to provide a response to you on this query.

I can confirm that as part of the independent audit commissioned by the Education Directorate, the auditors (Bellchambers) had included shifts worked at Alfred Deakin High School and did not identify any anomalies in the pay rates paid to cleaning employees. The auditors specifically acknowledge in their report that a back adjustment had been paid to this employee.

The Directorate has also reviewed the payslips attached to the affidavit and can confirm that the cleaning employee has been correctly paid. As stated in the affidavit, the cleaning employee works the following hours:

- A 4 hour shift from 3:15pm to 7:15pm, which attracts an hourly rate of \$25.32 for the period 1 July 2013 to 30 June 2014, \$26.33 for the period 1 July 2014 to 30 June 2015 and \$27.39 for the period 1 July 2015 to 30 June 2016; plus
- A 2 hour shift from 6:00am to 8:00am, which attracts an hourly rate of \$22.02 from 1 July 2013 to 1 July 2014, \$22.90 for the period 1 July 2014 to 30 June 2015 and \$23.81 for the period 1 July 2015 to 30 June 2016.

The Directorate has noted that on the payslips dated after 1 July 2014, the day shift rate remained at \$22.02/hour. The Directorate raised this matter with Phillips Cleaning Services and was advised that this was corrected and the cleaner, in fact, is now paid the higher shift penalty rate for all hours worked at Alfred Deakin High School, whether in the evening or the morning (refer to payslips dated 15 July 2015 onwards in the affidavit). The payslips show a back pay which reflects this adjustment (refer to payslips dated 17 July 2015 and 25 July 2015 in the affidavit).

Note: the hourly rates are as per the Clean Start Collective Agreement between Phillips Cleaning Services and LMHU (now United Voice).

With regard to the total hours worked at Alfred Deakin High School, I can confirm that an agreement had been reached between the school administration and Phillips Cleaning Services, to revise the total hours for the daily clean during the school term period from 18.5 to 18. This agreement was based on innovation with the introduction

of new equipment which improved the efficiency of the cleaning service. The Directorate has now formalised this agreement with Phillips Cleaning Services.

I trust that this advice is helpful.

As it was necessary to make enquiries with Phillips Cleaning Services, I will forward a copy of the outcome of our check into Mr Russell-Uren's complaint to them as well.

John Wynants | Director | Email: John.Wynants@act.gov.au
Phone: +61 2 6207 6541 | Fax 02 62059333 | Mobile [REDACTED]
Infrastructure and Capital Works Branch | Education | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

From: Stefan Russell-Uren [<mailto:Stefan.Russell-Uren@unitedvoice.org.au>]
Sent: Wednesday, 31 August 2016 2:10 PM
To: Whybrow, Mark
Cc: Lyndal Ryan
Subject: Personel Pay Rate - Hours - Alfred deakin

Mark,

You will recall that during the dispute with Phillips Cleaning ETD conducted an investigation. As a result of that investigation ETD assured United Voice that Phillips was completely compliant and there were no examples of the underpayment of the personal pay rate anywhere. United Voice was assured that such a failure would be taken extremely seriously.

Please see and review the attached affidavit prepared by [REDACTED] cleans Alfred Deakin. [REDACTED]
Annexed to the affidavit are his payslips. [REDACTED]

Are you able to explain why this wasn't picked up by the department and will it be acted on?

We note that under the terms of the Alfred Deakin contract there are 18.5 hours of work. [REDACTED]

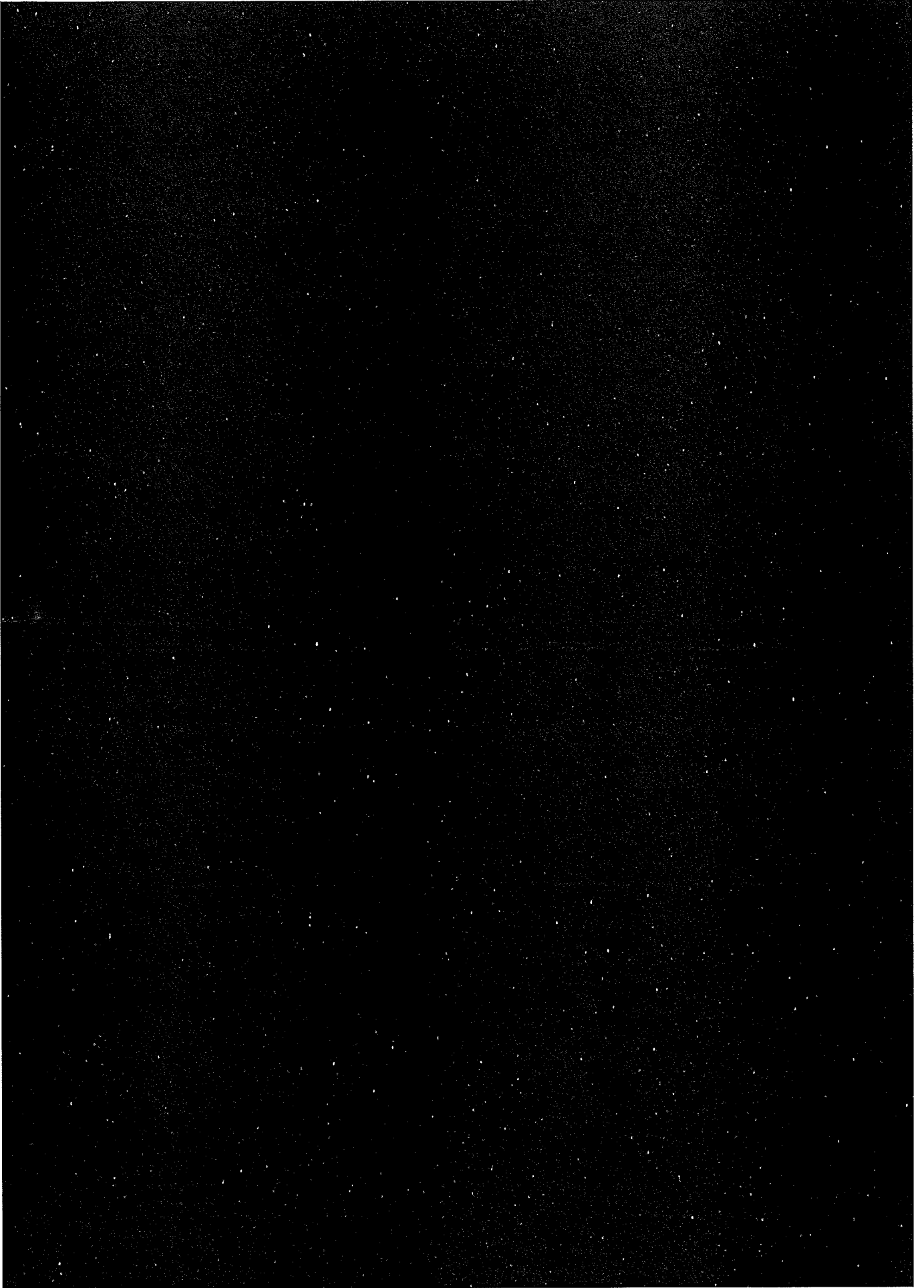
Kind Regards

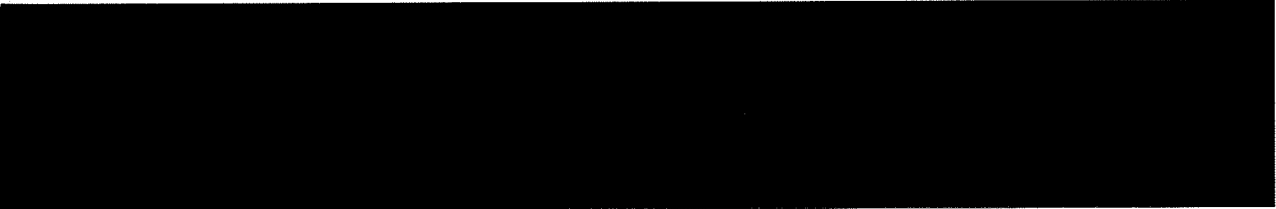
Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

This attachment is exempt under
section 41 of the
Freedom of Information Act 1989.





From: Stefan Russell-Uren <Stefan.Russell-Uren@unitedvoice.org.au>
Date: Friday, 7 October 2016 10:48 am
To: Belinda Bartlett <belinda.bartlett@ed.act.edu.au>
Subject: Workplace Investigatlon - Entry Notice

Please see the attached.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – 0478 729 215

<16.10.6 Section 481 Notice.pdf>

<Entry Permit.pdf>

<16.10.6 UVLegal to Alfred Deakin Principal Workloads.pdf>

Form 2 Entry notice
(regulation 3.27)

Fair Work Regulations 2009, regulation 3.27

ENTRY NOTICE

I, Stefan Russell-Uren of United Voice, and having been issued an entry permit under section 512 of the *Fair Work Act 2009*, give notice that I propose to enter Alfred Deakin High on 10 October 2016.

The suspected contravention or contraventions to which this notice relates are:



As the entry is authorised by section 481 of the *Fair Work Act 2009* (which deals with entry to hold discussions), I declare that:

- United Voice under Part 1 Rule 3, is entitled to represent the industrial interests of a group of employees who perform work on the premises mentioned above; and
- The suspected contravention or contraventions relates to those members

Given at: Barton ACT
Dated 7 October 2016
Time 10:43 AM

Signature of permit holder



Fair Work Regulations 2009, regulation 3.26

ENTRY PERMIT TO ENTER PREMISES

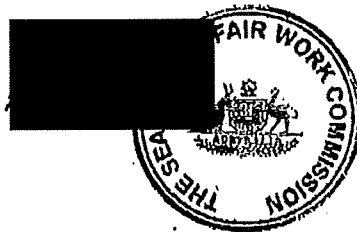
RE2016/1055

This entry permit is issued to **Stefan Russell-Uren** of **United Voice** under section 512 of the *Fair Work Act 2009*.

The permit holder is entitled, while the permit is in force, to exercise the powers and functions given to the permit holder by Part 3-4 of the *Fair Work Act 2009*.

This permit expires at the end of 3 years beginning on the day it is issued, unless the period is extended under subsection 516 (2) of the *Fair Work Act 2009*, or the permit holder ceases to be an official of the organisation, or the permit is revoked.

Dated: 23 August 2016



BILL STEENSON
Delegate of the Fair Work Commission

Note This permit must be returned to the Fair Work Commission within 7 days after it is revoked or suspended, conditions are imposed on it after it was issued, or it expires.



United Voice ACT Branch
Unit 5, Level 2,
40 Brisbane Ave
BARTON ACT 2600
ABN: 52 628 088 684

p 1800 805 027 (Toll-free)
f 02 6273 1628
e act@unitedvoice.org.au
w www.unitedvoice.org.au

Branch President
Ian Galr
Branch Secretary
Lyndal Ryan

7 October 2016
Stefan Russell Uren
Legal Officer

Belinda Bartlett
Principal
Alfred Deakin High school
Denison Street,
Deakin ACT, 2600

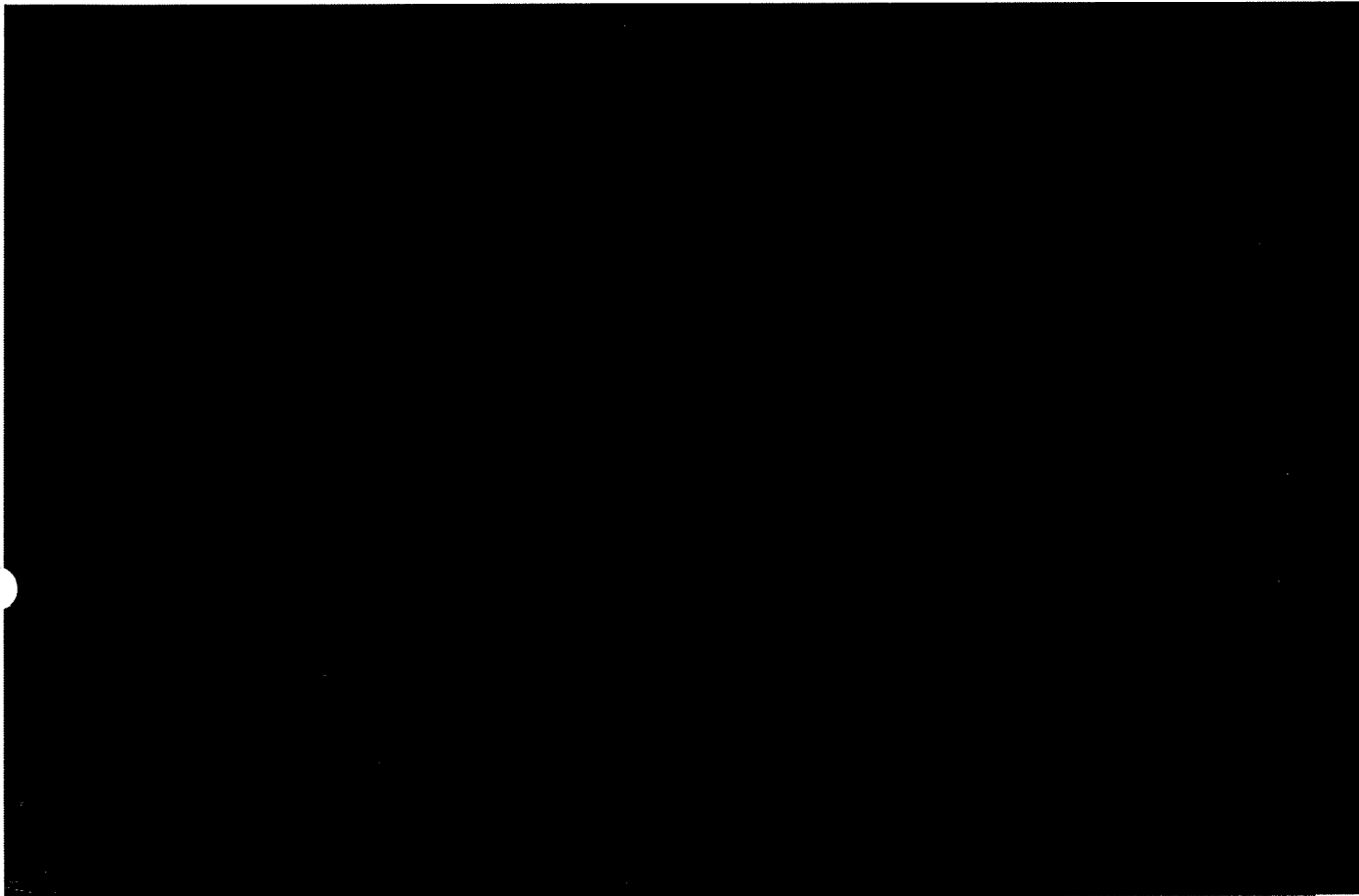
Dear Belinda,

Workloads at Alfred Deakin High school

1. I write to advise that on 10 October 2016 United Voice will be conducting a workplace investigation into the workloads of our members. Our members are employed as cleaners to work at Alfred Deakin High School.
2. United Voice has been deeply concerned about the workloads of our members for some time and has previously provided Alfred Deakin with an expert report. While our concerns are based on the application of the Enterprise Agreement we are conscious that there are WHS implications for Alfred Deakin and the Territory.
3. The Territory in its capacity as Alfred Deakin High School is obliged to ensure the the health and safety of employees engaged by [REDACTED] who perform work at the school.
4. The Territory's obligation arises from section 19(1)(b) of the *Work Health and Safety Act 2011*. If a PCS employee is directed to complete a workload which cannot be completed without extreme exertion the Territory may breach its obligation. This is because a workload of this kind is not part of a safe system of work.
5. United Voice would welcome the opportunity to discuss this with you and [REDACTED] next week on Thursday or Friday at the Union office in Barton.

Kind Regards

[REDACTED]
Stefan Russell Uren
Legal Officer
United Voice



From: Bartlett, Belinda
Sent: Thursday, 13 October 2016 10:34 AM
To: 'Stefan Russell-Uren'
Cc: Waugh, Pam
Subject: RE: Workplace Investigation - Entry Notice

Dear Stefan

I understand that you met with Phillips cleaning Services on Monday this week. Your communication with me requests a meeting to discuss the issue with Phillips Cleaning Services and myself at your offices. I will decline the offer as it is the Directorate that sets cleaning hours and standards and ultimately, workloads and expectations are a matter for Phillips as they are responsible for determining staffing levels and employee expectations.

I expect you to resolve this matter directly with Phillips Cleaning Services and advise me shortly of a favourable outcome.

Belinda Bartlett

Principal

Phone: +61 2 61423888 Fax: +61 2 61423904

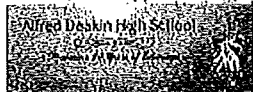
Email: belinda.bartlett@ed.act.edu.au

www.adhs.act.edu.au



Alfred Deakin High School

Excellence, Responsibility;
Community, Respect.



From: Stefan Russell-Uren [mailto:Stefan.Russell-Uren@unitedvoice.org.au]
Sent: Friday, 7 October 2016 10:48 AM
To: Bartlett, Belinda
Subject: Workplace Investigation - Entry Notice

Please see the attached.

Kind Regards

Stefan Russell – Uren

Senior Legal Officer
United Voice

(02) 61 201 203 – [REDACTED]

[REDACTED]

From: Whybrow, Mark
Sent: Wednesday, 8 March 2017 8:40 AM
To: Lyndal Ryan
Subject: RE: Submission [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thanks Lyndal

Happy to do a phone call on Friday if that suits.

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
Phone: 02 62052685 | Fax: 02 62055472 | Mobile: [REDACTED]
Education | ACT Government |
Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT 2601 |
<http://www.det.act.au>

From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]
Sent: Tuesday, 7 March 2017 6:36 PM
To: Whybrow, Mark
Subject: Submission

Hi Mark,

Sorry about the meeting mix up yesterday. I had proposed an alternate time that wasn't suitable for anyone else and then I forgot to propose another.

We filled the attached submission on-line yesterday.

Can meet again this Friday if that works for you. The Phillips Cleaning matters is listed in the Federal Court for four days of hearings from 14th until 17th March so I am pretty tied up with that but can be reached if anything urgent comes up.

Regards,

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number : [REDACTED]

From: Fatima Ali
Sent: Monday, March 6, 2017 3:45 PM
To: Lyndal Ryan
Subject: FW: Message from KM_C258

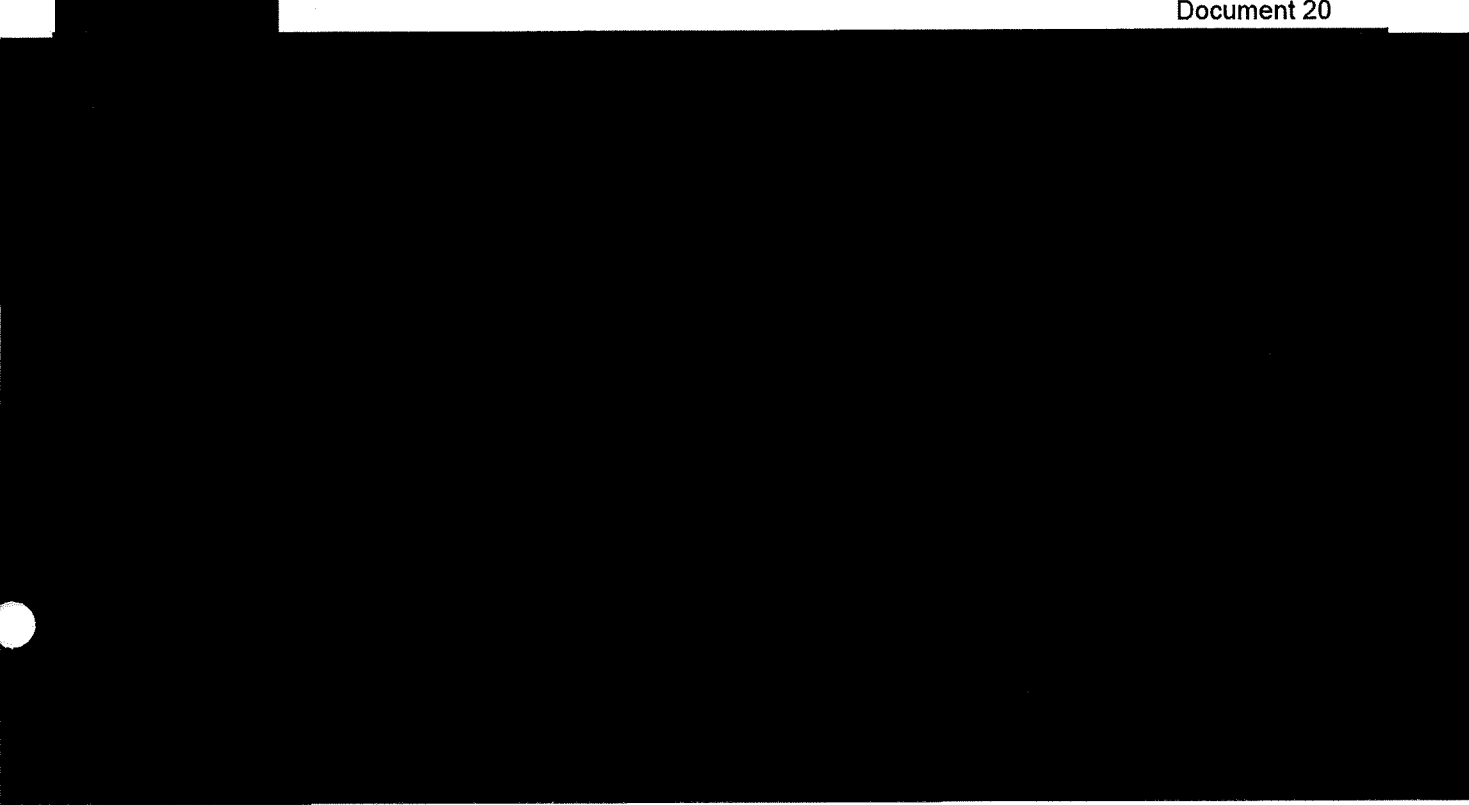
Regards,
Fatima

From: act.copier@unitedvoice.org.au [mailto:act.copier@unitedvoice.org.au]

Sent: Monday, 6 March 2017 3:57 PM

To: Fatima Ali

Subject: Message from KM_C258



From: Lyndal Ryan [<mailto:Lyndal.Ryan@unitedvoice.org.au>]
Sent: Thursday, 20 April 2017 5:20 PM
To: Whybrow, Mark
Subject: [REDACTED]

Hi Mark,



BTW – the decision re Phillips Cleaning will be handed down tomorrow at 10.45am.

Regards

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number : [REDACTED]

From: Whybrow, Mark
Sent: Wednesday, 26 April 2017 12:39 PM
To: Lyndal Ryan
Subject: FW: Cleaning Contractors per School [SEC=UNCLASSIFIED]
Attachments: Contractors for Schools.xlsx

As discussed. Current list of cleaning contractors, by site.

Cheers
Mark

Mark Whybrow | Chief Finance Officer | <mailto:mark.whybrow@act.gov.au>
Phone: 02 62052685 | Fax: 02 62055472 | Mobile: [REDACTED] |
Education | ACT Government |
Level 1 Annex, 220 Northbourne Avenue, Braddon | GPO Box 158 Canberra ACT 2601 |
<http://www.det.act.au>

From: Hall, Leanne
Sent: Wednesday, 26 April 2017 12:19 PM
To: Whybrow, Mark
Subject: Cleaning Contractors per School [SEC=UNCLASSIFIED]

Leanne Hall | Contracts Manager | Email: leanne.hall@act.gov.au
+ 61 2 6205 9384 | Fax 02 6205 9333
Infrastructure and Capital Works | Education | ACT Government
220 Northbourne Avenue Braddon ACT 2601 | GPO Box 158 Canberra ACT 2601
www.det.act.gov.au | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [LinkedIn](#) | [Google+](#)

Contractors for Schools List

Abdo's Cleaning	Fadden Primary School
	Wanniassa Hills
ACT Commercial Cleaning	Bonython Primary School
	Franklin ECS
	Latham Primary School
	Black Mountain School
	Mount Rogers Primary School
	Monash Primary
	Majura Primary
	Gilmore Primary
Lyneham Primary School	
Alpha Cleaning	Red Hill
City & Town Civil Cleaning	Charnwood- Dunlop School
Dynuse Cleaning Services	Forrest Primary School
	Arawang Primary School
	Campbell Primary
	Charles Weston School
	Hughes Primary
Faraj	Aranda
	Evatt Primary School
	Miles Franklin
	UC High School Kaleen
Fred's Express Cleaning	Malkara
	Ainslie Primary
	Gowrie Primary
	Richardson Primary School
	The Woden School
GJK Facility Services	Mount Stromlo High School
	Chapman Primary
	Curtin Primary
	Duffy Primary
	Gold Creek School
M & V Cleaning	Torrens Primary School
	Garran Primary
Menzies International	Cranleigh

	Turner
Mirrors Cleaning	Macquarie Primary School
	Farrer
	Kingsford Smith School
	Mawson
	Ngunnawal Primary School
	Weetangera Primary
National Cleaning Services	Canberra College
	Isabella Plains Early Childhood
	Lyons Early Childhood
Phillips Cleaning Services	Alfred Deakin High
	Calwell High
	Gungahlin College
	Harrison School
	Lynelham High
	Melba Copland College
	Melba Copland High
	Neville Bonner
	Telopea Park School
Lake Tuggeranong College	
Rose Cleaning Services	Dickson College
	Caroline Chisholm School
	Erindale College
	Melrose High School
	Namadgi
	UCSSC Lake Ginninderra
	Narrabundah College
Rose Cleaning Group	Charles Conder Primary
	Gordon Primary
S&M Cleaning	Giralang Primary
	Macgregor Primary School
	Maribyrnong Primary
	Southern Cross Early Childhood School
S & M Riteway	Palmerston Primary
Salloum Cleaning	Florey Primary
	Yarralumla Primary

Stefan Sparkes	Chifley Preschool
	Calwell Primary
	Pearce Preschool
	Taylor Primary
	Torrens Preschool
Storm International	Theodore Primary School
Universal Office Cleaners	Kaleen Primary
	Hawker College
VIP Home and Office Cleaning	Fraser Primary
VNT Services Pty Ltd	Belconnen High School
	Amaroo School
	Campbell High
	Canberra High
	Cooperative School
	Hawker Primary
	Lanyon High
	Narrabundah Early Childhood
	Nth Ainslie
	Wanniassa Senior
	Wanniassa Junior
Wanniassa Preschool	
Kerry Lingard and Robyn Meech	Jervis Bay

From: Corrigan, Amie
Sent: Thursday, 4 May 2017 12:45 PM
To: Whitten, Meredith
Subject: FW: Meeting Phillips Cleaning Decision [SEC=UNCLASSIFIED]

Hi Meredith,

Could you please let me know if I should line this one up for Natalie or if you would like to meet with Lyndal?

Kind Regards,

*Amie Corrigan | Executive Assistant to
Natalie Howson, Director-General
Education Directorate | ACT Government
T: +61 2 6205 9156 | E: amie.corrigan@act.gov.au
Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | www.education.act.gov.au*

From: Lyndal Ryan [mailto:Lyndal.Ryan@unitedvoice.org.au]
Sent: Thursday, 4 May 2017 9:50 AM
To: Howson, Natalie
Cc: Whybrow, Mark
Subject: Meeting Phillips Cleaning Decision

Dear Natalie,

I would like to meet with you as soon as possible to discuss the federal court decision in the United Voice v Phillips Cleaning matter.

There are a number of lessons that can be gleaned from the judge's comments that I am keen to canvass.

I hope to hear back from you regarding a time that suits you.

Kind regards

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207
Mobile Number: [REDACTED]

Whitten, Meredith

From: Lyndal Ryan <Lyndal.Ryan@unitedvoice.org.au>
Sent: Monday, 19 June 2017 12:35 PM
To: Whitten, Meredith
Subject: School Cleaning

Hello Meredith,

Visiting Schools

I just wanted to let you know that United Voice will be continuing our visits to ACT schools this week to talk with cleaners. Some of the schools we are visiting will include those cleaned by Rose and Phillips Cleaning.

We will introduce ourselves at the front desk if we arrive early enough and sign on as per each schools requirements. Sometimes we have been unable to do this as the reception area is locked before we arrive or is locked up before we leave. We will however do our best to meet this requirement.

If any issues arise our end I will call you to discuss. Please contact me if you have any concerns or if issues arise.

Legal Cases

I want also to bring you up to date the litigation in relation to Rose and Phillips Cleaning.

- Phillips Cleaning is listed in Sydney on 30th June 2017. This hearing will deal with the orders that will determine the amounts to be paid to each cleaner and any penalties imposed by the Court.
- Rose Cleaning matter is still on foot and we are just waiting further Directions.

BTW

The NSW Law Society has commenced prosecutions against Accolade Advisory Pty Ltd. This is the company that represented Phillips Cleaning for a period and held itself out as an organisation able to provide legal services.

The Law Society in their prosecution has referred to correspondence addressed to me and to ETD, so you may already been made aware of this.

Regards,

Lyndal Ryan
ACT Branch Secretary
United Voice

Direct Line: (02) 61201207

Mobile Number : XXXXXXXXXX