



SHANE RATTENBURY MLA

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

Member for Molonglo

E-MAILED
27/06/16

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

Dear Ms. Ryan *Lyndal*

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

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

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

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

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

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

ACT LEGISLATIVE ASSEMBLY

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



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

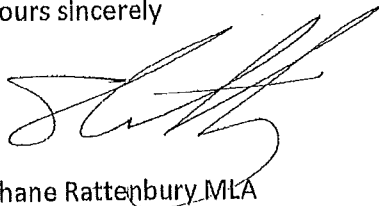
I can assure you that while this matter continues to be examined by the Court I will put into place an audit regime to assess industrial relations compliance which will be conducted by auditors external to the Education Directorate. These will be completed by external consultants with the assistance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

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

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

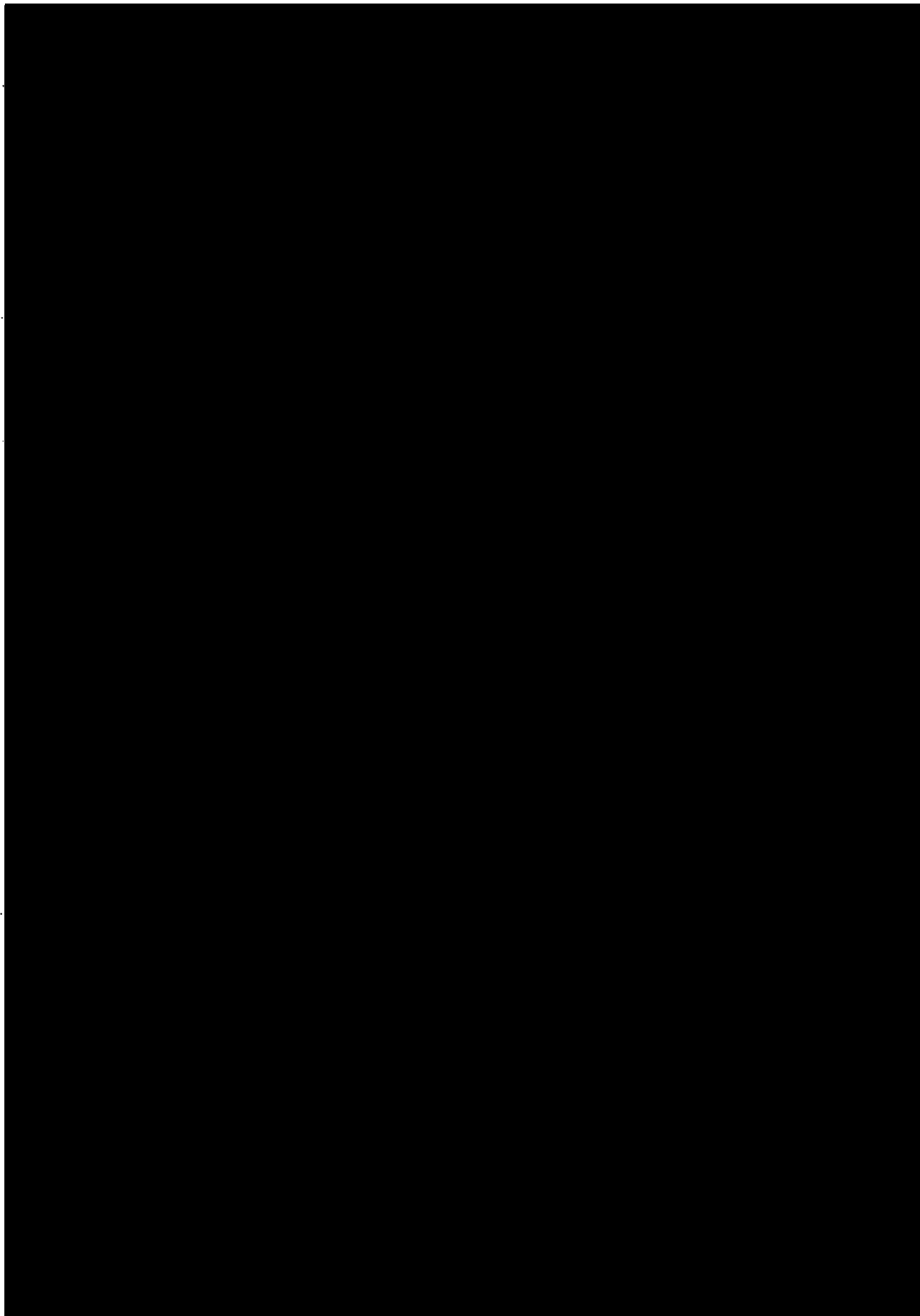
Thank you for bringing these matters to my attention. I am committed to ensuring that workers have fair and safe working conditions in Canberra public schools and I have asked both directorates to continue to monitor the issues and keep me apprised of any developments.

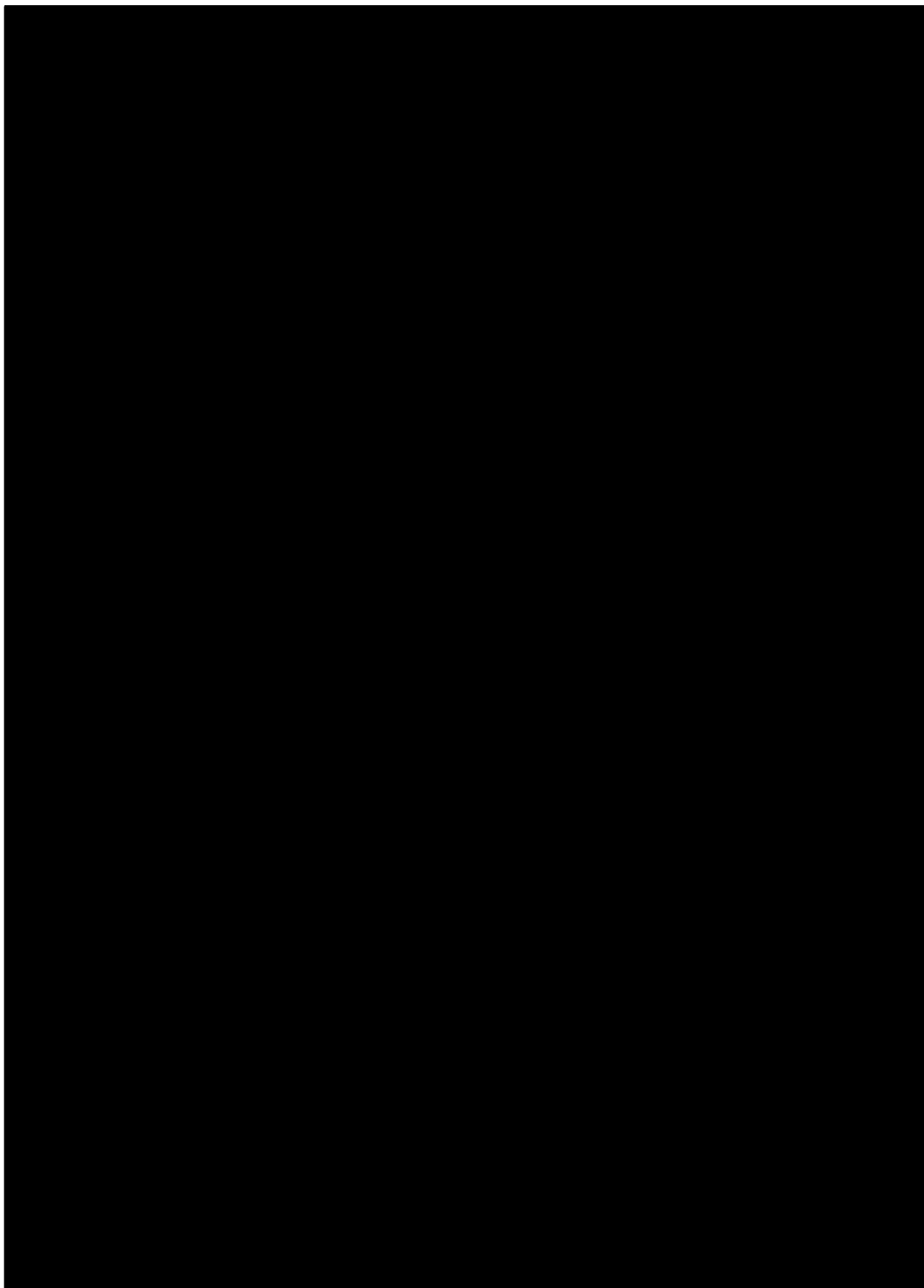
Yours sincerely

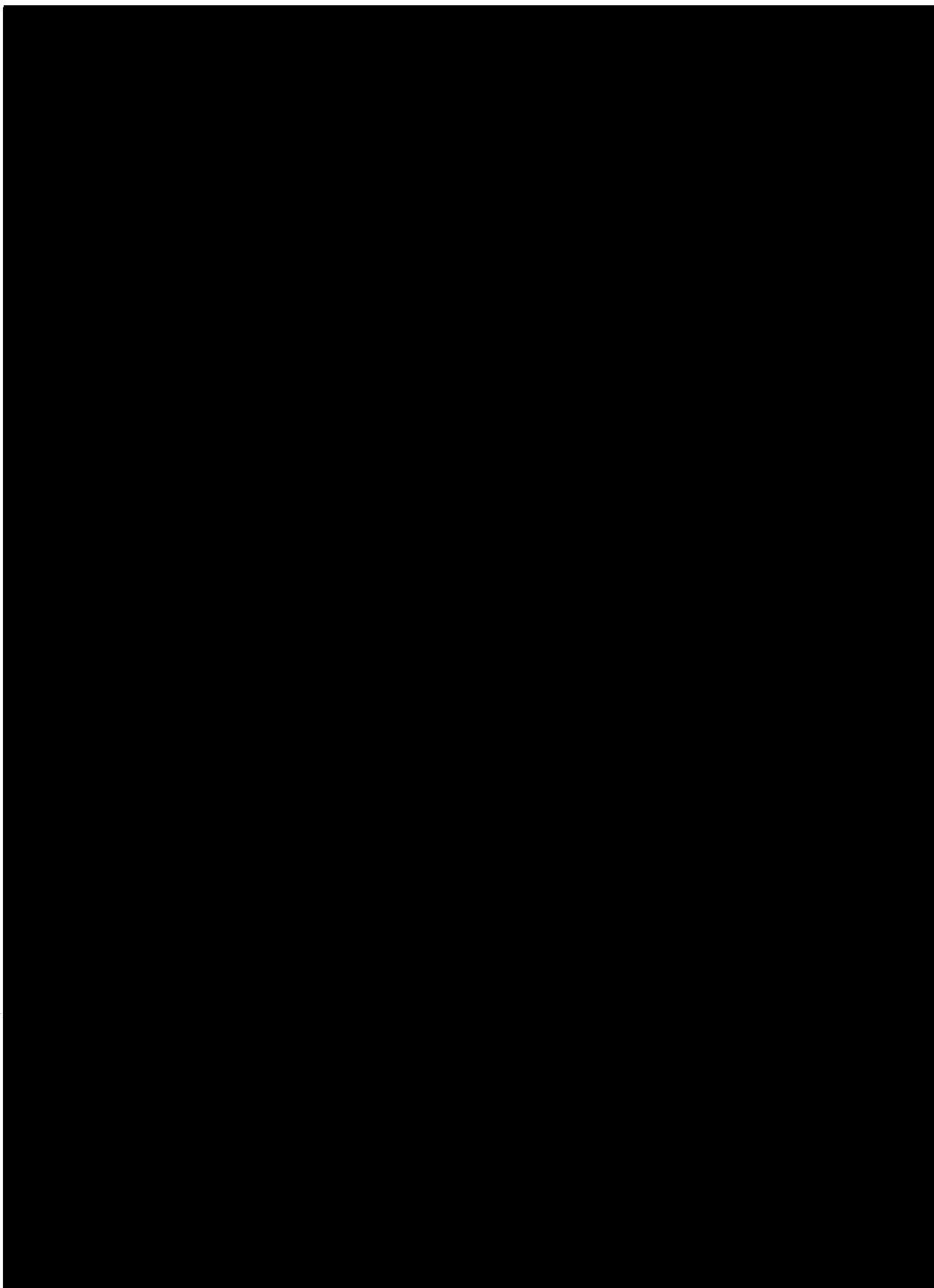


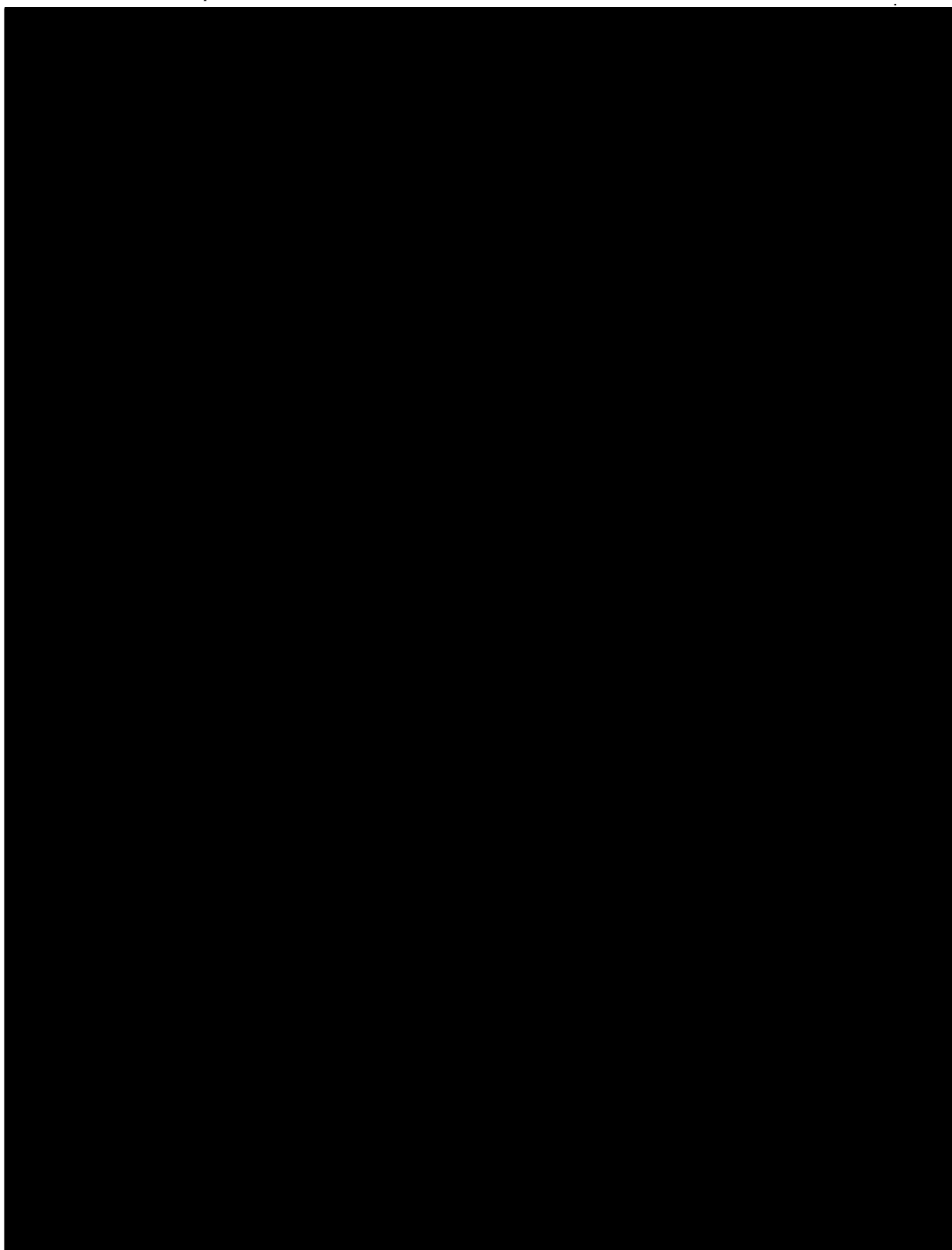
Shane Rattenbury MLA

27 June 2016











DET16/1149

COPY



Mr Angelo Di Dio
Phillips Cleaning Service Pty Limited
4 Lyell Street
FYSHWICK ACT 2609

By email: phillipscleaning@blgpond.com

Dear Mr Di Dio

Thank you for the return of the Deed of Variation extending the term of the Panel Deed for the cleaning of ACT public schools with your company. I now enclose one original of the Deed of Variation for your records.

We are aware that your company is presently involved in proceedings before the Federal Court referable to industrial relations matters and in particular, the engagement of employees and how that relates to labour hire arrangements. We request that you advise us of the outcome of those proceedings once determined.

We also take this opportunity to remind you of the audit powers set out in clause 7(2) of your Panel Deed. The Territory may seek to conduct future audits to monitor performance and compliance with the terms of the Panel Deed and provision of the services during the extended term of the Panel Deed.

Yours sincerely



Meredith Whitten
Deputy Director-General
Organisational Integrity

20 June 2016