



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 2021-326

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	7 days
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: RE: Freedom of Information Act Request - Secure Local Jobs Code
Date: Friday, 19 November 2021 3:31:44 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

From: [REDACTED]
Sent: Thursday, 4 November 2021 12:37 PM
To: 'CMTEDDfoi@act.gov.au' <CMTEDDfoi@act.gov.au>
Subject: Freedom of Information Act Request - [REDACTED]

Dear sir/madam,

[REDACTED] seeks access to the following information under s7 of the *Freedom of Information Act 2016*:

- 1) Any records or documents produced or held by the Secure Local Jobs Branch which summarise or provide an overview of infringements issued to certificate holders under the scheme, including descriptions of which parts of the code were infringed;
- 2) Any standard operating procedures, guidelines, instructions or directions produced or held by the Secure Local Jobs Branch relating to their investigation of complaints received by the regulator;
- 3) Any records or documents produced or held by the Secure Local Jobs Branch setting out appropriate penalties for certificate holders found to have contravened the Secure Local Jobs Code.

In relation to s7 of the *Freedom of Information Act 2016*, [REDACTED] considers that factors favouring the disclosure of the information include:

- 1) As they comprise decisions taken by a government agency, release of this information would enhance the government's accountability in line with Schedule 2, 2.1(a)(i);
- 2) As they comprise decisions taken under a Code that has been the subject of ongoing debate, release of this information would enhance the public debate in line with Schedule 2, 2.1(a)(II);
- 3) As they comprise decisions and processes taken to arrive at decisions under a Code applying to dealings of the government with members of the community, release of this information would enhance the public understanding of government processes in line with Schedule 2, 2.1(a)(iii);
- 4) As they comprise decisions and processes taken to arrive at decisions under a Code applying to the suppliers of the government and therefore the expenditure of public funds, their release would enhance effective oversight in line with Schedule 2, 2.1(a)(iv);
- 5) As they comprise decisions and processes taken to arrive at decisions which have been the subject of ongoing concern around the administration of a government agency, their release would allow or assist inquiry into possible deficiencies in the conduct or administration of said agency in line with Schedule 2, 2.1(a)(v);

- 6) As they comprise decisions and processes taken to arrive at decisions which are arrived at on a case-by-case basis with little ability to compare outcomes, documents allowing a comparison between cases would advance the fair treatment of individuals and other entities in line with Schedule 2, 2.1(a)(v);
- 7) This information would reveal the reason for one or more government decisions and any background or contextual information that informed the decision in line with Schedule 2, 2.1(a)(viii);

Contact details to respond to this request are:



If there are any queries or concerns about this request, or any way I can assist further, please give me call.

Yours sincerely,



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.



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-326



DECISION - FREEDOM OF INFORMATION DECISION

I am writing to you in response 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 19 November 2021.

Your request specifically sought:

- 1) Any records or documents produced or held by the Secure Local Jobs Branch which summarise or provide an overview of infringements issued to certificate holders under the scheme, including descriptions of which parts of the code were infringed;
- 2) Any standard operating procedures, guidelines, instructions or directions produced or held by the Secure Local Jobs Branch relating to their investigation of complaints received by the regulator;
- 3) Any records or documents produced or held by the Secure Local Jobs Branch setting out appropriate penalties for certificate holders found to have contravened the Secure Local Jobs Code.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 17 December 2021.

Decision on access

Searches were completed for relevant documents and one document that is not publicly available has been identified that falls within the scope of your request. The remaining information relevant to your request is publicly available.

I have decided to grant full access to one document and have provided the links to the publicly available information below.

The document released to you is provided as **Attachment A** to this letter.

Additional Information

The resources section of our webpage contains all our guidance documents which are publicly available. Specifically, the *Secure Local Jobs Code Complaints and Noncompliance Investigation Guideline* outlines how we manage investigations and complaints. [Resources - Procurement \(act.gov.au\)](https://www.act.gov.au/act/procurement)

In addition to the above resources the principles outlined in *The Australian Government Investigative Standard* are used as a guide when undertaking investigations. This guide is also publicly available. [Australian Government Investigations Standards \(2011\) | Attorney-General's Department \(ag.gov.au\)](https://www.ag.gov.au/investigative-standard)

Charges

Processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

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 between 3-10 days of the decision date. Your personal contact details will not be published.

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

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 CMTEDDFOI 2021-326 or email CMTEDDFOI@act.gov.au.

Yours sincerely



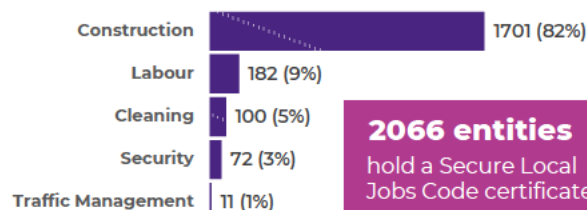
Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

30 November 2021

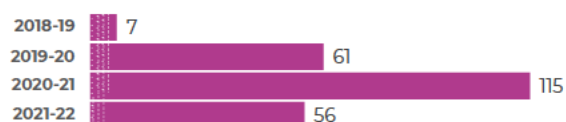
SECURE LOCAL JOBS CODE DASHBOARD

AS AT 26 November 2021

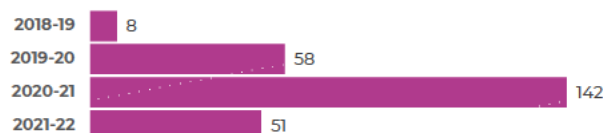
CERTIFIED ENTITIES BY INDUSTRY



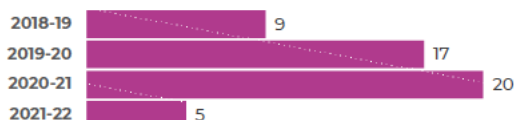
REGISTRAR INITIATED INVESTIGATIONS BY FINANCIAL YEAR



COMPLETED INVESTIGATIONS BY FINANCIAL YEAR



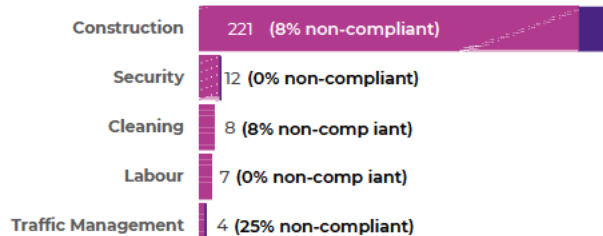
COMPLAINTS BY FINANCIAL YEAR



COMPLAINTS BY INDUSTRY

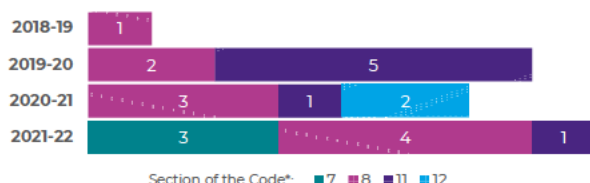


COMPLETED INVESTIGATIONS AND NON-COMPLIANCE RATE BY INDUSTRY



SECTIONS OF CODE BREACHED WITH SANCTIONS ISSUED BY FINANCIAL YEAR

NOTE: MULTIPLE SECTIONS OF THE CODE CAN BE BREACHED IN A SINGLE SANCTION



INVESTIGATIONS RESULTING IN SANCTIONS ISSUED BY FINANCIAL YEAR



CURRENT INVESTIGATIONS BY CATEGORY



* SECTIONS OF THE CODE:

- | | |
|--|--|
| 7. Code certification | 12. Requests for information |
| 8. Subcontractors | 13. Workplace representation |
| 9. Contact persons for territory-funded work | 14. Employee Representation and Workplace Inductions |
| 11. Adherence to the Law | 15. Recognition of the Right to Collectively Bargain |
| | 16. Freedom of Association |