

From: [REDACTED]

Sent: 01/03/2019 4:21 PM

To: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject: Able Landscaping Secure Local Jobs Code Report and Application

Attachments: Able Landscaping Secure Local Jobs Code Final Audit Report copy.pdf, Application.pdf

Regards

[REDACTED]
Managing Director

Contractor Compliance Australia Pty Ltd

ACT: Unit 6, 65 Tennant Street, Fyshwick ACT 2609

NSW: 3 Short Street, Croydon NSW 2132

[REDACTED]

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2000).

There is a growing awareness of the need to address the needs of older people in the UK. The Department of Health (2000) has published a strategy for older people, which sets out a vision for the future of health care for older people. The strategy is based on the following principles: older people should be able to live independently, safely and with dignity; older people should be able to access the services they need; and older people should be able to participate in decisions about their care.

The strategy also sets out a number of key objectives, including: to improve the quality of life of older people; to reduce the number of older people who are in care; to improve the way in which older people are treated; and to ensure that older people are able to access the services they need. The strategy is a key document for the UK health care system, and it sets out a clear vision for the future of health care for older people.

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SECURE LOCAL JOBS CODE



Audit Report

Purpose of this form

The ACT Government uses independent approved auditors to assess whether businesses meet Secure Local Jobs requirements and can apply for a Secure Local Jobs Code Certificate.

Who should complete this form

This form must be completed by an approved auditor. The Registrar approves auditors based on their qualifications and experience in conducting audits and compliance checks.


Information on becoming an approved auditor is available at procurement.act.gov.au/securelocaljobs

What else you need to provide

You must provide these documents to support your report:

- ▶ Secure Local Jobs Code Certificate application
- ▶ Statutory declaration.

Filling in this form

- ▶ Complete this form electronically, or use black or blue pen.
- ▶ Print in BLOCK LETTERS.
- ▶ Mark boxes with a **X**.
- ▶ If you run out of space include an attachment.
- ▶ Where you see a box like this  **Go to 2** skip to the question number shown. You do not need to answer the questions in between.

Submitting your form

Check that all required questions are answered and that the form is signed and dated.

Send the report to the Registrar at securelocaljobs@act.gov.au. You do not need to send supporting information submitted by the applicant.

Record keeping

You must securely store the Code Certificate application and supporting documents for seven years from the date of the application.

Support

Visit procurement.act.gov.au/securelocaljobs for more information.

SECURE LOCAL JOBS CODE

Audit Report

1. What type of audit is this?

New Audit request Renewal – Certificate number

2. Auditor information

Mr Mrs Miss Ms Other

Family name

First name

Approved auditor number

Phone

Email

3. Applicant information

Entity name

ABN/ACN

Number of employees

4. Type of services provided that are covered by the Secure Local Jobs Code

Construction Cleaning Traffic management Security

5. Business structure

Company Sole Trader Partnership Other

6. Business address

Primary place of business

This will be included on the certificate.

Postal address

7. Statutory declaration

Has the applicant completed, signed, and declared with a qualified witness?

Yes No

8. ASIC extract

Have you collected an ASIC personal name extract for all entity directors and partners?

Yes No

SECURE LOCAL JOBS CODE

Audit Report

9. Associated entities

List all associated entities, including trust and trustee entities.

Provide a list of associated entities in an attachment if you need more space.

10. Declaring associated entities

Did the applicant disclose associated entities in the application?

Yes No

11. Proceedings

Are there any proceedings, findings, convictions or prosecutions against the applicant or any of its associated entities?

Includes courts, tribunals, Fair Work Commission, Australian Tax Office, WorkSafe ACT, Human Rights Commission.

Yes – details below No → go to 15

12. Disclosure of proceedings

Did the applicant disclose proceedings, findings, convictions or prosecutions in the application?

Yes No

13. Remedial measures from proceedings

Are there remedial measures from the proceedings?

Yes – details below No → go to 15

14. Disclosure of remedial measures from proceedings

Were remedial measures disclosed by the applicant?

Yes No

15. Tax information

Have you collected the applicant's:

Yes No

- ▶ Business Activity Statements (past 24 months) OR
- ▶ Instalment Activity Statements (past 24 months) AND
- ▶ ATO Business Portal activity (past 24 months)?

Comments

SECURE LOCAL JOBS CODE

Audit Report

Description matches the applicant's primary services

Yes

No

Comments

Value of wages insured

[REDACTED]

20. Public liability insurance

Have you collected the applicant's public liability insurance Certificate of Currency?

Yes

No

Comments

Insurer: [REDACTED] Expiry: 30/06/2019

Public Liability insurance policy number

[REDACTED]

Value of policy

[REDACTED]

21. Payroll tax

Is the applicant required to pay payroll tax?

Yes - statement of payments collected (past 24 months)

No

22. Modern Award

Is the applicant paying employee entitlements in accordance with a relevant Modern Award?

Yes

No - reasons below

All employee entitlements are paid as per the Building and Construction General Onsite Award 2010 MA000020

23. Enterprise agreement

Does the applicant have an enterprise agreement?

Yes - approved by Fair Work Commission

No

24. Is the applicant paying employee entitlements in accordance with the Enterprise Agreement?

Yes

No - reasons below

All employee entitlements are paid as per the Modern Award listed below

SECURE LOCAL JOBS CODE

Audit Report

25. Secure Local Jobs Code management and quality systems

Have you collected the applicant's Secure Local Jobs systems and policies?

Yes

No

26. Secure Local Jobs Code systems quality

Are you satisfied the systems and policies support employees and subcontractors to understand Secure Local Jobs Code obligations?

Yes

No

Comments

27. Potential for conflict with Commonwealth law

Does the applicant tender for work or provide services to the Australian Government?

Yes – evidence collected

No

28. Building Code Covered Entity

Is the applicant required to comply with the Building Code 2016?

Evidence can include contracts, tender submission receipt, Building Code Letter of Compliance.

Yes – evidence collected

No

Giving false or misleading information is a serious offence

The *Criminal Code 2002* provides for significant penalties including fines and imprisonment, for making a false or misleading statement to the Territory.

Privacy Statement

All information collected by the Territory is protected the *Information Privacy Act 2014 (ACT)*. Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.

29. Auditor recommendation

Based on the information reviewed I recommend the applicant:

is issued a Secure Local Jobs Code Certificate

is not issued a Secure Local Jobs Code Certificate and reasons are below

SECURE LOCAL JOBS CODE

Audit Report

30. Auditor declaration

I declare that:

- 1) I am a Secure Local Jobs Code approved auditor.
- 2) I do not have a conflict of interest, either real or perceived, with the applicant or its associated entities.
- 3) I have not undertaken more than two previous audits for the applicant or its associated entities.
- 4) I have a clear understanding of the legislative requirements under the Code.
- 5) I will ensure all documentation associated with this report is stored securely for seven years.
- 6) I understand that failure to comply with the Code may result in the imposition of sanctions by the Registrar, which may include the removal of my approved auditor status.
- 7) All answers and supporting documentation I have checked and obtained as a part of this audit report form are true and correct to the best of my knowledge.

Signature

Date

01/03/2019

31. Applicant declaration

I declare that:

- 1) I am authorised on behalf of the entity named in this report to apply for a Secure Local Jobs Code Certificate.
- 2) The information provided in this report is complete and correct.
- 3) I have supplied the approved auditor with all relevant and requested information to support this report.
- 4) I understand that failure to comply with the Code may result in the imposition of sanctions by the Registrar.

Full name

JODIE RIDLEY

Title/position

DIRECTOR

Signature:

Date

1.3.19

SECURE LOCAL JOBS CODE



Code Application

Purpose of this form

Businesses need a Secure Local Jobs Code Certificate to quote on construction, cleaning, security or traffic management work for the ACT Government.

This form is used by businesses who want to apply for or renew a Code Certificate.

Who should complete this form

This application must be completed by a Director or authorised officer. If you're an authorised officer, a letter of authorisation must be attached.

What else you will need to provide

You must provide the following information to support your application:

- ▶ Statutory declaration
- ▶ Business or Instalment Activity Statements, and ATO Business Portal activity (past 24 months)
- ▶ Evidence of superannuation scheme payments (past 24 months)
- ▶ ACT Long Service Leave Authority Certificate of Currency (if applicable)
- ▶ Workers compensation insurance Certificate of Currency
- ▶ Public liability insurance Certificate of Currency
- ▶ ACT Payroll Tax returns (past 24 months, if applicable)
- ▶ Enterprise agreement or modern award.

Filling in this form

- ▶ Complete this form electronically, or use black or blue pen.
- ▶ Print in BLOCK LETTERS.
- ▶ Mark boxes with a **X**.
- ▶ If you run out of space include an attachment.

Submitting your form

Check that all required questions are answered and that the form is signed and dated.

Submit the completed form and supporting documents to your approved auditor. A list of auditors is available at: procurement.act.gov.au/securelocaljobs.

Support

Visit procurement.act.gov.au/securelocaljobs for more information.

SECURE LOCAL JOBS CODE

Code Application

1. What type of Secure Local Jobs Code Certificate are you applying for?

New Renewal – Certificate Number:

2. Your name

Mr Mrs Miss Ms Other

Family Name: First Name:

Title/position:

3. Your contact details

Phone: Email:

4. Applicant information

Entity name: ABN / ACN:

Number of employees:

5. Type of services provided that are covered by the Secure Local Jobs Code

Construction Cleaning Traffic management Security

6. Business structure

Company Sole Trader Partnership Other

7. Business address

Primary place of business: *This will be included on the certificate.*

Postal Address:

8. Associated entities

List all associated entities, including trust and trustee entities:

The definition of "associated entities" can be found in the Statutory Declaration. Provide a list of associated entities in an attachment if you need more space.

SECURE LOCAL JOBS CODE

Code Application

9. Statutory Declaration

The Statutory Declaration must be signed by a Director or duly authorised officer.

Completed and signed.

10. Proceedings

Are there any proceedings, findings, convictions or prosecutions against you or your business or any of its associated entities?

No Yes – details below:

11. Remedial measures from proceedings

Are there remedial measures from the proceedings?

No Yes – details below:

12. Tax information

Select which tax information you have provided to support this application.

Business Activity Statements (past 24 months) **OR**

Instalment Activity Statements (past 24 months) **AND**

ATO Business Portal activity (past 24 months)

13. Superannuation information

In addition to the ordinary meaning of an employee, for the purpose of the *Superannuation Guarantee (Administration) Act 1992* (Cth) (SGAA), an employee could also mean a director or a person engaged under a contract for labour. Visit ato.gov.au for more information.

Have you made payments to a superannuation scheme on behalf of each of your employees for the last 24 months?

Yes – statements attached

No – reason below:

14. Long Service Leave Authority information

Are you required to make contributions to the ACT Long Service Leave Authority?

Yes – Certificate of Currency attached

No

SECURE LOCAL JOBS CODE

Code Application

15. Workers compensation insurance

For the definition of a worker visit accesscanberra.act.gov.au and go to Home>Fair Trading>Business>Workers compensation

Do you have a workers compensation insurance policy for all of your staff?

Yes – Certificate of Currency attached

No – reason below:

16. Public liability insurance

Do you have a public liability insurance policy?

Yes – Certificate of Currency attached

No

17. Payroll tax

Are you required to pay Payroll tax in any State or Territory where your business operates?

Yes – statement of payments attached (past 24 months)

No

18. Modern award

Does your business pay employee entitlements in accordance with a modern award?

Yes – modern award name below:

No

Building & Construction General Onsite Award
2010

19. Enterprise agreements

Do you have an enterprise agreement?

Yes – Fair Work Commission approval attached

No

20. Other industry funds and schemes

Are you required by an enterprise agreement (or other industrial instrument) to make contributions to an industry fund, levy or scheme? For example redundancy fund, income protection insurance scheme, portable sick leave scheme.

Yes – schemes listed and statement attached

No

21. Australian Government contracts

Do you have a current contract with the Australian Government?

No

Yes – evidence attached

SECURE LOCAL JOBS CODE

Code Application

22. Are you required to comply with the Building Code 2016?

Evidence can include contracts, tender submissions, Building Code Letter of Compliance.

No

Yes – evidence attached

23. Secure Local Jobs Code systems

Do you have systems or policies to ensure employees and subcontractors understand their obligations under the Secure Local Jobs Code?

Yes – evidence attached

No – reason below:

Giving false or misleading information is a serious offence

The *Criminal Code 2002* provides for significant penalties, including fines and imprisonment, for making a false or misleading statement to the Territory.

Privacy Statement

All information collected by the Territory is protected the *Information Privacy Act 2014* (ACT). Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.

24. Applicant declaration

I declare that:

- 1) I am authorised on behalf of the entity named in this application to complete this form.
- 2) I have a clear understanding of the legislative requirements under the Code.
- 3) The entity has systems in place to ensure compliance with the Code.
- 4) I have truthfully answered all questions contained in this application form.
- 5) I understand that failure to comply with the Code may result in the imposition of sanctions by the Registrar.
- 6) The information I have provided in this form is complete and correct.

Signature:

Date:

11.2.19

From:smartforms@act.gov.au

Sent:05/02/2020 4:13 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, YVC7NVRG, Kiri [REDACTED] [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:YVC7NVRG.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Kiri [REDACTED]
SLJC Certificate Number	00344
Reference code	YVC7NVRG

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

05 Feb 2020 4:11:08 PM

Reference code

██████████

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Entity name *

Able Landscaping

Secure Local Jobs Code Certificate Number *

00344

Location of worksite *

Fraser and Dunlop Shops

Estimated start date

02 May 2020

Estimate end date

30 May 2020

Worksite contact details

Contact person

Title

██████████

Given name *

Kiri

Family name *

██████████

Enter at least one phone number: *

Home phone number

████████████████████

Work phone number

██████████████

Mobile number

██████████████

Contact email *

██████████████████████████████████████

Working hours *

██████████████████

Declaration

Same as contact person

I, Kiri ██████████, confirm all information declared in this form as true and correct. *

From:"Bourke, Kirsty"

Sent:08/12/2019 9:38 PM

To:"Johnny [REDACTED]"

Subject:INV00016_000344_Able Landscaping_Show Reason Notice.pdf

Attachments:INV00016_000344_Able Landscaping_Show Reason Notice.pdf

UNCLASSIFIED

Good Morning Mr [REDACTED],

Please see attached Show Reasons Notice.

If you have any questions please do not hesitate to contact me.

Kind Regards

Kirsty Bourke | Assistant Director

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

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



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





ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/000344
Case Officer: K Bourke
Contact: [REDACTED]

Dear Mr [REDACTED]
Able Landscaping Pty Ltd
Via email: [REDACTED]
[REDACTED]

SHOW REASONS NOTICE

**Under to Section 8 of the Government Procurement
(Secure Local Jobs Complaints and Noncompliance) Investigation Guidelines
Code Certified Entity: Able Landscaping Pty Ltd (ABN 71 008 542 701)**

I refer to the investigation in relation to an alleged noncompliance by Able Landscaping Pty Ltd with its obligations under the Secure Local Jobs Code (the Code). This investigation was undertaken in accordance with the Government Procurement (Secure Local Jobs Complaints and Noncompliance) Investigation Guidelines (the Guidelines).

The investigation findings revealed that an "extreme" noncompliance of the Code has occurred. Under the Guidelines, the possible sanction for this type of noncompliance is 100 infringement points and immediate cancellation of the entity's Code Certificate. In taking into consideration proportionality under section 7.2 of the Guidelines, I consider it appropriate to reduce the amount of sanction points from 100 to 60 points.

As a result, I propose to impose **60 infringement points** against Able Landscaping Pty Ltd's Secure Local Jobs Code Certificate 000344. The infringement points will be applied in accordance with section 7 of the Guidelines and will be published on the Secure Local Jobs Code website.

Under section 8 of the Guidelines, you are provided with the opportunity to respond to this Notice, outlining reasons why the infringement points should not be applied.

Submissions received in writing within **10 business days** from the date of this notice will be considered. If no response is received, **60 infringement points** will be applied without further consultation.

If you have any further questions, please do not hesitate to contact the case officer, Ms Kirsty Bourke on [REDACTED]

Regards
[REDACTED]

Andrew Parkinson
Secure Local Jobs Code Registrar
9 December 2019

From:noreply@act.gov.au
Sent:06/09/2021 4:07 PM
To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject:New Submission of Contact Details for Territory Funded Work

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.

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name:	Able Landscaping Pty Ltd
Secure Local Jobs Code Certificate Number :	00344
Location of worksite :	Mirrabei Drive, Amaroo
Worksite contact details:	
Contact Person:	Kathy [REDACTED]
Contact number:	[REDACTED]
Contact email:	[REDACTED]
Working hours:	[REDACTED]
Declaration:	
I confirm all information declared in this form as true and correct:	Yes
Name::	Kathy [REDACTED]
Position:	[REDACTED]
Contact number:	[REDACTED]
Contact email:	[REDACTED]

From: "Johnston, Kris" <[REDACTED]>
Sent: 03/09/2019 6:39 AM
To: "Bourke, Kirsty" <[REDACTED]>
Subject: RE: Able Landscaping Pty Ltd [SEC=UNCLASSIFIED]

Good afternoon Kirsty,

I hope this email finds you well.

Dropped into the site in Farrer. Meet with Steve and Nic from Able Landscaping. Steve confirmed that they were just back on site for the day to finish up some work. From the conversation with them, they confirmed that they were working with Able Landscaping. It was raised about the sign in and sign out sheets. They were aware that it needed to be on site. Due to the site being open, with good visibility. It was of low risk. Further to this I discussed with them about the following;

- Entry exit for the site
- Emergency procedures that need to be established (sign in and sign out sheet)
- First aid and emergency contacts
- Plant movement across site

Steve confirmed that at the next site they will ensure that the sign in and sign out sheet will be left on site at all times.

Please feel free to call or email if you have any questions or concerns.

Kind regards,
Kris

Kris Johnston | Inspector - Liaison Officer for Australian Apprentices
[REDACTED]

Construction Environment & Workplace Protection Division | Access Canberra | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

WORKSAFEACT

national safe work month
October

BE A SAFETY **CHAMPION**

#safetychampion
safeworkmonth.swa.gov.au

From: Bourke, Kirsty
Sent: Monday, 2 September 2019 3:36 PM
To: Johnston, Kris <[REDACTED]>
Subject: RE: Able Landscaping Pty Ltd [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Kris,

It is our understanding that there should be sign on sheets at each site which identifies who is entering and exiting the site, they were not able to provide us with this. The other issue with Longerenong Street Farrer was that when we went to site, all the men were wearing shirts/jumpers that said [REDACTED]. When we asked them if they were subcontracting from Able Landscaping, they stated that they were employees of Able Landscaping.

Kind Regards

Kirsty Bourke | Assistant Director

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

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



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

From: Johnston, Kris [redacted] >
Sent: Monday, 2 September 2019 3:32 PM
To: Bourke, Kirsty [redacted] >
Subject: RE: Able Landscaping Pty Ltd [SEC=UNCLASSIFIED]

Good afternoon Kirsty,

In regards to the sign on sheet. What specifically do you mean by this? Is it in regards to who is entering and exiting the site? Is ABLE LANDSCAPING Pty Ltd the PCBU for the site?

Kind regards,

Kris Johnston | Inspector - Liaison Officer for Australian Apprentices

Construction Environment & Workplace Protection Division | Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

WORKSAFE ACT

national safe work month
October

BE A SAFETY CHAMPION

#safetychampion
safeworkmonth.swa.gov.au

From: Bourke, Kirsty
Sent: Monday, 2 September 2019 3:21 PM
To: Johnston, Kris [redacted] <[redacted]>
Subject: Able Landscaping Pty Ltd

UNCLASSIFIED

Hi Kris,

The Registrar has asked me to send you an email in relation to Able Landscaping Pty Ltd and a possible breach of the Work Safe Act.

Last week myself and Jess of the Secure Local Jobs Branch attended Able Landscaping's worksite at Longerenong Street, Farrer. On site, we asked to speak with the person in charge. We spoke with Steve and explained who we were and why we were attending the Site. We asked Steve if we could see the sign on sheets for the Site. He walked towards his vehicle and checked inside, he then stated that they must in in his other ute. Through further discussion, Steve stated that the main contact for Able Landscaping, Steve [REDACTED] actually had the sign on sheets with him (he was located on a site in Canberra City).

Jess and I later attended the Canberra City Site and spoke with Steve McDonnell [REDACTED] we mentioned that Steve from the Farrer Site said that he had the sign on sheets. Steve from the Canberra City Site said that the sign on sheets must be back at the Office. Jess asked if the City Site had an Office and he said no, his van would be the Site Office.

If you have any further questions please do not hesitate to contact me.

Kind Regards

Kirsty Bourke | Assistant Director

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

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



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



I am writing to you as a Secure Local Jobs Code Certified entity in relation to the *Government Procurement (Secure Local Jobs) Code 2019* (the Code). The Secure Local Jobs Branch are undertaking compliance checks on all contracts for Territory-funded work that fall within the requirements of the Code.

As a Code Certified Entity, you have obligations under the Code. Section 9 of the Code states;

9 Contact Persons for territory-funded work

- (1) A Code Certified Entity must provide the territory entity with a person or persons, workforce locations and working hours for territory-funded work for the purposes of assisting the exercise of a lawful right of entry in accordance with Part 3-4 of the Fair Work Act 2009 (Cth) or Part 7 of the Work Health and Safety Act 2011.
- (2) A Code Certified Entity must provide the information required under subsection (1) to the territory entity prior to the commencement of territory-funded work.
- (3) A Code Certified Entity must advise the territory entity within 14 days if there is a change to the information provided in accordance with subsection (1).

To ensure you are compliant with your obligations under the Code in relation to Section 9, please complete the online form in the link below. Please also note that this form needs to be completed for **each** site/contract you are working on.

[Updated Contact Details for Territory-funded work](#)

In addition to completing the form to provide updated advice for all workforce locations, working hours and contact details for territory-funded work, please provide the following information in relation to your Code Certified Entity operations;

- Start date of (all) your current contracts and the completion date/expected completion date; and
- List of all subcontractors (if used) for each site.

Section 12 of the Code states that *a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating compliance with the Code. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the Government Procurement Act 2001.*

Your response to this email, including supporting documentation should be provided by COB **1st May 2020**.

Should you have any questions or require an extension of time to respond, please contact the branch on 02 6207 3005 or email securelocaljobs@act.gov.au.

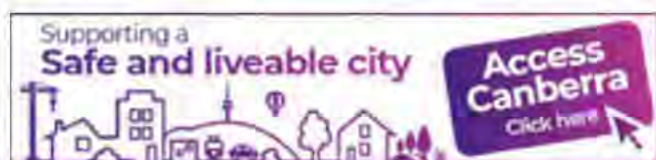
Regards

Matthew Dickson

Matthew Dickson | Compliance Support Officer

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

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



From: [Dickson, Matthew](#) on behalf of [Secure Local Jobs Code](#)

Bcc:



[Bourke, Kirsty](#); [Wubbels, Lauren](#)

Subject: Updated contact details

Date: Wednesday, 22 April 2020 16:15:00

Attachments: [image001.png](#)

UNCLASSIFIED For-Official-Use-Only

Dear Sir/Madam

I am writing to you as a Secure Local Jobs Code Certified entity in relation to the *Government Procurement (Secure Local Jobs) Code 2019* (the Code). The Secure Local Jobs Branch are undertaking compliance checks on all contracts for Territory-funded work that fall within the requirements of the Code.

As a Code Certified Entity, you have obligations under the Code. Section 9 of the Code states;

9 Contact Persons for territory-funded work

(1) A Code Certified Entity must provide the territory entity with a person or persons, workforce locations and working hours for territory-funded work for the purposes of assisting the exercise of a lawful right of entry in accordance with Part 3-4 of the Fair Work Act 2009 (Cth) or Part 7 of the Work Health and Safety Act 2011.

(2) A Code Certified Entity must provide the information required under subsection (1) to the territory entity prior to the commencement of territory-funded work.

(3) A Code Certified Entity must advise the territory entity within 14 days if there is a change to the information provided in accordance with subsection (1).

To ensure you are compliant with your obligations under the Code in relation to Section 9, please complete the online form in the link below. Please also note that this form needs to be completed for **each** site/contract you are working on.

[Updated Contact Details for Territory-funded work](#)

In addition to completing the form to provide updated advice for all workforce locations, working hours and contact details for territory-funded work, please provide the following information in relation to your Code Certified Entity operations;

- Start date of (all) your current contracts and the completion date/expected completion date; and
- List of all subcontractors (if used) for each site.

Section 12 of the Code states that *a Code Certified Entity must comply with any reasonable*

request for information, access to records and directions given by the registrar for the purposes of investigating compliance with the Code. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the Government Procurement Act 2001.

Your response to this email, including supporting documentation should be provided by **COB 1st May 2020.**

Should you have any questions or require an extension of time to respond, please contact the branch on 02 6207 3005 or email securelocaljobs@act.gov.au.

Regards

Matthew Dickson

Matthew Dickson | Compliance Support Officer

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

█ █ ██████████

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



From:noreply@act.gov.au
Sent:24/04/2020 4:17 PM
To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject:New Submission of Contact Details for Territory Funded Work

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping Pty Ltd
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Fraser and Dunlop Shops

Worksite contact details:

Contact Person: Kiri [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Kiri [REDACTED]
Position: [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]

From: noreply@act.gov.au
To: [Secure Local Jobs Code](#)
Subject: New Submission of Contact Details for Territory Funded Work
Date: Friday, 24 April 2020 16:18:21

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping Pty Ltd

Secure Local Jobs Code Certificate
Number : 00344

Location of worksite : Fraser and Dunlop Shops

Worksite contact details:

Contact Person: Kiri [REDACTED]

Contact number: [REDACTED]

Contact email: [REDACTED]

Working hours: [REDACTED]

Declaration:

I confirm all information declared in
this form as true and correct: Yes

Name:: Kiri [REDACTED]

Position: [REDACTED]

Contact number: [REDACTED]

Contact email: [REDACTED]

From: "Secure Local Jobs Code"

Sent: 05/03/2019 12:43 AM

To: [REDACTED]

Subject: RE: Able Landscaping Secure Local Jobs Code Report and Application [SEC=UNCLASSIFIED]

Hi [REDACTED],

Can you please attach the Stat Dec for this application

Kind Regards

Kirsty Bourke | Assistant Director

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

ACT Government

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



From: [REDACTED]

Sent: Friday, 1 March 2019 4:21 PM

To: Secure Local Jobs Code <securelocaljobs@act.gov.au>

Subject: Able Landscaping Secure Local Jobs Code Report and Application

Regards

[REDACTED]
Managing Director
Contractor Compliance Australia Pty Ltd
ACT: Unit 6, 65 Tennant Street, Fyshwick ACT 2609
NSW: 3 Short Street, Croydon NSW 2132
[REDACTED]

From: "Parkinson, Andrew" [REDACTED]
Sent: 05/12/2019 2:49 AM
To: "Bourke, Kirsty" [REDACTED]
Subject: RE: INV00016_000344_Able Landscaping_Show Reason Notice
Attachments: INV00016_000344_Able Landscaping_Show Reason Notice.docx

UNCLASSIFIED

signed

Andrew Parkinson | Secure Local Jobs Code Registrar
[REDACTED] | [REDACTED]

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



From: Bourke, Kirsty [REDACTED]
Sent: Thursday, 5 December 2019 1:48 PM
To: Parkinson, Andrew [REDACTED]
Subject: INV00016_000344_Able Landscaping_Show Reason Notice

UNCLASSIFIED

Hi Andrew,

Please see amended letter

Thanks
Kirsty

From: [REDACTED]
Sent: 13/12/2019 5:59 AM
To: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Cc: "Parkinson, Andrew" [REDACTED]
Subject: FW: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]
Attachments: Letter - [REDACTED] to Secure Local Jobs Code Registrar - 13 December 2019.pdf, Undeliverable: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Confidential Communication

Good afternoon,

We refer to the **attached** letter addressed to Ms Bourke, which appears to have bounced-back from her email address.

Could the enclosed letter please be provided to Ms Bourke?

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Friday, 13 December 2019 4:53 PM
To: [REDACTED]
Cc: 'Andrew.Parkinson@act.gov.au' [REDACTED]
Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Dear Ms Bourke,

We act for Able Landscaping Pty Ltd.

Please see correspondence **enclosed** regarding the above matter.

Kind regards,



13 December 2019

Kirsty Bourke
Assistant Director
Secure Local Jobs Branch
Chief Minister, Treasury and Economic Development Directorate
ACT Government
CC: Andrew Parkinson

By email: 

Dear Ms Bourke,

Show Reason Notice for alleged breach of the Secure Local Jobs Code

We act for Able Landscaping Pty Ltd ACN 008 542 701 (**Able Landscaping**).

On 9 December 2019, our client received a Show Reasons Notice of the same date (**Notice**) issued by the Secure Local Jobs Code Registrar (**Registrar**). The Notice alleged 'extreme' non-compliance with the Secure Local Jobs Code and invited our client to respond as to whether sanctions should be applied. However, the Notice fails to indicate what the alleged non-compliance is, or the factual basis for that allegation. Accordingly, it is presently not possible for Able Landscaping to respond to the Notice or to fairly participate in the Registrar's consideration of whether sanctions should be applied.

The Notice was issued under section 8.1 of the Secure Local Jobs Complaints and Noncompliance Investigations Guidelines (**Guidelines**). Section 8.1 requires that, before any sanction is imposed, the Secure Local Jobs Code Registrar must first issue a Show Reasons Notice which gives the Code Covered Entity '*an opportunity to show reasons why the sanctions should / should not be applied*' (emphasis added). We submit that, in order for a Code Covered Entity to be provided with that 'opportunity', a Show Reasons Notice should at the very least identify the alleged non-compliance and the factual basis for that allegation, which the Notice fails to do.

The above framework corresponds with the principles of natural justice, which indicate that if an opportunity to be heard is to be meaningful, a respondent must know what case they are required to answer, meaning that the prior notice must identify the issues and their factual foundation.

Of particular concern is the allegation of 'extreme' non-compliance in the Notice. Under the Guidelines, examples of extreme non-compliance include intentional disregard of the law and falsification or concealment of documents. It is unclear from the Notice whether such allegations are being made (which would be strenuously denied) but if they are, given their seriousness, the Notice would be required to provide detailed particulars of those allegations.



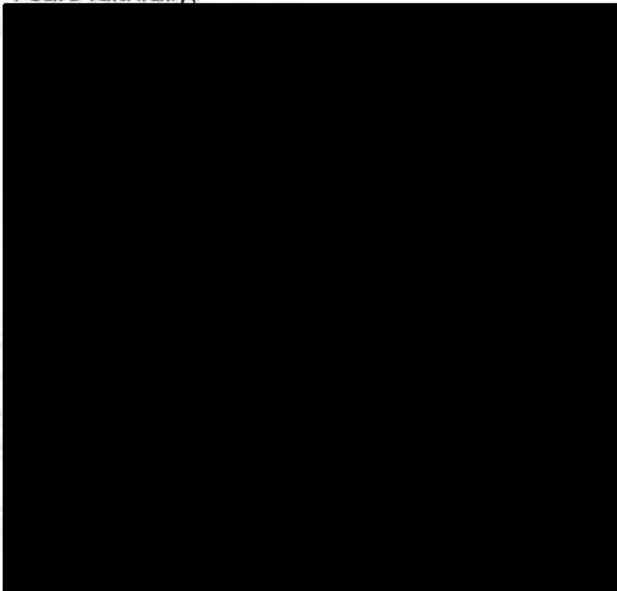
For the above reasons we ask that the Registrar provide a Show Cause Notice giving particulars of the alleged non-compliance with the Secure Local Jobs Code.

We also ask that our client be granted an extension of time to respond, of 10 business days from receipt of the Show Cause Notice including the above. Given the imminence of the Christmas / New Year period, depending on when the Show Cause Notice is received, our client reserves its rights to request a further extension of time, noting that it will shut-down from 25 December 2019, re-opening on 6 January 2020.

Should the Registrar impose a sanction on Able Landscaping without providing a Show Cause Notice with appropriate particulars or a reasonable extension of time to respond, Able Landscaping reserves its rights to apply for de novo review of that decision by the ACT Civil and Administrative Tribunal, or alternatively judicial review by the Supreme Court, for reasons including but not limited to that the Notice was deficient/invalid and the decision made contrary to the principles of natural justice.

We understand that an investigation report has been produced pursuant to clause 6.6 of the Guidelines. We also ask for a copy of that report to be disclosed, which may answer some of the above.

Yours faithfully,



From: "Microsoft Outlook" <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@[REDACTED]>
Sent: 13/12/2019 5:52 AM
To: [REDACTED]
Subject: Undeliverable: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]
Attachments: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Delivery has failed to these recipients or groups:

[REDACTED]

The format of the email address isn't correct. A correct address looks like this: someone@example.com. Please check the recipient's email address and try to resend the message.

Diagnostic information for administrators:

Generating server: MV-COBALT-EXCH.[REDACTED]

[REDACTED]

Remote Server returned '550 5.1.3 STOREDRV.Submit; invalid recipient address'

Original message headers:

Received: from MV-COBALT-EXCH.mvlaw.com.au ([:1]) by MV-COBALT-EXCH.mvlaw.com.au ([:1]) with mapi id 15.00.1210.000; Fri, 13 Dec 2019 16:52:53 +1100
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]
Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]
Thread-Topic: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]
Thread-Index: AdWkeXh7MZ55fzrASzaHGvJV9TBAoA=
Date: Fri, 13 Dec 2019 16:52:53 +1100
Message-ID: <8097cca1cdaa4c1fbc81f68631fe83e4@MV-COBALT-EXCH.[REDACTED]>
Accept-Language: en-AU, en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator: <8097cca1cdaa4c1fbc81f68631fe83e4@MV-COBALT-EXCH.[REDACTED]>
MIME-Version: 1.0
X-MS-Exchange-Transport-FromEntityHeader: Hosted
X-Originating-IP: [192.168.129.12]

From: [REDACTED]

Sent: 13/12/2019 5:52 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Attachments: Letter - [REDACTED] to Secure Local Jobs Code Registrar - 13 December 2019.pdf

Dear Ms Bourke,

We act for Able Landscaping Pty Ltd.

Please see correspondence **enclosed** regarding the above matter.

Kind regards,

From: [REDACTED]
Sent: 05/03/2019 2:57 PM
To: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject: Re: Able Landscaping Secure Local Jobs Code Report and Application [SEC=UNCLASSIFIED]
Attachments: Stat dec.pdf

Stat Dec as requested.

[REDACTED]
Managing Director
Contractor Compliance Australia Pty Ltd
NSW: 3 Short St, Croydon, NSW 2132
ACT: Unit 6/65 Tennant St, Fyshwick, ACT 2609

[REDACTED]
Web: www.contractorcompliance.com.au

On 5 Mar 2019, at 11:43 am, Secure Local Jobs Code <securelocaljobs@act.gov.au> wrote:

Hi [REDACTED]

Can you please attach the Stat Dec for this application

Kind Regards

Kirsty Bourke | Assistant Director
Secure Local Jobs Branch | Chief Minister, Treasury and Economic Development Directorate
ACT Government
[REDACTED]
Level 4, Nara Centre, 1 Constitution Avenue, Canberra City | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

<image001.png>

From: [REDACTED]
Sent: Friday, 1 March 2019 4:21 PM
To: Secure Local Jobs Code <securelocaljobs@act.gov.au>
Subject: Able Landscaping Secure Local Jobs Code Report and Application

Regards

[REDACTED]
Managing Director
Contractor Compliance Australia Pty Ltd
ACT: Unit 6, 65 Tennant Street, Fyshwick ACT 2609
NSW: 3 Short Street, Croydon NSW 2132

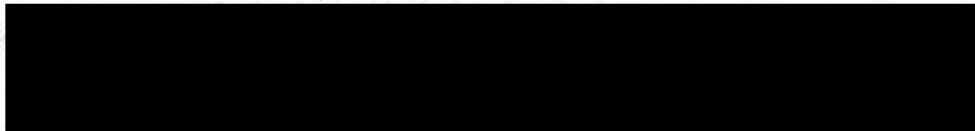
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You

should not copy or use it for any purpose, nor disclose its contents to any other person.

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 *Insert the name, address and occupation of person making the declaration*

1,1



make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2

- 1 I am authorised on behalf of the entity named in this application to complete this form.
- 2 I have a clear understanding of the legislative requirements under the Secure Local Jobs Code.
- 3 The entity has systems in place to ensure compliance with the Secure Local Jobs Code.
- 4 I have truthfully answered all questions contained in this application form.
- 5 The information I have provided in this form is complete and correct to the best of my knowledge and having undertaken due diligence.
- 6 I understand that failure to comply with the Secure Local Jobs Code may result in the imposition of sanctions by the Registrar.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3



4 *[Optional: email address and/or telephone number of person making the declaration]*

4

5 *Place*
6 *Day*
7 *Month and year*

Declared at ⁵



on ⁶

21ST

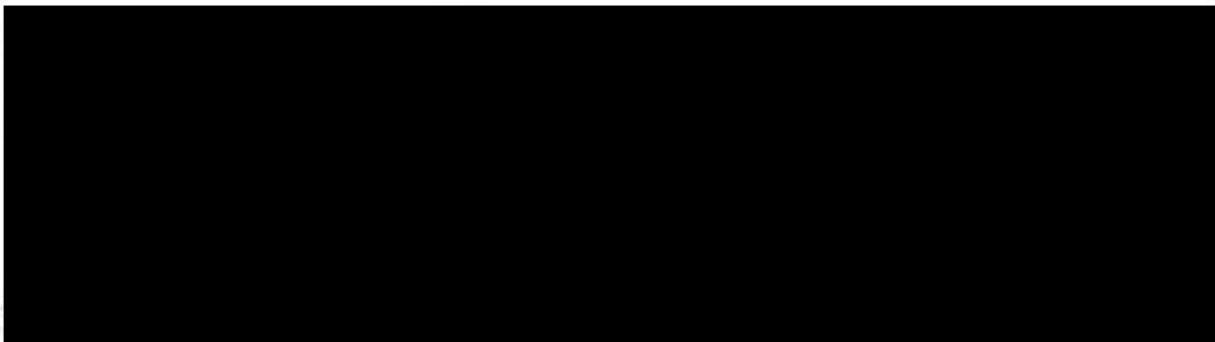
of ⁷

JAN 2019

Before me,

8 *Signature of person before whom the declaration is made (see over)*

8



9 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

9

10 *[Optional: email address and/or telephone number of person before whom the declaration is made]*

10

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Architect	Chiropractor	Dentist
Financial adviser	Financial Planner	Legal practitioner
Medical practitioner	Midwife	Migration agent registered under Division 3 of Part 3 of the <i>Migration Act 1958</i>
Nurse	Occupational therapist	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Accountant who is:

- a) a fellow of the National Tax Accountants' Association; or
- b) a member of any of the following:
 - i. Chartered Accountants Australia and New Zealand;
 - ii. the Association of Taxation and Management Accountants;
 - iii. CPA Australia;
 - iv. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Balliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list

Employee of the Australian Trade and Investment Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Employee of the Commonwealth who is:

- (a) at a place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Engineer who is:

- a) a member of Engineers Australia, other than at the grade of student; or
- b) a Registered Professional Engineer of Professionals Australia; or
- c) registered as an engineer under a law of the Commonwealth, a State or Territory; or
- d) registered on the National Engineering Register by Engineers Australia

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of the Australian Defence Force who is:

- a) an officer
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
- c) a warrant officer within the meaning of that Act

Member of the Australasian Institute of Mining and Metallurgy

Member of the Governance Institute of Australia Ltd

Member of:

- a) the Parliament of the Commonwealth
- b) the Parliament of a State
- c) a Territory legislature
- d) a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

- a) the Commonwealth
- b) the external Territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a State or Territory or a State or Territory authority
- b) a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of this list
Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
Police officer
Registrar, or Deputy Registrar, of a court
Senior executive employee of a Commonwealth authority
Senior executive employee of a State or Territory
SES employee of the Commonwealth
Sheriff
Sheriff's officer
Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

From: "Secure Local Jobs Code"

Sent: 04/05/2020 4:06 AM

[REDACTED]

Subject: Updated contact details

UNCLASSIFIED For-Official-Use-Only

Dear Sir/Madam

As per the below request please provide your response by COB 08/05/2020. Failure to respond may result in the imposition of conditions or infringement points on your Secure Local Jobs Certificate.

Regards

Matthew Dickson

Matthew Dickson | Compliance Support Officer

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

E | Matthew.Dickson@act.gov.au

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



Dear Sir/Madam

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As a Code Certified Entity, you have obligations under the Code. Section 9 of the Code states;

9 Contact Persons for territory-funded work

- (1) A Code Certified Entity must provide the territory entity with a person or persons, workforce locations and working hours for territory-funded work for the purposes of assisting the exercise of a lawful right of entry in accordance with Part 3-4 of the Fair Work Act 2009 (Cth) or Part 7 of the Work Health and Safety Act 2011.
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To ensure you are compliant with your obligations under the Code in relation to Section 9, please complete the online form in the link below. Please also note that this form needs to be completed for **each** site/contract you are working on.

[Updated Contact Details for Territory-funded work](#)

In addition to completing the form to provide updated advice for all workforce locations, working hours and contact details for territory-funded work, please provide the following information in relation to your Code Certified Entity operations;

- Start date of (all) your current contracts and the completion date/expected completion date; and
- List of all subcontractors (if used) for each site.

Section 12 of the Code states that *a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating compliance with the Code. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the Government Procurement Act 2001.*

Your response to this email, including supporting documentation should be provided by COB **1st May 2020**. Should you have any questions or require an extension of time to respond, please contact the branch on 02 6207 3005 or email securelocaljobs@act.gov.au.

Regards

Matthew Dickson

Matthew Dickson | Compliance Support Officer

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

E | Matthew.Dickson@act.gov.au

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



From:smartforms@act.gov.au

Sent:07/09/2021 10:27 AM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, 89K49LJP, Kathy Wong
[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:89K49LJP.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Kathy [REDACTED]
SLJC Certificate Number	00344
Reference code	89K49LJP

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

07 Sep 2021 10:24:23 AM

[REDACTED]

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Able Landscaping Pty Ltd

Secure Local Jobs Code Certificate Number *

00344

ACT Government contract number *

SL210094

Location of worksite *

Pethard Road, Hume ACT 2620

Estimated start date

dd/mm/yyyy

Estimate end date

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

[REDACTED]

Kathy

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

Same as contact person

I, Kathy [REDACTED], confirm all information declared in this form as true and correct. *

From: [Dickson, Matthew](#) on behalf of [Secure Local Jobs Code](#)

Bcc:

Subject: Updated contact details
Date: Monday, 4 May 2020 14:06:00
Attachments: [image001.png](#)

UNCLASSIFIED For-Official-Use-Only

Dear Sir/Madam

As per the below request please provide your response by COB 08/05/2020. Failure to respond may result in the imposition of conditions or infringement points on your Secure Local Jobs Certificate.

Regards

Matthew Dickson

Matthew Dickson | Compliance Support Officer

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

E | Matthew.Dickson@act.gov.au

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



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[Updated Contact Details for Territory-funded work](#)

In addition to completing the form to provide updated advice for all workforce locations,

working hours and contact details for territory-funded work, please provide the following information in relation to your Code Certified Entity operations;

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Your response to this email, including supporting documentation should be provided by **COB 1st May 2020.**

Should you have any questions or require an extension of time to respond, please contact the branch on 02 6207 3005 or email securelocaljobs@act.gov.au.

Regards

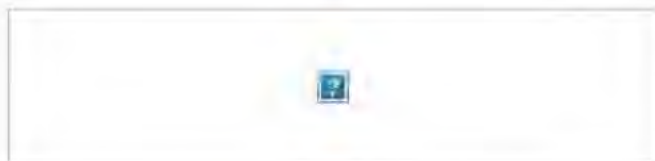
Matthew Dickson

Matthew Dickson | Compliance Support Officer

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



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



From: "Secure Local Jobs Code"

Sent: 07/03/2019 9:00 AM

Subject: RE: Able Landscaping Secure Local Jobs Code Report and Application [SEC=UNCLASSIFIED]

Attachments: Secure Local Jobs certificate_00344.pdf

Hi [REDACTED]

Please see attached Secure Local Jobs certificate

Kind Regards

Kirsty Bourke | Assistant Director

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

ACT Government

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



From: [REDACTED]

Sent: Tuesday, 5 March 2019 2:57 PM

To: Secure Local Jobs Code <securelocaljobs@act.gov.au>

Subject: Re: Able Landscaping Secure Local Jobs Code Report and Application [SEC=UNCLASSIFIED]

Stat Dec as requested.

[REDACTED]
Managing Director

Contractor Compliance Australia Pty Ltd

NSW: 3 Short St, Croydon, NSW 2132

ACT: Unit 6/65 Tennant St, Fyshwick, ACT 2609

[REDACTED]
Web: www.contractorcompliance.com.au

On 5 Mar 2019, at 11:43 am, Secure Local Jobs Code <securelocaljobs@act.gov.au> wrote:

Hi [REDACTED]

Can you please attach the Stat Dec for this application

Kind Regards

Kirsty Bourke | Assistant Director

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

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

<image001.png>

From: Anne McGregor [REDACTED]

Sent: Friday, 1 March 2019 4:21 PM

To: Secure Local Jobs Code <securelocaljobs@act.gov.au>

Subject: Able Landscaping Secure Local Jobs Code Report and Application

Regards

[REDACTED]
Managing Director

Contractor Compliance Australia Pty Ltd

ACT: Unit 6, 65 Tennant Street, Fyshwick ACT 2609

NSW: 3 Short Street, Croydon NSW 2132
[REDACTED]

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SECURE LOCAL JOBS CODE

This is to certify that

Able Landscaping Pty Ltd

71 008 542 701

22A Beltana Road pialligo ACT 2609

is a Code Certified Entity under
the Secure Local Jobs Code

Government Procurement Act 2001


Certificate number 00344

Valid to 8 September 2020

Conditions: Nil

Exemptions: Nil

Approved Auditor: A.McGregor 0001



A.Parkinson
Secure Local Jobs Code Registrar
7 March 2019

From: "Parkinson, Andrew" [REDACTED] >
Sent: 13/12/2019 6:20 AM
To: [REDACTED]
Cc: [REDACTED] "Secure Local Jobs Code"
<securelocaljobs@act.gov.au>; "Bourke, Kirsty" [REDACTED]
Subject: Re: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Good afternoon John

I acknowledge receipt of your letter on behalf of Able Landscaping.

Regards

Andrew Parkinson | Secure Local Jobs Code Registrar
[REDACTED]

Secure Local Jobs | Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

From: John Nikolic <John.Nikolic@mvlawyers.com.au>

Sent: Friday, December 13, 2019 5:00 pm

To: Secure Local Jobs Code

Cc: Parkinson, Andrew; [REDACTED]

Subject: FW: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Confidential Communication

Good afternoon,

We refer to the **attached** letter addressed to Ms Bourke, which appears to have bounced-back from her email address.

Could the enclosed letter please be provided to Ms Bourke?

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: Friday, 13 December 2019 4:53 PM

To: [REDACTED]
[REDACTED]
[REDACTED]

Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Dear Ms Bourke,

We act for Able Landscaping Pty Ltd.

Please see correspondence **enclosed** regarding the above matter.

Kind regards,

From:"Jodie Ridley" [REDACTED]

Sent:06/05/2020 6:49 AM

To:"Dickson, Matthew" [REDACTED]

Subject:Read: Updated contact details

Importance:High

Your message

To: Jodie Ridley

Subject: FW: Updated contact details

Sent: Wednesday, May 6, 2020 4:02:56 PM (UTC+10:00) Canberra, Melbourne, Sydney

was read on Wednesday, May 6, 2020 4:48:52 PM (UTC+10:00) Canberra, Melbourne, Sydney.

From: [Jodie Ridley](#)
To: [Dickson, Matthew](#)
Subject: Read: Updated contact details
Date: Thursday, 7 May 2020 08:16:17
Importance: High

Your message

To: Jodie Ridley
Subject: FW: Updated contact details
Sent: Wednesday, May 6, 2020 4:02:56 PM (UTC+10:00) Canberra, Melbourne, Sydney
was read on Wednesday, May 6, 2020 4:48:52 PM (UTC+10:00) Canberra, Melbourne, Sydney.

From:smartforms@act.gov.au

Sent:07/09/2021 10:23 AM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, CLFQ6WP6, Kathy [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

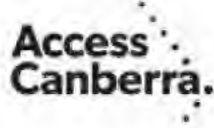
Attachments:CLFQ6WP6.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Kathy [REDACTED]
SLJC Certificate Number	00344
Reference code	CLFQ6WP6

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .



Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

07 Sep 2021 10:21:17 AM

[REDACTED]

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Secure Local Jobs Code Certificate Number *

Able Landscaping Pty Ltd

00344

ACT Government contract number *

SL210104

Location of worksite *

John Gorton Drive, Molonglo Valley

Estimated start date

Estimate end date

dd/mm/yyyy

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

[REDACTED]

Kathy

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

From: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Sent: 15/12/2019 9:21 PM

To: "Bourke, Kirsty" [REDACTED]

Subject: FW: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Attachments: Letter - [REDACTED] to Secure Local Jobs Code Registrar - 13 December 2019.pdf, Undeliverable: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

UNOFFICIAL

FYI

From: [REDACTED]

Sent: Friday, 13 December 2019 4:59 PM

To: Secure Local Jobs Code <securelocaljobs@act.gov.au>

Cc: Parkinson, Andrew [REDACTED]

Subject: FW: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Confidential Communication

Good afternoon,

We refer to the **attached** letter addressed to Ms Bourke, which appears to have bounced-back from her email address.

Could the enclosed letter please be provided to Ms Bourke?

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: Friday, 13 December 2019 4:53 PM

To: [REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Dear Ms Bourke,

We act for Able Landscaping Pty Ltd.

Please see correspondence **enclosed** regarding the above matter.

Kind regards,

From:noreply@act.gov.au
Sent:07/09/2021 8:00 AM
To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject:New Submission of Contact Details for Territory Funded Work

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.

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping Pty Ltd
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Yarralumla Dog Park - Banks Street,
Yarralumla

Worksite contact details:

Contact Person: Kathy [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Kathy [REDACTED]
Position: [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]

From: "Jodie Ridley" [REDACTED]
Sent: 06/05/2020 2:29 AM
To: "Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject: Web Enquiry Secure Local Jobs

SLIC Team,

I received an email recently asking for us to update our contact details for our Government works. Able has last week updated our entire computer system and the email making the request has disappeared. Could I ask you to please send the form again and I will complete the details today.

Thank you in advance

Kind Regards,

Jodie Ridley
Director



A www.ablelandsca ping.com.au

22A Beltana
Road, Pialligo
ACT 2609

**2019 THE
LANDSCAPE
ASSOCIATION -
GOLD WINNER**
Denman Village
Local Centre



From: [Jodie Ridley](#)
To: [Secure Local Jobs Code](#)
Subject: Web Enquiry Secure Local Jobs
Date: Wednesday, 6 May 2020 12:29:06
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

SLJC Team,

I received an email recently asking for us to update our contact details for our Government works.

Able has last week updated our entire computer system and the email making the request has disappeared. Could I ask you to please send the form again and I will complete the details today.

Thank you in advance

Kind Regards,
Jodie Ridley
Director



W www.ablelandscaping.com.au
A 22A Beltana Road, Pialligo
ACT 2609

**2019 THE LANDSCAPE ASSOCIATION -
GOLD WINNER**
Denman Village Local Centre

From:noreply@act.gov.au
Sent:08/05/2020 10:30 AM
To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject:New Submission of Contact Details for Territory Funded Work

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : 14 Mort Street Public Realm Improvements

Worksite contact details:

Contact Person: David [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Jodie Ridley
Position: Director
Contact number: [REDACTED]
Contact email: [REDACTED]

From:smartforms@act.gov.au

Sent:29/09/2021 6:01 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, BNYL9CKN, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

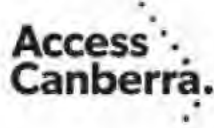
Attachments:BNYL9CKN.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	BNYL9CKN

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .



Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

29 Sep 2021 6:01:02 PM

[REDACTED]

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Secure Local Jobs Code Certificate Number *

Able Landscaping

00344

ACT Government contract number *

30714-NCT-001

Location of worksite *

Mortimer Lewis Drive Greenway ACT 2900

Estimated start date

Estimate end date

dd/mm/yyyy

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

Mr

Daniel

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

Same as contact person

I, Daniel [REDACTED], confirm all information declared in this form as true and correct. *

From: [REDACTED]
Sent: 20/12/2019 4:23 AM
To: "Parkinson, Andrew" [REDACTED]
Cc: "Bourke, Kirsty" [REDACTED]
Subject: FW: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]
Attachments: Letter - [REDACTED] to Secure Local Jobs Code Registrar - 20 December 201....pdf

Confidential Communication

Dear Mr Parkinson,

We have received an out-of-office message from Kirsty. Could you please acknowledge whether you have received the **attached** letter?

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Friday, 20 December 2019 2:49 PM
To: 'Bourke, Kirsty' [REDACTED]
Cc: Parkinson, Andrew [REDACTED]
Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Dear Kirsty,

Please see **attached** further correspondence in relation to the above matter.

Kind regards,

From: Bourke, Kirsty [REDACTED]
Sent: Monday, 16 December 2019 2:05 PM
To: [REDACTED] Johnny [REDACTED]
Cc: Parkinson, Andrew [REDACTED]
Subject: INV00016 Able Landscaping Pty Ltd

UNCLASSIFIED

Hi John,

Please see attached letter.

If you have any questions please do not hesitate to contact me.

Kind Regards

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



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

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20 December 2019

Andrew Parkinson
Secure Local Jobs Code Registrar
Secure Local Jobs Branch
Chief Minister, Treasury and Economic Development Directorate
ACT Government

By email: 

Dear Ms Parkinson,

Alleged breach of the Secure Local Jobs Code by Able Landscaping Pty Ltd

We refer to the above matter, in which we act for Able Landscaping Pty Ltd ACN 008 542 701 (**Able Landscaping**).

We refer to our prior letter of 13 December 2019, concerning the Show Reasons Notice dated 9 December 2019 (**Notice**), in which we asked for particulars of Able Landscaping's alleged non-compliance with the Secure Local Jobs Code.

We have received your letter of 16 December 2019, in which you provided the 'recommendation' section from the investigation report prepared under the Secure Local Jobs Complaints and Noncompliance Investigations Guidelines, and granted an extension of time to respond to the Notice, until 13 January 2019.

While your letter provides some further particulars, it still fails to identify which sections of the Secure Local Jobs Code our client is alleged to have breached and also the factual basis for those allegations.

The only factual particulars of the alleged breach of the Secure Local Jobs Code are as follows:

*'This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. **When Inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees. When the Director, Mr Noja phoned this Office, he admitted that he had provided false information to the Registrar. Through the course of the investigation, Mr Noja also admitted that Able Landscaping Pty Ltd had engaged non-certified subcontractors, RR Building Solutions on their Farrer and Eddison Park sites. Mr Noja admitted that, at the time they were engaged, RR Building Solutions Pty Ltd, did not hold a valid SLJC certificate and did not obtain certification until three days after works had commenced.**' [emphasis added]*

The difficulty our client faces is that no material detail is provided about the allegations in bold above.



In particular, the letter fails to disclose:

1. Who the 'workers' are that allegedly provided false information (i.e. their names), what the questions were that were asked of them and what 'false information about their employment status' was provided by them;
2. What documentation was provided by Able Landscaping and how it indicated that the 'workers' were employees; and
3. What information Mr Noja is alleged to have admitted by telephone as being 'false information' .

Similarly, the only particulars provided of the alleged breaches of the Secure Local Jobs Code are as follows, which fails to identify which sections of the Code are alleged to have been breached:

'As the Entity engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed and provided false and/or misleading information throughout the investigation, I recommend the registrar sanction 120 points.'

Despite the lack of particulars, Able Landscaping is able to respond in relation to items 2 and 3 above, as it is within its knowledge what documentation was provided and was what said by Mr Noja. However, it remains a matter of grave concern to our client that such details have not been provided, given the severity of the sanctions under consideration and seriousness of the allegations, in relation to which our client reserves its rights.

In relation to item 1 above, our client simply cannot respond, unless further particulars are provided. Given that the statements by the workers appear to have been relied upon by the investigator in making their recommendation, it is essential that the particulars at item 1 are provided.

We also ask that the Registrar please confirm:

- Which sections of the Secure Local Jobs Code are alleged to have been breached; and
- That the factual matters alleged in your letter of 16 November (extracted above) are the only matters being relied upon by the Registrar.

We reiterate that a notice which adequately informs our client of the allegations it needs to address is the very minimum requirement of natural justice.¹ Respectfully, a code certified entity should not have to guess what allegations it has to answer.

Able Landscaping is grateful for the extension of time granted. However, given the absence of adequate particulars and noting that the writer will be on leave from 25 December 2019 until 13 January 2020, and may not now have an opportunity to complete the response this year, our client requests a further week to respond, until Monday 20 January 2020.

¹ As Lord Denning stated in *Kanda v Government of Malaya* [1962] ACT 322, at 337, 'If the right to be heard is to be a real right which is worth anything, it must carry with it a right in the accused person to know the case which is made against him'. See also *R v Small Claims Tribunal ; Ex parte Cameron* [1976] VR 427 at 432.

Yours faithfully,



From: noreply@act.gov.au
To: [Secure Local Jobs Code](#)
Subject: New Submission of Contact Details for Territory Funded Work
Date: Friday, 8 May 2020 10:30:35

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : 14 Mort Street Public Realm Improvements

Worksite contact details:

Contact Person: David [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Jodie Ridley
Position: Director
Contact number: [REDACTED]
Contact email: [REDACTED]

From:noreply@act.gov.au
Sent:08/05/2020 10:28 AM
To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject:New Submission of Contact Details for Territory Funded Work

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Harrison Primary School

Worksite contact details:

Contact Person: Jodie Ridley
Contact number: 0262300699
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Jodie Ridley
Position: Director
Contact number: [REDACTED]
Contact email: [REDACTED]

From:smartforms@act.gov.au

Sent:29/09/2021 6:05 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, MSYN9B75, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

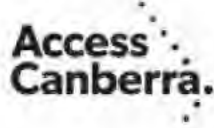
Attachments:MSYN9B75.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	MSYN9B75

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .



Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

29 Sep 2021 6:04:23 PM

[REDACTED]

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Secure Local Jobs Code Certificate Number *

Able Landscaping

00344

ACT Government contract number *

30714-NCT-001

Location of worksite *

Bettong Avenue Throsby ACT 2914

Estimated start date

Estimate end date

dd/mm/yyyy

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

Mr

Daniel

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

From: noreply@act.gov.au
To: [Secure Local Jobs Code](#)
Subject: New Submission of Contact Details for Territory Funded Work
Date: Friday, 8 May 2020 10:28:41

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Harrison Primary School

Worksite contact details:

Contact Person: Jodie Ridley
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Jodie Ridley
Position: Director
Contact number: [REDACTED]
Contact email: [REDACTED]

From: "Bourke, Kirsty"

Sent: 07/01/2020 4:16 AM

To: [REDACTED] "Parkinson, Andrew" [REDACTED]

Cc: "Johnny" [REDACTED]

Subject: RE: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Attachments: INV00016_00344_Able Landscaping_Show Reasons Notice Response to MV_070120.pdf

UNCLASSIFIED

Good afternoon John,

Please see attached letter.

Kind Regards

Kirsty Bourke | Assistant Director

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

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



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

From: [REDACTED]

Sent: Friday, 20 December 2019 3:23 PM

To: Parkinson, Andrew [REDACTED]

Cc: Bourke, Kirsty [REDACTED]

Subject: FW: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Confidential Communication

Dear Mr Parkinson,

We have received an out-of-office message from Kirsty. Could you please acknowledge whether you have received the **attached** letter?

Kind regards,

From: [REDACTED]

Sent: Friday, 20 December 2019 2:49 PM

To: 'Bourke, Kirsty' [REDACTED]

Cc: Parkinson, Andrew [REDACTED]

Subject: Alleged breach of Secure Local Jobs Code by Able Landscaping Pty Ltd - MV-[1903340]

Dear Kirsty,

Please see **attached** further correspondence in relation to the above matter.

Kind regards,

From: Bourke, Kirsty [REDACTED]

Sent: Monday, 16 December 2019 2:05 PM

To: [REDACTED] Johnny [REDACTED]

Cc: Parkinson, Andrew [REDACTED]

Subject: INV00016 Able Landscaping Pty Ltd

UNCLASSIFIED

Hi [REDACTED]

Please see attached letter.

If you have any questions please do not hesitate to contact me.

Kind Regards

Kirsty Bourke | Assistant Director

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

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



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

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ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/000344
Case Officer: K Bourke
Contact: [REDACTED]

Dear [REDACTED]

Via email: [REDACTED]

SHOW REASONS NOTICE

Under Section 8 of the Government Procurement

(Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018

Code Certified Entity: Able Landscaping Pty Ltd (ABN 71 008 542 701)

I refer to your letters of 13 and 20 December 2019 in relation to the investigation of an alleged noncompliance by Able Landscaping Pty Ltd with its obligations under the *Government Procurement (Secure Local Jobs) Code 2019* (the Code).

Investigation Findings

The investigation findings revealed that an “extreme” noncompliance of the Code has occurred. The investigation found that Able Landscaping Pty Ltd breached Section 8 and Section 12 of the Code. I have outlined these sections below;

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

Note: If a form is approved by the Minister for this section, the form must be used.

- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

12 Requests for information

- (1) *A Code Certified Entity must, subject to law, comply with any reasonable request for information, access to records and directions given by the registrar or an approved auditor for the purposes of investigating Code compliance pursuant to this Code and the GPA.*

I also provided you with an extract of the investigation report, which further outlined the allegation of noncompliance.

Under the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018* (the Guidelines), the possible sanction for this type of noncompliance is 100 infringement points and immediate cancellation of the entity's Code Certificate. In taking into consideration proportionality under section 7.2 of the Guidelines, I consider it appropriate to reduce the amount of sanction points from 100 to 60 points.


As a result, I propose to impose **60 infringement points** against Able Landscaping Pty Ltd's Secure Local Jobs Code Certificate 000344. The infringement points will be applied in accordance with section 7 of the Guidelines and will be published on the Secure Local Jobs Code website.

Under Section 8 of the *Government Procurement (Secure Local Jobs) Complaints and Noncompliance Investigation Guidelines*, Able Landscaping have been given the opportunity to respond to the show reason notice by **13 January 2020**. In this response, Able Landscaping can provide the Registrar with information to show that the breach did not occur. If Able Landscaping Pty Ltd provide a submission to the Registrar, it will be considered, and a final decision notice will be sent. If no submission is received, a final decision notice will be sent.

The final decision by the Registrar is a reviewable decision under Section 22T of the *Government Procurement Act 2001*.

If you have any further questions, please do not hesitate to contact, Ms Bourke on 6207 3005.

Regards



Andrew Parkinson
Secure Local Jobs Code Registrar
1 January 2020

From:smartforms@act.gov.au

Sent:29/09/2021 6:09 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, 4VQTNB9N, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:4VQTNB9N.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	4VQTNB9N

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

29 Sep 2021 6:06:43 PM

[REDACTED]

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Able Landscaping

Secure Local Jobs Code Certificate Number *

00344

ACT Government contract number *

30714-NCT-001

Location of worksite *

Mueller Street Yarralumla ACT 2600

Estimated start date

dd/mm/yyyy

Estimate end date

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Mr

Given name *

Daniel

Family name *

[REDACTED]

Enter at least one phone number: *

Home phone number

[REDACTED]

Work phone number

[REDACTED]

Mobile number

[REDACTED]

Contact email *

[REDACTED]

Declaration

From: [REDACTED]

Sent: 13/01/2020 11:10 AM

To: "Parkinson, Andrew" [REDACTED]

Cc: "Bourke, Kirsty" [REDACTED]

Subject: Response to Show Reasons Notice - Able Landscaping Pty Ltd - MV-[1903340]

Attachments: Response to Show Reasons Notice - Able Landscaping Pty Ltd - 13 January 2020.pdf, 20200113 - Statutory Declaration of Jean-Michel Noja - 13 January 2020.pdf, 20200113 - Statutory Declaration of Kathy [REDACTED] Wong - 13 January 2020.pdf

Confidential Communication

Dear Mr Parkinson,

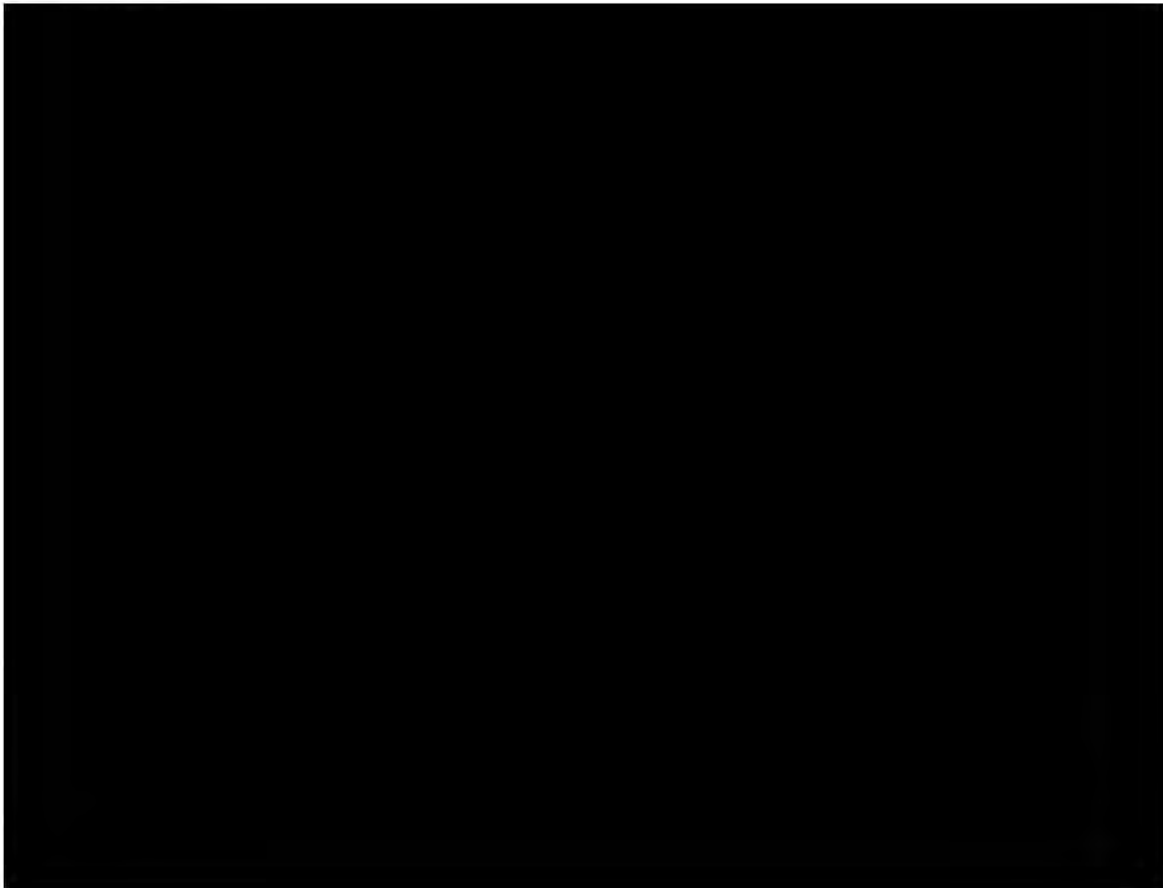
We refer to your letter of 7 January 2020.

Please see **attached** Able Landscaping's response to the show reasons notice, along with the statutory declarations of Mr Jean-Michel Noja and Kathy Wong of today's date.

The documents annexed to Mr Noja's declaration at JN-1 can be accessed at the following Dropbox link:
<https://www.dropbox.com/sh/ea1qy7jfvv941ns/AABNfhIGgMGcpHndI173URC2a?dl=0>

We will also mail a hardcopy to you.

Kind regards,






13 January 2020

Andrew Parkinson
Secure Local Jobs Code Registrar
Secure Local Jobs Branch
Chief Minister, Treasury and Economic Development Directorate
ACT Government

By email: 

Dear Ms Parkinson,

Response to Show Reasons Notice

- 1 We act for Able Landscaping Pty Ltd ACN 008 542 701 (**Able Landscaping**).
- 2 This Response has been prepared in relation to the show reasons notice dated 9 December 2019, as amended by way of further notices dated 16 December 2019 and 7 January 2019 (together, **Show Reasons Notice**) issued by the Secure Local Jobs Code Registrar (**Registrar**) alleging that Able Landscaping has breached the Government Procurement (Secure Local Jobs) Code 2019 (**Code**). The Show Reasons Notice was issued following an investigation under the Secure Local Jobs Complaints and Noncompliance Investigations Guidelines (**Guidelines**).
- 3 We understand that the allegations relate to the engagement of  on the Community and Neighbourhood Priorities Natural Playspaces Farrer & Eddison Park Woden (Construction) Project (contract number: 1019.30678.400) (**Farrer and Eddison Park Project**).
- 4 The Show Reasons Notice alleges that Able Landscaping breached:
 - (a) Section 8 of the Code as it *'engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed'*; and
 - (b) Section 12 of the Code, on the basis that *'false and/or misleading information was provided throughout the investigation'*.
- 5 These alleged breaches have been categorised as *'an "extreme" non-compliance'*, for which a sanction of 60 demerit points is proposed.
- 6 With respect, we express our dismay at the manner in which these allegations have been put to our client, given the severity of the sanction proposed and the seriousness of the allegations. The Show Reasons Notice issued on 9 December 2019 failed to identify which sections of the Code had been breached, or the factual basis for the alleged breaches. Despite repeated requests for further information to be provided,¹ few particulars have been disclosed, contrary to basic principles of administrative law. Nevertheless, Able Landscaping has attempted to respond as



completely as possible, as indeed it has endeavoured to do throughout the investigation.

- 7 As detailed below, Able Landscaping admits that it did breach section 8 of the Code, but that the breach was minor in nature, given that the subcontractor in question became Code-certified three days after engagement. However, Able Landscaping strenuously denies that it breached section 12 of the Code, particularly the allegation that it provided false and/or misleading information. While Able Landscaping mistakenly provided incorrect information on one occasion, this was due to an administrative error which was quickly corrected, and cannot reasonably sustain a finding that Able Landscaping intended to mislead the Registrar.
- 8 In accordance with the Guidelines, Able Landscaping submits that no sanction should be applied, given that only section 8 of the Code was (briefly) breached and no breach of section 12 occurred. In the alternative, if the Registrar is minded to impose a sanction, we submit that a sanction of no more than 20 infringement points should be imposed, given that the breach (of section 8) should properly be classified as no more than 'moderate' under the Guidelines.
- 9 In support of this Response the following this statutory declarations are enclosed:
- (a) Mr Jean-Michel Noja, dated 13 January 2020, annexing a tabbed bundle of consecutively numbered documents, named JN-1; and
 - (b) Ms Kathy [REDACTED] dated 13 January 2020.

Breach of section 8 of the Code

- 10 Under the Code, section 8(1) required Able Landscaping to provide the details of any proposed subcontractor to the Territory prior to their engagement on Territory-funded work, while section 8(2) required Able Landscaping to only engage subcontractors which held a Secure Local Jobs Code Certificate.
- 11 Able Landscaping admits that it breached section 8 of the Code, by engaging [REDACTED] on the Farrer and Eddison Park Project prior to it receiving a Secure Local Jobs Certificate and by failing to notify the Territory prior to its engagement.
- 12 As detailed in the statutory declaration of Mr Noja,² [REDACTED] was engaged due to changes in Able Landscaping's internal resources, including leave-taking by the site supervisor and an increase in workload more generally. This meant that the proposed engagement of [REDACTED] was not notified to the Territory at the time of tender. Able Landscaping's Code-compliance processes did not contemplate a change in subcontracting during the course of a project, given that this had not previously occurred since the commencement of the Code on 15 January 2019, or had otherwise been externally managed on superintended projects.³ Accordingly, Able Landscaping failed to notify the engagement of [REDACTED] to the Territory. Able Landscaping's is now in the process of reviewing its procurement processes in in order to ensure that notification of such changes occurs in the future.⁴
- 13 As detailed in the statutory declaration of Mr Noja,⁵ Able Landscaping regrets that it engaged [REDACTED] prior to it receiving a Secure Local Jobs Certificate. However, that engagement was made in the context that Able Landscaping was

² Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [10]-[11].

³ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [11].

⁴ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [11].

⁵ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [12].

aware that [REDACTED] had already applied for a Secure Local Jobs Certificate, which it received on 23 August 2019, three days after commencement.

- 14 In the circumstances, and with regard to the proportionality factors at section 7.2 of the Guidelines, particularly the fact that it is an isolated breach, for which corrective action is being taken, Able Landscaping submits that no sanction should be applied. In the alternative, Able Landscaping submits that a sanction of no more than 20 infringement points should be imposed. With regard to *Table 1 – Classification of noncompliance and possible sanctions* to the Guidelines, Able Landscaping submits that the breach is no more than 'moderate' in nature, given that the Guidelines state that an example of such a breach is a 'failure of a Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity'.

Alleged breach of section 12 of the Code

- 15 Under section 12 of the Code, Able Landscaping was required to 'comply with any reasonable request for information'. In the Show Reasons Notice, it is alleged that 'false and/or misleading information was provided throughout the investigation'. Able Landscaping denies that it has breached section 12, in particular the allegation that it has provided false/and or misleading information.
- 16 As detailed in the statutory declaration of Mr Noja,⁶ Able Landscaping has consistently complied with requests for information by the deadlines imposed. While Able Landscaping provided incorrect information on one occasion, that was inadvertent rather than intentional. Given that it was also corrected, we submit that no breach of section 12 can be sustained.
- 17 We emphasise that it is difficult for Able Landscaping to respond to the allegation that it provided false and/or misleading information, given that few particulars have been disclosed. Following Able Landscaping's request,⁷ the only particulars provided were from an extract from the investigation report prepared under the Guidelines, as follows:
- 'This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. When inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees. When the Director, Mr Noja phoned this Office, he admitted that he had provided false information to the Registrar.'*
- 18 Despite writing to the Registrar indicating that many details regarding the allegations had still not been disclosed (such as who the workers were, what false information they had provided, what documentation was being referred to and what Mr Noja was alleged to have admitted)⁸ no further particulars were given.
- 19 The only occasion in which mistaken information was provided by Able Landscaping was by way of letter on 8 October 2019 (JN-1, Tab 2A) when Able Landscaping provided a list of subcontractors engaged on Territory-funded projects which failed to disclose that RR Building Solutions had been engaged. However, as set out in Mr Noja's statutory declaration and that of Ms Kathy [REDACTED] (who prepared the letter at Mr Noja's direction) this was entirely by accident.

⁶ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [131]-[37]

- 20 Because of the late engagement of [REDACTED],⁹ Ms [REDACTED] was unaware that they had been engaged on the Farrer and Eddison Park Project.¹⁰ Accordingly, in the letter, Ms [REDACTED] relied on the list of subcontractors notified at the time of tender (see tender extract at JN-1, Tab 2B). Due to Mr Noja's workload, he failed to properly review the letter (for which he accepts responsibility),¹¹ which meant that it was issued with incorrect information. However, when Mr Noja reviewed the letter following a further request for information by the Registrar, he realised the error and called Ms Kristy Bourke of the Secure Local Jobs Branch to correct it.¹² Able Landscaping also issued an amended letter dated 25 October 2019 (JN-1, Tab 4A) disclosing the engagement of [REDACTED] and also [REDACTED] [REDACTED] which had also been omitted from the prior letter of 8 October 2019).
- 21 Able Landscaping denies that he '*admitted that he had provided false information*' to Ms Bourke as stated in the Show Cause Notice, which implies an admission that Mr Noja had previously intended to deceive the Registrar. Rather, as stated in Mr Noja's declaration,¹³ he simply called to apologise and correct an administrative error.
- 22 Upon a review of the evidence of Mr Noja and Ms [REDACTED], we submit that there is no credible basis upon which to assert that Able Landscaping intended to mislead the Registrar. We emphasise that, prior to the Show Cause Notice of 9 December 2019, it had never previously been put to Able Landscaping that it had intended to mislead the Registrar. Rather, Mr Noja corrected the information voluntarily, upon discovery of the error when further information had been requested by the Registrar and he reviewed the previous information provided.
- 23 We also emphasise that, had Able Landscaping (in its letter of 8 October 2019) intended to mislead the Registrar about [REDACTED] being engaged (for example to avoid detection of the fact [REDACTED] did not hold a Secure Local Jobs Code Certificate), then there would have been no reason for it to also fail to disclose the engagement of [REDACTED], given that it held a Secure Local Jobs Code Certificate. In other words, the information disclosed by Able Landscaping is inconsistent with any intent to deceive.
- 24 The other apparent bases for the conclusion that Able Landscaping intended to deceive the Registrar appear to be representations made by the employees of subcontractors (presumably [REDACTED] and possibly [REDACTED]) which Able Landscaping cannot be held responsible for, and have not been disclosed so cannot be responded to.
- 25 It may be (though this is unclear from the Show Cause Notice), that the representations in question are the 'as-above' notations by employees of [REDACTED] [REDACTED] and [REDACTED] in Able Landscaping's sign-in/sign-out records (being the 'Pre-Start Meeting Records' at JN-1, Tab 2D, which were provided with the letter of 8 October 2019) which indicate that they were 'workers' of Able Landscaping. Able Landscaping cannot say why the forms were completed by those employees in that manner. However, we note that the reference to 'workers' in the Pre-Start Meeting Records is vague, and may have been misunderstood to include subcontracted workers to Able Landscaping.¹⁴ In other words, it is far from clear that the documents

⁹ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [10].

¹⁰ Statutory Declaration, Kathy [REDACTED], at [6].

¹¹ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [22].

¹² Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [23].

¹³ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [23]-[24].

¹⁴ Statutory Declaration, Jean-Michel Noja, 13 January 2020, at [21].

(which were completed by the employees of [REDACTED] and [REDACTED] in fact represented that they were employees of Able Landscaping.

- 26 For the reasons given above, we submit that no breach of section 12 of the Code has occurred. We note that section 12 of the Code only requires Able Landscaping to comply with any reasonable request for information. Given that Able Landscaping responded to each request for information and corrected any incorrect information, it cannot be said that it failed to respond to those requests.
- 27 It would appear that the classification of the alleged contravention as 'extreme' is based on *Table 1 – Classification of noncompliance and possible sanctions* to the Guidelines, in which an example of extreme non-compliance is 'providing false or misleading information on a statutory declaration'. We submit that the inadvertent provision of incorrect information in a letter falls far short of any definition of 'extreme', or the connotations of intentional deceit implied by providing false or misleading information in a statutory declaration.
- 28 Where a matter is to be determined on the balance of probabilities, then the more serious the allegation, the more cogent the evidence required to prove it.¹⁵ In this case, the only (inadvertent) misrepresentation made by Able Landscaping was in the letter of 8 October 2019. There is no cogent evidence that this was intentional. The only other evidence apparently relied upon are representations by subcontractors, which are un-particularised, uncertain and for which Able Landscaping cannot be responsible.
- 29 In summary, it would appear that the investigation has misconstrued a simple administrative error as an intention to mislead, which we respectfully submit cannot be sustained. In circumstances where particulars of factual allegations apparently relied upon have also not been disclosed (see paragraph 18 above) it would also be procedurally unfair.
- 30 Accordingly, Able Landscaping submits that the alleged breach of section 12 should be dismissed.

Conclusion

- 31 Able Landscaping submits that no sanction should be imposed. In the alternative, if the Registrar is minded to impose a sanction, Able Landscaping submits that it should be no more than 20 infringement points, for a 'moderate' breach of section 8.
- 32 Should the Registrar make a finding of 'extreme' non-compliance against Able Landscaping, this is likely to have a severe impact on the company and its employees. Able Landscaping is the ACT's largest employer of local landscapers and associated employees, with [REDACTED] employees. A finding of 'extreme' non-compliance would be visible on the Secure Local Jobs Code Register, and may deleteriously affect the Able Landscaping's future tenders. That may inadvertently have the effect of reducing the job security for Able Landscaping's employees, given that approximately 60 percent of its work is Territory-funded.¹⁶ This would not only be contrary to principles of proportionality,¹⁷ but also the purpose of the Secure Local Jobs Code, being to '*leverage... the procurement process to ensure that the Territory is contracting with entities that are meeting their workplace standards and obligations*'.¹⁸ There is no suggestion that Able Landscaping has failed to meet

¹⁵ *Briginshaw v Briginshaw* [1938] HCA 34.

¹⁶ Statutory Declaration, Jean-Michel Noja, 13 January 2020, [REDACTED]

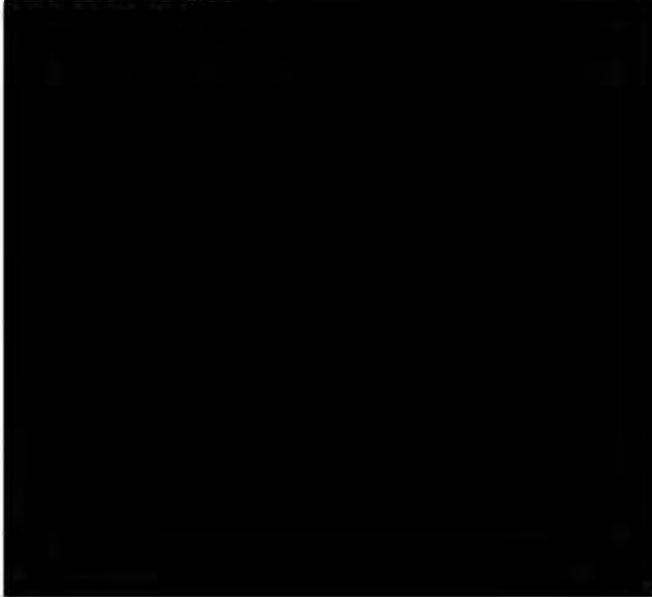
¹⁷ Guidelines, section 7.2.

¹⁸ Explanatory Statement to the Government Procurement (Secure Local Jobs) Amendment Bill 2018 (ACT), page 3.

workplace standards – only an alleged breach of the Code and of its obligations in relation to an investigation by the Registrar, the characterisation of which we submit has been misconstrued.

- 33 As previously submitted,¹⁹ section 8.1 of the Guidelines requires that ‘an opportunity to show reasons why the sanctions should / should not be applied’ and being notified of the allegations to be answered is the very minimum requirement of natural justice.²⁰ Able Landscaping reserves its rights in that regard, including for judicial review, de novo review by the ACT Civil and Administrative Tribunal, and/or referral to the Ombudsman.

Yours faithfully,



²⁰ *Kanda v Government of Malaya* [1962] ACT 322, per Lord Denning at 337, ‘if the right to be heard is to be a real right which is worth anything, it must carry with it a right in the accused person to know the case which is made against him’.



Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I, ¹ Jean-Michel Noja, [REDACTED], director / construction manager, make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

- 2
- 1 I am a director of Able Landscaping Pty Ltd ACN 008 542 701 (**Able Landscaping**) and its construction manager.
 - 2 This declaration has been prepared in response to the show reasons notice dated 9 December 2019, as amended by way of further notices dated 16 December 2019 and 7 January 2019 (together, **Show Reasons Notice**) issued by the Secure Local Jobs Code Registrar (**Registrar**) alleging that Able Landscaping has breached the Government Procurement (Secure Local Jobs) Code 2019 (**Code**).
 - 3 Exhibited at **JN-1** are true copies of documents referred to in this declaration.
 - 4 The Show Reasons Notice alleges that Able Landscaping has breached sections 8 and 12 of the Code. I understand that section 8 requires Able Landscaping to only engage subcontractors which hold a Secure Local Jobs Code Certificate for Territory-funded work, and to notify those subcontractors to the Territory prior to their engagement, and that section 12 requires Able Landscaping to comply with any reasonable request for information by the Registrar.
 - 5 I understand that the allegations of non-compliance with the Code relate to the Community and Neighbourhood Priorities Natural Playspaces Farrer & Eddison Park Woden (Construction) Project (contract number: 1019.30678.400) (**Farrer and Eddison Park Project**) and concern the engagement of [REDACTED].
 - 6 I admit that Able Landscaping breached section 8 of the Secure Local Jobs Code, by engaging RR Building Solutions before it received a Secure Local Jobs Code Certificate, and by failing to notify the Territory regarding [REDACTED] prior to its engagement. However, as explained below, I consider that there are extenuating circumstances in relation to that breach, and can also confirm that Able Landscaping is implementing new internal processes to ensure that it does not happen again.
 - 7 I deny that Able Landscaping breached section 12 of the Code. In the Show Reasons Notice, it is alleged that Able Landscaping '*provided false and/or misleading information throughout the investigation*'. That is untrue – at every stage of the investigation, Able Landscaping cooperated with the Registrar's requests for information within the timeframes imposed. While on one occasion Able Landscaping did provide incorrect information, that was due to an administrative error and was quickly corrected by me upon its discovery.
 - 8 More detailed responses regarding the breach of section 8 and alleged breach of section 12 of the Code are provided below.

Breach of section 8 of the Code

- 9 At the time of tendering for the Farrer and Eddison Park Project, Able Landscaping mainly intended to use internal resources for site supervision and general labour. Accordingly, the subcontractors which Able Landscaping notified to the Territory as part of its tender did not include [REDACTED] (see tender extract at **Tab 2B of JN-1**).
- 10 For the Farrer and Eddison Park Project, Able Landscaping intended to use an employee of Able Landscaping, Mr Tim [REDACTED], as the site supervisor. However, the commencement of the Farrer and Eddison Park Project had been unexpectedly

postponed due to delays in finalising designs. Able Landscaping had previously granted Mr [REDACTED] annual leave which then coincided with the first two weeks of the Farrer and Eddison Park Project. This required Able Landscaping to engage Mr Steve [REDACTED] of [REDACTED] to act as the site supervisor, who we decided to maintain as the site supervisor for the remainder of the Farrer and Eddison Park Project. Due to Able Landscaping winning other projects, we also required further external labour and engaged [REDACTED], to provide trade-labour assistance.

- 11 I regret that Able Landscaping did not notify the Territory regarding [REDACTED] prior to its engagement on the Farrer and Eddison Park Project. Able Landscaping already had in place a procurement process in which we would notify the Territory of subcontractors to be engaged in our tender proposal. However, Able Landscaping was not previously as mindful of the need to notify changes in subcontracting (as our other projects since the Code commenced had been superintended or did not have changes to subcontractors). We are now in the process of updating our procurement process to ensure that all changes to subcontractors are notified to the Territory.
- 12 I also regret that [REDACTED] did not hold a Secure Local Jobs Code Certificate at the time of their engagement. As detailed in my letter of 11 November 2019 (enclosed at **Tab 6 of JN-1**) I have never tried to make any excuses for this – I admit that it was a mistake for which I bear responsibility. However, I emphasise that I engaged them on the basis that I was aware that they had applied for a Secure Local Jobs Code Certificate and on the understanding that they would shortly receive one – which they did on 23 August 2019, being three days after [REDACTED] engagement on or around 20 August 2019 (certificate number 01069).

Alleged breach of section 12 of the Code

- 13 It is difficult to respond to the alleged breach of section 12 of the Code, as little detail is contained in the Show Reasons Notice. However, for the reasons provided below, I deny that Able Landscaping breached section 12, particularly the allegation that Able Landscaping provided false and/or misleading information.
- 14 By letter dated 30 September 2019 from Ms Kirsty Bourke of the Secure Local Jobs Branch (enclosed at **Tab 1 of JN-1**), Able Landscaping was notified of an investigation into a potential breach of the Code. In relation to the Farrer and Eddison Park Project, Ms Bourke requested:
- (a) The names of all subcontractors engaged;
 - (b) Copies of correspondence with the Territory providing details of those subcontractors;
 - (c) A copy of the Labour Relations, Training and Workplace Equity Plan (**LRTWE Plan**); and
 - (d) 'Sign-on sheets' for workers.
- 15 In response, by email dated 8 October (enclosed at **Tab 2 of JN-1**), Able Landscaping provided:
- (a) A letter of the same date regarding the subcontractors engaged by Able Landscaping on Territory-funded projects at that time (**Tab 2A**);
 - (b) A WeTransfer link, which (in relation to the Farrer and Eddison Park Project) contained an:
 - (i) Extract from Able Landscaping's tender, stating which subcontractors were expected to be engaged as at that time (**Tab 2B**);
 - (ii) The LRTWE Plan (**Tab 2C**); and
 - (iii) 'Pre-Start Meeting Records' (**Tab 2D**).

- 16 I note that, in relation to the Pre-Start Meeting Records, Ms Jess Pupulkovski of the Secure Local Jobs Branch initially appeared to not understand that they were the 'sign-on sheets' which had been requested (the Pre-Start Meeting Records indicate when workers sign-in and sign-off and are completed by them) (see correspondence at **Tab 2 of JN-1**). We do not use a sign-in register on smaller projects, only Pre-Start Meeting Records, which caters for about 10-15 on-site workers.
- 17 Unfortunately, despite Able Landscaping's efforts to provide the documentation requested, due to a number of factors, including my failure to properly check the letter (due to my workload), changing circumstances (which meant that Able Landscaping's records were out-of-date) and the failure by contractors to properly complete the Pre-Start Meeting Records, the documents provided by Able Landscaping contained incorrect information. However, as explained below, this was entirely by accident and was quickly corrected.
- 18 Relevantly, my letter dated 8 October 2019 (at **Tab 2A**) mistakenly identified that only [REDACTED] had been engaged on the Farrer and Eddison Park Project, despite the fact that [REDACTED] had also been engaged.
- 19 At my direction, the letter was prepared by Ms Kathy [REDACTED], a Project Administrator at Able Landscaping.
- 20 In preparing the letter, I understand that Kathy relied on the extract from Able Landscaping's tender (at **Tab 2B**) which as explained above did not indicate that [REDACTED] were to be engaged (as that had not been contemplated at the time of tender and had not been updated).
- 21 I understand that Ms Wong also relied on the Pre-Start Meeting Records, which contained sign-in and sign-out records for [REDACTED] in which they appeared to indicate that they were working for Able Landscaping rather than [REDACTED]. I do not know why those workers completed the Pre-Start Meeting Records in that manner, but can confirm that it was not at the direction of Able Landscaping. However, I note that the form is potentially somewhat confusing, as it states that all 'workers' must sign the Pre-Start Meeting Record, which may have been interpreted to include subcontractors of Able Landscaping as well as employees.
- 22 During the week commencing 7 October 2019, I was extremely busy (as best I can recall I was frequently out-of-office in meetings that week) and noting the short deadline imposed (being approximately one week) I did not scrutinize the letter as carefully as I should have, which meant that I did not notice the error, being the failure to list [REDACTED] for the Farrer and Eddison Park Project.
- 23 By way of letter dated 16 October 2019 (enclosed at **Tab 3 of JN-1**), the Registrar requested further information from Able Landscaping regarding the Farrer and Eddison Park Project, being payslips for all Able Landscaping employees on-site between 20 to 29 August 2019, which was required by 26 October 2019. When preparing that response, I reviewed the information that had been provided on 8 October 2019, and realised that that Able Landscaping had mistakenly only identified that Waterland had been engaged on the Farrer and Eddison Park Project. Accordingly, on 25 October 2019, I called Ms Bourke to apologise for the error and to advise that [REDACTED] had also been engaged, and that [REDACTED] were employees of those companies. I explained that they had been omitted from letter of 8 October 2019, due to an administrative error, being that they were not listed in our tender as they were not expected to be engaged at that time, which was then relied upon by Ms [REDACTED] in preparing the letter, which I had failed to properly check, which I took responsibility for. I also stated that I would send an updated letter with our response.
- 24 In the Show Reasons Notice, an extract of Ms Bourke's investigation report has been provided, in which it is alleged that when I called her, I '*admitted that [I] had provided false information to the Registrar*'. I completely deny that allegation, which

mischaracterises the meaning of my phone call and implies that I indicated that Able Landscaping had intended to deceive the Registrar. That is not the case – I stated to Ms Bourke that Able Landscaping had provided incorrect information to the Registrar by mistake, which I then corrected during the phone call and in subsequent correspondence.

- 25 By way of email dated 25 October 2019 (enclosed at **Tab 4 of JN-1**), I stated that I was 'sorry for our miscommunication' and provided an amended letter of the same date (**Tab 4A**) which correctly identified that [REDACTED] had been engaged on the Farrer and Eddison Park Project. I also provided the requested payslips, being for myself and Ms [REDACTED], as we were the only employees of Able Landscaping working on the Farrer and Eddison Park Project (in management roles) (**Tabs 4B and 4C**).
- 26 By way of letter dated 4 November 2019 (enclosed at **Tab 5 of JN-1**), Ms Bourke issued a further request for information, which was required by 11 November 2019. Ms Bourke requested payslips for [REDACTED] and an explanation of why [REDACTED] were 'not previously listed as a proposed subcontractor'. She also requested an explanation of why 'sign in sheets' were not available to be viewed during a site visit on 28 August 2019 and confirmation of whether RR Building Solutions held a Secure Local Jobs Code Certificate.
- 27 I note that I had previously explained to Ms Bourke during my conversation on 25 October 2019, that [REDACTED], which was also indicated in our correspondence of 25 November 2019 (which stated that only myself and Ms Wong were employees of Able Landscaping working on the Farrer and Eddison Park Project). During my phone call on 25 October 2019, I had also already explained why those contractors had not been notified in our tender (as we did not intend to use them at that time).
- 28 By way of a letter dated 11 November 2019, I wrote to Ms Bourke, again explaining that [REDACTED] were not employees of Able Landscaping and were employees of [REDACTED]. I also reiterated that those additional resources had initially not been contemplated, which is why they had not been included in our tender.
- 29 In the letter, as best I could, I also explained why [REDACTED] had not provided 'sign in sheets', which from my discussions with Steve I understand to have been a misunderstanding on his part about what was being requested (as we do not have a sign-in register on smaller projects, only Pre-Start Meeting Records). I also note that the Pre-Start Meeting Records (being Able Landscaping's sign-in / sign-off records) were in fact provided to the Registrar on 8 October 2019 (**Tab 2D**) after the request was made to Able Landscaping on 30 September 2019.
- 30 In the letter, I also acknowledged that [REDACTED] did not hold a Secure Local Jobs Certificate prior to being engaged, but indicated that it did receive one three days later. In that regard, I stated that 'there are no excuses as to why [REDACTED] commenced work prior to providing Able Landscaping with evidence of the secure local jobs certificate'. By this, I meant to convey that I acknowledged that this was a mistake on my part, which I did not want to downplay by providing excuses. However, I do consider that there are extenuating circumstances, being the fact that [REDACTED] was shortly thereafter received a Secure Local Jobs Certificate.
- 31 In the Show Reasons Notice, it is alleged Able Landscaping 'provided false and/or misleading information throughout the investigation'. I completely deny that allegation. As detailed above, Able Landscaping in fact responded to the Registrar's requests for information by each of the deadlines imposed. While incorrect information was provided on 8 October 2019, this was due to an administrative error and was in no way intentional, and was immediately corrected upon its discovery.
- 32 As I understand it from the Show Reasons Notice, the basis for the accusation that Able Landscaping provided false and/or misleading information is the extract from Ms

Bourke's investigation report, in which she alleges that I admitted to intentionally deceiving the Registrar during my phone call to Ms Bourke on 25 October 2019, which I deny.

- 33 The allegation also appears to rely on representations made by contractors. In the Show Reasons Notice, a further extract from Ms Bourke's investigation report contains the following allegations:

'This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. When Inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees.'

- 34 I do not know which 'workers' are being referred to in the above statement, so it is difficult to respond. However, I assume that Ms Bourke may be referring to [REDACTED]. I do not know what was asked of them by inspectors, nor what their responses were. However, if they gave 'false' information about their employment status, this was certainly not at the direction of Able Landscaping and was not something we could control.

- 35 In relation to the allegation that *'When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees'*, again, it is not clear what documentation is being referred to. However, I assume that Ms Bourke may be referring to the Pre-Start Meeting Records provided on 8 October 2019, in which [REDACTED] appeared to indicate that they were working for Able Landscaping rather than [REDACTED]. However, as explained above, I do not know why those workers completed the Pre-Start Meeting Records in that manner. I can only confirm that it was not at the direction of Able Landscaping and speculate that they may have been confused by the term 'worker'.

- 36 It is very distressing to me that Able Landscaping has been accused of intentionally deceiving the Registrar. Prior to the Show Reasons Notice dated 9 December 2019, it had never been put to me or Able Landscaping that we had attempted to mislead the Registrar. As best I can tell, that accusation is based on a misunderstanding by Ms Bourke about why incorrect information was initially provided by Able Landscaping, being a simple mistake, rather than an attempt to deceive. In fact, I am astonished that the accusation has been made, given that I voluntarily corrected the mistake as soon as I discovered it.

- 37 I have no doubt that Able Landscaping's systems could have been better – i.e. we should have notified the engagement of [REDACTED] to the Territory prior to its engagement, as per section 8 of the Code. Had that notification occurred, then the correct information would also have been provided to the Registrar on 8 October 2019. However, that is the sole reason for why incorrect information was provided – it was a problem with our processes – not an attempt to mislead. As detailed above, Able Landscaping is in the process of implementing new procedures to ensure that correct information will be provided in the future.

- 38 It is very concerning to me that the proposed sanction is 60 demerit points. Able Landscaping is a proud local contractor, having operated in the ACT for more than 50 years. It is also the largest local landscaping contractor in the ACT, currently with [REDACTED] employees. Although our workload varies from time-to-time, in 2019 at least 50 percent of our work was Territory-funded. The severity of the sanction proposed would be likely to have a serious impact of Able Landscaping's ability to win Territory-funded work and keep all its employees, because (as I understand it) the demerit points would, if imposed, have to be notified in any tender we provide in the future, meaning that our tender may be scored more poorly.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

3



4 [Optional: email address and/or telephone number of person making the declaration]

4

5 Place
6 Day
7 Month and year

Declared at ⁵ Canberra on ⁶ 13 of ⁷ January 2020

8 Signature of person before whom the declaration is made (see over)

8

Before me, 

9 Full name, qualification and address of person before whom the declaration is made (in printed letters)

9

10 [Optional: email address and/or telephone number of person before whom the declaration is made]

10

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before--

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Architect	Chiropractor	Dentist
Financial adviser	Financial Planner	Legal practitioner
Medical practitioner	Midwife	Migration agent registered under Division 3 of Part 3 of the <i>Migration Act 1958</i>
Nurse	Occupational therapist	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described), or

(3) a person who is in the following list:

Accountant who is:

- a) a fellow of the National Tax Accountants' Association; or
- b) a member of any of the following:
 - i. Chartered Accountants Australia and New Zealand;
 - ii. the Association of Taxation and Management Accountants;
 - iii. CPA Australia;
 - iv. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Balliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list

Employee of the Australian Trade and Investment Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Employee of the Commonwealth who is:

- (a) at a place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Engineer who is:

- a) a member of Engineers Australia, other than at the grade of student; or
- b) a Registered Professional Engineer of Professionals Australia; or
- c) registered as an engineer under a law of the Commonwealth, a State or Territory; or
- d) registered on the National Engineering Register by Engineers Australia

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of the Australian Defence Force who is:

- a) an officer
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
- c) a warrant officer within the meaning of that Act

Member of the Australasian Institute of Mining and Metallurgy

Member of the Governance Institute of Australia Ltd

Member of:

- a) the Parliament of the Commonwealth
- b) the Parliament of a State
- c) a Territory legislature
- d) a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

- a) the Commonwealth
- b) the external Territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a State or Territory or a State or Territory authority
- b) a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior executive employee of a Commonwealth authority

Senior executive employee of a State or Territory

SES employee of the Commonwealth

Sheriff

Sheriff's officer

Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 *Insert the name, address and occupation of person making the declaration*

I, ¹ Kathy [REDACTED], Project Administrator, make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

- 2
- 1 I am a Project Administrator employed by Able Landscaping Pty Ltd ACN 008 542 701 (**Able Lanscaping**).
- 2 This declaration has been prepared in response to the show reasons notice dated 9 December 2019, as amended by way of further notices dated 16 December 2019 and 7 January 2019 (together, **Show Reasons Notice**) issued by the Secure Local Jobs Code Registrar (**Registrar**) alleging that Able Landscaping has breached the Government Procurement (Secure Local Jobs) Code 2019 (**Code**).
- 3 I understand that the allegations of non-compliance with the Code relate to the Community and Neighbourhood Priorities Natural Playspaces Farrer & Eddison Park Woden (Construction) Project (contract number: 1019.30678.400) (**Farrer and Eddison Park Project**). I worked on the Farrer and Eddison Park Project from tender to completion.
- 4 On or around 30 September 2019, Mr Johnny [REDACTED] the construction manager for Able Landscaping, called me to ask me to prepare a response to a letter we had received from Ms Kristy Bourke of the Secure Local Jobs Branch dated 30 September 2019.
- 5 In the letter (which was sent to Ms Bourke on 8 October 2019), I stated [REDACTED] [REDACTED] had been engaged on the Farrer and Eddison Park Project. I now understand that to be incorrect, as [REDACTED] [REDACTED] and [REDACTED] [REDACTED] had also been engaged on the Farrer and Eddison Park Project.
- 6 In preparing the letter, I relied on Able Landscaping's tender (which I also prepared) did not indicate that [REDACTED] [REDACTED] were to be engaged. I also relied on Pre-Start Meeting Records, which contained sign-in and sign-out records for [REDACTED] [REDACTED], in which they did not indicate that they were employed by [REDACTED] [REDACTED], who I now understand that they are in fact employed by [REDACTED]. I am not involved in human resources management or contracting for Able Landscaping, so it did not occur to me to question whether in fact they were employed by other companies. I was also aware that Steve [REDACTED] had worked for Able Landscaping as an employee in the past on other projects, so it seemed to me to be uncontroversial that he might be an employee on the Farrer and Eddison Park Project too.
- 7 I recall that, at the time when I was preparing the letter, Mr [REDACTED] was very busy and often out-of-the office, so it was difficult to discuss it with him. I just prepared it on the basis of the information available to me.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3 [REDACTED]

4 *[Optional. email address and/or telephone number*

4

of person making
the declaration]

5 Place

6 Day

7 Month and year

Declared at ⁵ Canberra

on ⁶

13

of ⁷

January 2020

Before me,

8 Signature of
person before
whom the
declaration is
made (see over)

9 Full name,
qualification and
address of person
before whom the
declaration is
made (in printed
letters)

10 [Optional: email
address and/or
telephone number
of person before
whom the
declaration is
made

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a State or Territory or a State or Territory authority
- b) a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior executive employee of a Commonwealth authority

Senior executive employee of a State or Territory

SES employee of the Commonwealth

Sheriff

Sheriff's officer

Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

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From: [Kiri Bell](#)
To: [Jodie Ridley](#)
Cc: [Dickson, Matthew](#)
Subject: RE: Update Contact Details
Date: Thursday, 14 May 2020 09:20:43
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

Hi Matthew

Subcontractors used for the Local Shopping Centre Improvements were:

Fraser



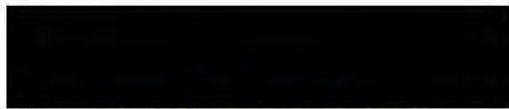
Dunlop



Apologies for the delay in getting this back to you, please contact me if you have any further questions about this site.

Regards,

Kiri 



W www.ablelandscaping.com.au
A 22A Beltana Road, Pialligo ACT 2609

2019 THE LANDSCAPE ASSOCIATION - GOLD WINNER
Denman Village Local Centre

From: Dickson, Matthew  **On Behalf Of** Secure Local Jobs Code
Sent: Monday, 11 May 2020 1:50 PM
Subject: Update Contact Details

UNOFFICIAL

Dear Sir/Madam

I refer to my email of 04/05/2020 relating to the request to Update contact details for all Territory-funded work you are currently contracted to perform via the online submission form.

In addition to completing the online form, my email advice also required you to provide a list of **all subcontractors** (if used) for each of the sites / locations where your entity is performing Territory-funded work under contract. If subcontractors were not used please state that in your reply email.

As a Secure Local Jobs Code Certified Entity please be aware that Section 12 of the Secure Local Jobs Code states;

a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating compliance with the Code. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the Government Procurement Act 2001.

Your response to this email, including supporting documentation should be provided by **COB 15th May 2020.**

Should you have any questions about this request or require an extension of time to respond, please contact me on [REDACTED] or email securelocaljobs@act.gov.au.

Regards

Matthew Dickson

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: "Kiri [REDACTED]" [REDACTED]
Sent: 13/05/2020 11:19 PM
To: "Jodie Ridley" [REDACTED]
Cc: "Dickson, Matthew" [REDACTED]
Subject: RE: Update Contact Details

Hi Matthew

Subcontractors used for the Local Shopping Centre Improvements were:

Fraser



Dunlop



Apologies for the delay in getting this back to you, please contact me if you have any further questions about this site.

Regards,

Kiri [REDACTED]



W www.ablelandscaping.com.au
A 22A Beltana Road, Pialligo ACT 2609

2019 THE LANDSCAPE ASSOCIATION - GOLD WINNER
Denman Village Local Centre

From: Dickson, Matthew [REDACTED] **On Behalf Of** Secure Local Jobs Code
Sent: Monday, 11 May 2020 1:50 PM
Subject: Update Contact Details

UNOFFICIAL

Dear Sir/Madam

From:smartforms@act.gov.au

Sent:29/09/2021 6:11 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, WVQ73489, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:WVQ73489.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	WVQ73489

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

From: "Bourke, Kirsty"

Sent: 16/04/2020 1:57 AM

To: "Johnny [REDACTED]" [REDACTED]

Subject: INV00016/00344 Able Landscaping Pty Ltd

Attachments: INV00016_000344_Able Landscaping_Notice of Decision.pdf, Reviewable Decision Notice_Able Landscaping.pdf, Secure Local Jobs certificate_00344_20 sanction points.pdf

UNCLASSIFIED

Good afternoon Mr [REDACTED],

Please see the attached Notice of Decision, Reviewable Decision Notice and your amended Secure Local Jobs Code certificate.

This investigation is now finalised.

Kind Regards

Kirsty Bourke | Assistant Director

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

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



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





ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/00344
Case Officer: K Bourke
Contact: [REDACTED]

Able Landscaping Pty Ltd
22A Beltana Road
Pialligo ACT 2609
Via email: [REDACTED]

Dear Mr [REDACTED],

As the *Secure Local Jobs Code Registrar (the Registrar)*, I have considered an allegation that a *Code Certified Entity*, Able Landscaping Pty Ltd has breached one of its obligations under the ACT's *Government Procurement (Secure Local Jobs) Code 2019*. I am authorised and empowered by the *Government Procurement Act 2001 (the Act)* and if satisfied that Able Landscaping has failed to comply with the Code, can take any of the actions specified in section 22T of the Act.

An allegation was made that Able Landscaping Pty Ltd (**Able Landscaping**) breached Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019 (the Code)* because it failed to ensure that a Subcontractor engaged in connection with *territory-funded work* had a valid *Secure Local Jobs Code certificate* and complied with the Code in relation to that work.

Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019*

The relevant provision of the Code is section 8 of the Code which provides:

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*
- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

The evidence

On 28 August 2019, Secure Local Jobs Code Compliance Investigators (**Compliance Investigators**) spoke with three workers at a worksite at Natural Play Spaces at Farrer. Compliance Investigators saw that construction activities were being undertaken on the site by these workers. The Compliance Investigators spoke to the Site Manager and observed the workers' shirts bore the printed words [REDACTED] and an associated business logo. One of the Compliance Investigators asked the site manager if the workers were employees of Able Landscaping. He stated that they "were Able" and were employees of Able Landscaping.



The Compliance Investigators were able to determine from Secure Local Jobs Code records that [REDACTED] did not hold a valid *Secure Local Jobs Code certificate* when it commenced work as a subcontractor for Able Landscaping at the Farrer construction site. A *Secure Local Jobs Code certificate* in respect of [REDACTED] was valid from 23 August 2019. Able Landscaping's records showed that [REDACTED] were working on its construction site prior to that date.

The Compliance Investigators were later told by a Director of Able Landscaping, Mr Jean-Michel Noja, that the workers were not employees of Able Landscaping, they were always employed by [REDACTED]

Able Landscaping was issued a *Secure Local Jobs Code certificate* on 7 March 2019. As a *Code Certified Entity*, Able Landscaping is required to meet and comply with all obligations as outlined in the Code.

On 9 December 2019, a Show Reason Notice was sent to Able Landscaping.

The Notice foreshadowed the Registrar proposed to make:

- a finding that the allegation was established;
- a finding that the breach of the Code was "extreme";
- to impose 60 penalty points against the Able Landscaping's *Secure Local Jobs Code Certificate* having considered the issue of proportionality as required with Section 7.2 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 (the Guidelines)*.

The Notice stated that, under the Guidelines, an "extreme" breach of the Code would attract 100 sanction points and the cancellation of the Entity's *Secure Local Jobs Code certificate*.

Able Landscaping was invited to respond to the Notice with reasons why the infringement points should not be applied.

Between 9 December 2019 and 7 January 2020, in correspondence with Able Landscaping's lawyers, the Registrar provided further detail.

On 13 January 2020, the Registrar received a response to the Show Reason Notice from Able Landscaping together with two statutory declarations from Mr Jean-Michel Noja, a Director of Able Landscaping and its construction manager, and Ms Kathy [REDACTED] a project administrator employed by Able Landscaping.

In the statutory declaration dated 13 January 2020, Mr Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because R R Building Solutions Pty Ltd were engaged as a subcontractor by Able Landscaping to perform work when it did not hold a valid *Secure Local Jobs Code certificate*.



In making my decision, I have considered the evidence from the investigation of the allegation and the submissions made in the response to the Show Reason Notice from Able Landscaping, together with two statutory declarations that were submitted.

Findings

I find that Able Landscaping was a *Code Certified Entity* and that a Secure Local Jobs Code certificate was issued under the Act on 7 March 2019

I find that on 28 August 2019, Compliance Investigators were told by Able Landscaping's site manager at the Farrer construction site, being a site that was *territory-funded work*, that workers engaged in construction work on the site and who were wearing clothing that linked them to [REDACTED] were employees of Able Landscaping.

I find that Mr Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] was engaged as a subcontractor by Able Landscaping to perform work on its behalf when Able Landscaping knew it did not hold a valid Secure Local Jobs Code certificate in respect of [REDACTED]

I find that between 20 August 2019 and 22 August 2019 Able Landscaping being a *Code Certified Entity* for the purposes of the Code did not ensure that a subcontractors it engaged in connection with *territory-funded work* had a valid Secure Local Jobs Code certificate and therefore did not comply with the Code in relation to that work contrary to Section 8(2) of the Code.

The facts considered that affected the decision

I have reviewed the Secure Local Jobs Code and the information obtained during this investigation, including the submissions made to the Registrar on behalf of Able Landscaping. I make the following findings relevant to my consideration of the action I propose taking:

- Able Landscaping intended to use its own workforce for the works but due to circumstances that arose, were required to engage subcontractors to perform the works;
- [REDACTED] were not certified when they commenced work on the construction site but did obtain a Secure Local Jobs Code certificate during the course of performing work;
- Able Landscaping took reasonable steps to rectify the situation and provided full admissions to a breach of Section 8 of the Code in a Statutory Declaration;
- Mr Jean-Michel Noja, a Director of Able Landscaping, apologised on behalf of the company and demonstrated remorse for the company's shortcomings.

In making my decision having considered the issue of proportionality as required with Section 7 of the Guidelines.



Decision and sanction

As a result of the investigation findings, I determine Able Landscaping Pty Ltd, a Secure Local Jobs Code Certified Entity, has breached their obligations under the Secure Local Jobs Code.

I have determined this breach of the Code as 'moderate' and impose 20 infringement points against Able Landscaping's Secure Local Jobs Code Certificate No. 00344 for 24 months from the date of this letter.

Please refer to the attached amended Secure Local Jobs Code Certificate 00344 displaying these conditions.

This decision has been made under section 22T(1) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*. Infringement points remain in place for the specified timeframe and are published against the Code Certified Entity on the Secure Local Jobs Code website.

Reviewable Decisions

Please refer to the attached Reviewable Decision Notice outlining your rights to review.

Regards,



David Robertson
Secure Local Jobs Code Registrar

16 April 2020



Reviewable Decision Notice

Government Procurement Act 2001

The Secure Local Jobs Registrar decided the attached matter on **16 April 2020**. If you are dissatisfied for any reason, this notice provides you with your rights to review.

Reviewable decisions are those mentioned in the below schedule:

Schedule 2 Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	22J	decision not to grant secure local jobs code certificate	applicant
2	22K (1) (b) and (2)	decision to impose, amend or remove condition on secure local jobs code certificate	entity that holds certificate
3	22T (1) (b)	decision to cancel secure local jobs code certificate	entity that holds certificate
4	22T (1) (c)	decision to suspend secure local jobs code certificate	entity that holds certificate
5	22T (1) (d)	decision to prohibit application for secure local jobs code certificate	entity that is prohibited from making application
6	22T (1) (e)	decision to impose or amend conditions on secure local jobs code certificate	entity that holds certificate

Your rights to seek merits review of the decision—ACT Civil and Administrative Tribunal Act 2008

If you wish to seek a review of the decision, you must apply in writing to the ACT Civil and Administrative Tribunal (the ACAT) within 28 days of the date of the decision. The application must state clearly your reasons for seeking a review. For further information, contact the ACAT Registry. There may be a fee associated with lodging an application to the ACAT. For current fee schedules, and for information on fee waivers, contact the ACAT Registry.

Other rights

Your rights to a review of the decision do not preclude the exercise of any other rights you may have under the laws of the Australian Capital Territory. You may also have rights under the Ombudsman Act, Administrative Decisions (Judicial Review) Act and the Freedom of Information Act. If you have any further questions concerning your rights to a review of a decision, or you require assistance, contact the ACAT Registry.




SECURE LOCAL JOBS CODE

This is to certify that

Able Landscaping Pty Ltd

71 008 542 701

22A Beltana Road Pialligo ACT 2609

P| 0433 992 218 E| 

is a Code Certified Entity under
the Secure Local Jobs Code

Government Procurement Act 2001

Certificate number 00344

Valid to 8 September 2020

Sanctions: 20 points

Exemptions: Nil

Approved Auditor: A.McGregor 0001



A.Parkinson
Secure Local Jobs Code Registrar
7 March 2019

From:smartforms@act.gov.au

Sent:29/09/2021 6:13 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, Z6FKPPCL, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:Z6FKPPCL.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	Z6FKPPCL

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

From:smartforms@act.gov.au

Sent:29/09/2021 6:15 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, VJN67TSS, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:VJN67TSS.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	VJN67TSS

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

From:smartforms@act.gov.au

Sent:29/09/2021 6:19 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, TRK5KB49, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:TRK5KB49.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	TRK5KB49

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

29 Sep 2021 6:18:02 PM

TRK5KB49

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Able Landscaping

Secure Local Jobs Code Certificate Number *

00344

ACT Government contract number *

30714-NCT-001

Location of worksite *

Fullston Way Holt ACT 2615

Estimated start date

dd/mm/yyyy

Estimate end date

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

[REDACTED]

Daniel

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

From:smartforms@act.gov.au

Sent:29/09/2021 6:40 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, B9VGG4DW, [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:B9VGG4DW.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	B9VGG4DW

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

29 Sep 2021 6:37:54 PM

B9VGG4DW

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Able Landscaping

Secure Local Jobs Code Certificate Number *

00344

ACT Government contract number *

30714-NCT-001

Location of worksite *

Burnum Burnum Close Bonner ACT 2914

Estimated start date

dd/mm/yyyy

Estimate end date

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

[REDACTED]

Daniel

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

From:smartforms@act.gov.au

Sent:29/09/2021 6:45 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, Z6ZS94RY, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

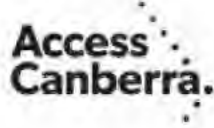
Attachments:Z6ZS94RY.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	Z6ZS94RY

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .



Secure Local Jobs - Code Certified Entity Site Contact Information - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

29 Sep 2021 6:44:11 PM

Z6Z594RY

Chief Minister and Treasury Directorate
Secure Local Jobs Branch

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Secure Local Jobs - Code Certified Entity Site Contact Information

Worksite details

Entity name *

Able Landscaping

Secure Local Jobs Code Certificate Number *

00344

ACT Government contract number *

30714-NCT-001

Location of worksite *

Mary Kitson Street Watson ACT 2602

Estimated start date

dd/mm/yyyy

Estimate end date

dd/mm/yyyy

Working hours *

[REDACTED]

Worksite contact details

Contact person

Title

Given name *

Family name *

[REDACTED]

Daniel

[REDACTED]

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Contact email *

[REDACTED]

Declaration

From:smartforms@act.gov.au

Sent:29/09/2021 6:47 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, TB42Y5CZ, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:TB42Y5CZ.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	TB42Y5CZ

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

From:smartforms@act.gov.au

Sent:29/09/2021 6:53 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, VS77M4XF, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:VS77M4XF.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	VS77M4XF

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

From:smartforms@act.gov.au

Sent:29/09/2021 7:01 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs - Code Certified Entity Site Contact Information, SL43B6CD, Daniel [REDACTED]

[SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Attachments:SL43B6CD.pdf

Secure Local Jobs - Code Certified Entity Site Contact Information

Form data summary

Contact/Declarer	Daniel [REDACTED]
SLJC Certificate Number	00344
Reference code	SL43B6CD

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .

From:"Daniel [REDACTED]"
Sent:29/09/2021 9:06 AM
To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>
Subject:Code Certified Entity Site Contact Information

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.

Hi,

I have just submitted a site contact form reference No: **VJN67TSS**
By mistake I had put in the wrong suburb. It is meant to me Dunlop instead of Phillip, all other information submitted on this form is correct.

I apologies for any inconvenience this might make.

Please let me know if I must re-submit the application or if this can be fixed in house.

Thank you in advance

Kind Regards,

Daniel [REDACTED] | Project Coordinator



[REDACTED]
[REDACTED]
22A Beltana Road Pialligo ACT 2609

ablelandscaping.com.au



From: "Bownds, Adam"

Sent: 23/08/2021 2:40 AM

To: [REDACTED]

Subject: INV00171/CertNo.00344

Attachments: INV00171_Able Landscaping_Notice of Inv.pdf

OFFICIAL

Good afternoon

The Secure Local Jobs Code Compliance Team has commenced an investigation as a result of a compliance project initiated by the Secure Local Jobs Code Registrar.

To ensure you are meeting your obligations under the Secure Local Jobs Code, you are required to comply with the Notice attached to this email.

If you have any questions regarding this Notice of Investigation, please contact the Secure Local Jobs Code team at securelocaljobs@act.gov.au.

Kind regards

Adam Bownds | Compliance Officer

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

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



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





ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00171/CertNo.00344
Case Officer: L Wubbels
Contact: [REDACTED]

Able Landscaping Pty Ltd
Jodie Ridley
PO BOX 772
FYSHWICK ACT 2609
Via email: [REDACTED]

Dear Ms Ridley

NOTICE OF INVESTIGATION & REQUEST FOR INFORMATION
Government Procurement Act 2001 (the Act) and;
Government Procurement (Secure Local Jobs) Code 2020 (the Code)
Code Certified Entity: Able Landscaping Pty Ltd (71 008 542 701)

I refer to Secure Local Jobs Code Certificate (Code Certificate) 00344, held by Able Landscaping Pty Ltd.

An investigation has commenced as a result of a compliance project initiated by the Secure Local Jobs Code Registrar (the registrar). Records show that you have been awarded the following ACT Government contracts:

- 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP
- 30491-NCT-001 - Dog Park Improvements Program

As a Code Certified Entity, you have obligations under the Code. To ensure you have met your obligations under Section 8 and 9 of the Code, you are required to provide the following information:

Section 8 – Subcontractors

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

Note: If a form is approved by the Minister for this section, the form must be used.

- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

To ensure you have met your obligations under Section 8 of the Code, you are required to provide the following information in relation to your ACT Government contracts:

- Names of all subcontractors engaged or proposed to be engaged on the project (if no Subcontractors have been engaged please confirm in writing); and

- A copy of your Labour Relation, Training and Workplace Equity Plan, submitted at the time of tender.

As a Code Certified Entity, you also have obligations under Section 9 of the Code.

9 Contact Persons for territory-funded work

- (1) *A Code Certified Entity must provide the territory entity with a person or persons, workforce locations and working hours for territory-funded work for the purposes of assisting the exercise of a lawful right of entry in accordance with Part 3-4 of the Fair Work Act 2009 (Cth) or Part 7 of the Work Health and Safety Act 2011.*
- (2) *A Code Certified Entity must provide the information required under subsection (1) to the territory entity prior to the commencement of territory-funded work.*
- (3) *A Code Certified Entity must advise the territory entity within 14 days if there is a change to the information provided in accordance with subsection (1).*

To ensure you are compliant with your obligations in relation to Section 9, please complete the online form in the link below. Please also note that this form needs to be completed for **each** site/contract you are working on [Updated Contact Details for Territory-funded work](#)

Section 12 of the Code states a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating compliance with the Code. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the *Government Procurement Act 2001*.

Your response and the requested information is required by **6 September 2021**.

If you have any further questions, please do not hesitate to contact Ms L Wubbels on 02 6207 3005.

Regards

K Bourke
Delegate of the Secure Local Jobs Code Registrar
23 August 2021

From: "Jodie Ridley" [REDACTED]
Sent: 06/09/2021 5:58 AM
To: "Bownds, Adam" [REDACTED]
Cc: "Johnny" [REDACTED]
Subject: RE: INV00171/CertNo.00344
Attachments: SLJC Letter _ Able Landscaping 20210906.pdf, RFT301491_Able Landscaping_Annexure 05 - Labour Relations Plan.pdf, RFT 30684 - Attachment 05 Labour Relations Training Plan.pdf

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.

Adam,

Please find attached our response to the investigation raised by the Secure Local Jobs Code Registrar.

Kind Regards,

Jodie Ridley | Director



[REDACTED]
[REDACTED]
22A Beltana Road Pialligo ACT 2609

ablelandscaping.com.au



From: Bownds, Adam [REDACTED]
Sent: Monday, 23 August 2021 12:40 PM
To: Jodie Ridley [REDACTED]
Subject: INV00171/CertNo.00344

OFFICIAL

Good afternoon

The Secure Local Jobs Code Compliance Team has commenced an investigation as a result of a compliance project initiated by the Secure Local Jobs Code Registrar.

To ensure you are meeting your obligations under the Secure Local Jobs Code, you are required to comply with the Notice attached to this email.

If you have any questions regarding this Notice of Investigation, please contact the Secure Local Jobs Code team at securelocaljobs@act.gov.au.

Kind regards

Adam Bownds | Compliance Officer

Secure Local Jobs Code | Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au



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

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.



LANDSCAPING

Able Landscaping Pty Ltd

ABN 71 008 542 701

22A Beltana Road

PIALLIGO ACT 2609

PO Box 772

FYSHWICK ACT 2609

T +61 2 6230 0699

www.ablelandscaping.com.au

06 September 2021

Secure Local Jobs Code Registrar
GPO Box 158
Canberra ACT 2601

Dear Sir/Madam,

I am writing in response to the investigation and information requested on 23rd August 2021, reference INV000171/Cert No. 00344.

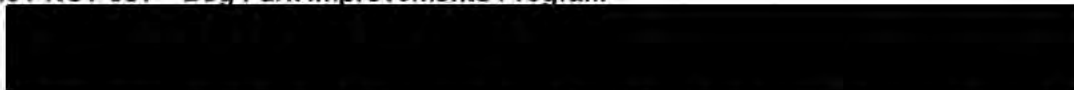
Enclosed within letter is the correspondence with the Territory providing details on the subcontractors used at the below two projects and a copy of the Labour Relation, Training and Workplace Equity plan submitted at tender.

Detailed below is the list of subcontractors engaged on the Territory-funded worksites:

30684-NCT401 – Cycling Paths Improvements – Addressing Hazards to Cyclists / DLP



30491-NCT-001 – Dog Park Improvements Program



Should you require any further information, please do not hesitate to contact the undersigned.



Jean-Michel Noja
Director
Able Landscaping

SECURE LOCAL JOBS LABOUR RELATIONS, TRAINING AND WORKPLACE EQUITY PLAN



Procurements with a value of \$25,000 to \$200,000

Tender and business information

Information you enter into the tables below must be able to be verified. Where possible quantify items in your statements.

Tender* title	Dog Park Improvements 2020/2021
Tender number	30491
Responsible Territory Entity / Directorate	Major Projects Canberra
Total tender value (\$AUD) incl. GST	\$134,154.26

* Tender refers to tender, quotation or any other form of bid/response to a procurement for territory-funded work issued by the Territory for the supply of goods, services and/or works, intended to result in a contract.

Legal entity name	Able Landscaping Pty Ltd		
ABN	71 008 542 701		
Trading name			
Business project manager/contact person	Johnny [REDACTED]		
Telephone	[REDACTED]	Email	[REDACTED]

What is your physical presence in the Canberra region?
(Select all that apply)

Head office	Branch office	Warehouse/ Depot	Home office	Nil	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Specify:

[REDACTED]

When was this presence established?

1971					
------	--	--	--	--	--

How many full time employees (FTE) do you currently employ in the Canberra region?

[REDACTED]

Describe your existing relationships with other businesses in the Canberra region?

[REDACTED]

Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

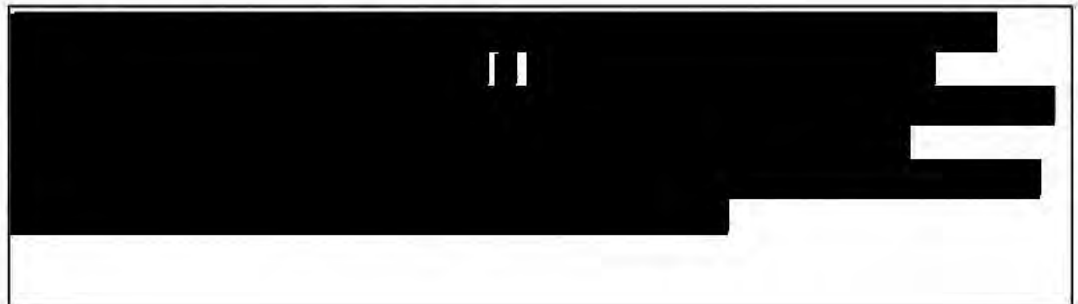
Procurements with a value of \$25,000 to \$200,000

A: Compliance with the Secure Local Jobs Code

Describe how your business will comply with its obligations under the Secure Local Jobs Code for the duration of the contract, including:

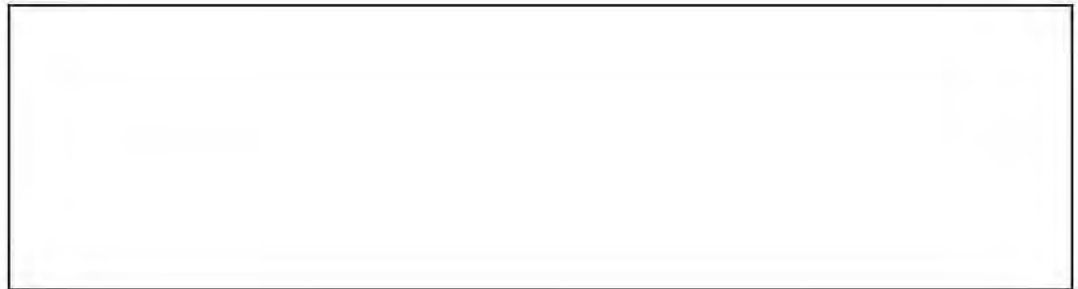
- ▶ getting and maintaining a Secure Local Jobs Code Certificate
- ▶ adhering to relevant laws, including industrial relations, employment and workplace safety
- ▶ promoting opportunity for job security and reducing the incidence of insecure work
- ▶ ensuring subcontractors and sub-subcontractors comply with the Code
- ▶ maintaining communication with the workforce throughout the project.

A1: Internal operations

A large rectangular area that has been completely redacted with black ink, obscuring all text and graphics that would otherwise be present in this section.

A2: For subcontractors (if applicable)

See *Guidance Note 1*

A large rectangular area that has been completely redacted with black ink, obscuring all text and graphics that would otherwise be present in this section.

Guidance note:

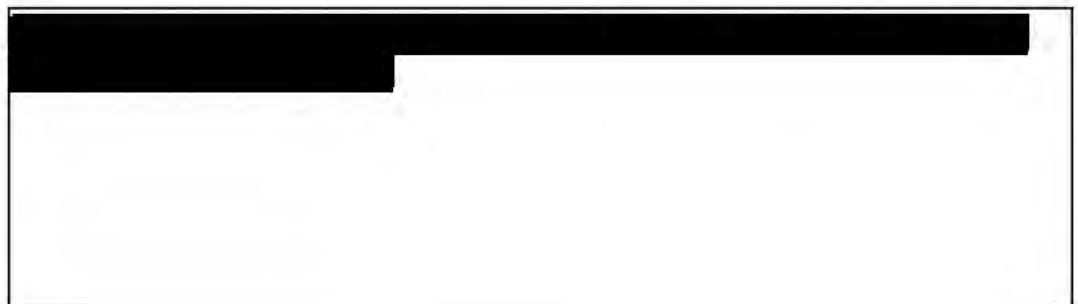
- 1) Provide supporting evidence to demonstrate you have systems in place to only engage Code compliant subcontractors. For example, subcontractors engaged at any tier of the supply chain in connection with the territory-funded work must hold a valid Secure Local Jobs Code Certificate and comply with Code requirements.

B: Systems of work

Describe how your business will incorporate compliance with the Secure Local Jobs Code into policies and systems of work.

B1: Internal operations

See *Guidance Note 2*

A large rectangular area that has been completely redacted with black ink, obscuring all text and graphics that would otherwise be present in this section.

Guidance note:

- 2) This could include a policy or procedure covering obligations under the Code.

Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$25,000 to \$200,000

C: Understanding Secure Local Jobs Code obligations

Describe how your business will ensure directors, executive managers and employees understand obligations under the Secure Local Jobs Code.

C1: Internal operations

See *Guidance Note 3*



Guidance note:

- 3) This could include training plans, minuted meetings, or a policy or procedure covering directors, executive managers and employee obligations under the Secure Local Jobs Code.

D: Security of employment

Describe how your business seeks to minimise insecure work arrangements. This includes:

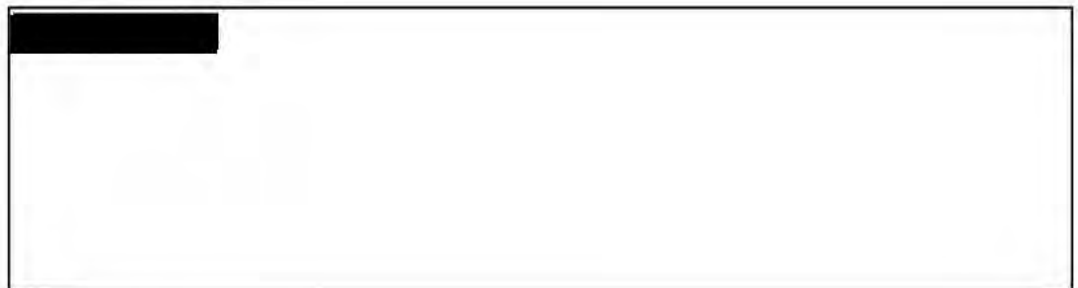
- ▶ whether and how you will support transitioning employees from an existing contractor to your business if successful in this contract
- ▶ how you will minimise insecure work arrangements by your subcontractors.

D1: Internal operations

See *Guidance Note 4*



D2: Subcontractors or labour hire arrangements (if applicable)



Guidance Note:

- 4) Examples of insecure work arrangements includes:
- ▶ temporary employment arrangements
 - ▶ casual employment arrangements.

Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

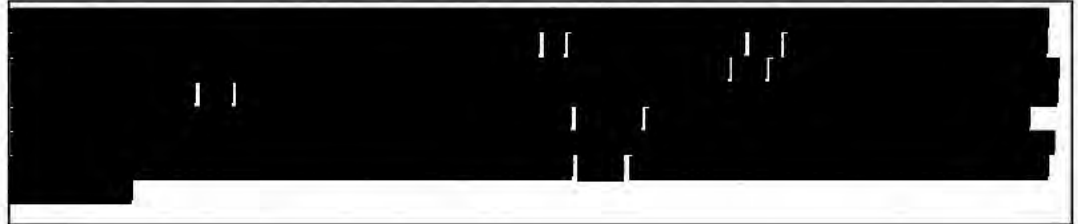
Procurements with a value of \$25,000 to \$200,000

E: Employees' health and wellbeing

Describe and provide evidence of how your business actively supports the physical and mental health of your employees, including activities that reduce the impact and incidence of impairment in the workplace.

E1: Internal operations

See Guidance Note 5



Guidance Note:

- 5) This could include: providing employees with access to an Employee Assistance Provider (EAP), workplace policy or procedure, drug and alcohol training, domestic violence training, access to rehabilitation and support services, safety and impairment awareness training, and other measures to support employee health and wellbeing.

F: Diversity in the workplace

Describe how your business strategies and processes to:

- ▶ support employment participation of Aboriginal and Torres Strait Islander people, women, people with disability and people from culturally and linguistically diverse backgrounds
- ▶ address barriers to employment or career development for people from these groups.

F1: Internal operations

See Guidance Note 6



Guidance Note:

- 6) Evidence could include: workplace policy or procedures, targeted traineeships/apprenticeships, designated positions or roles, training or support for staff (i.e. literacy and numeracy training, cultural awareness policies or training, LGBTQI awareness policies or training, domestic violence awareness training or supported leave), and other action you have taken to remove barriers to employment and support career development.

G: Consultation with staff and their representatives

G1: Have you consulted with your staff in developing this Plan?

Yes Complete G2 No Go to Declaration

G2: Describe and provide evidence of how this consultation was done. This could include consultation with eligible unions or relevant staff representatives.



Secure Local Jobs Labour Relations, Training and Workplace Equity Plan Procurements with a value of \$25,000 to \$200,000

Declaration

I am a duly authorised officer of

Able Landscaping Pty Ltd

(Business Name)

I am familiar with the principles and objectives of the Secure Local Jobs Code and the responsibilities under it.

If awarded the contract the business will:

- ▶ note that the Territory reserves the right to negotiate and/or clarify commitments in this Labour Relations, Training and Workplace Equity Plan before finalising the contract
- ▶ meet the commitments in this or an amended Labour Relations, Training and Workplace Equity Plan (as agreed by the Territory)
- ▶ attend any meeting scheduled by the Territory to review progress implementing commitments in this or an amended Labour Relations, Training and Workplace Equity Plan (as agreed by the Territory)
- ▶ report to the Territory on the business' performance implementing its commitments set out in this or an amended Labour Relations, Training and Workplace Equity Plan (as agreed by the Territory) quarterly during the term of the contract.

Signature

[Redacted Signature]

Date

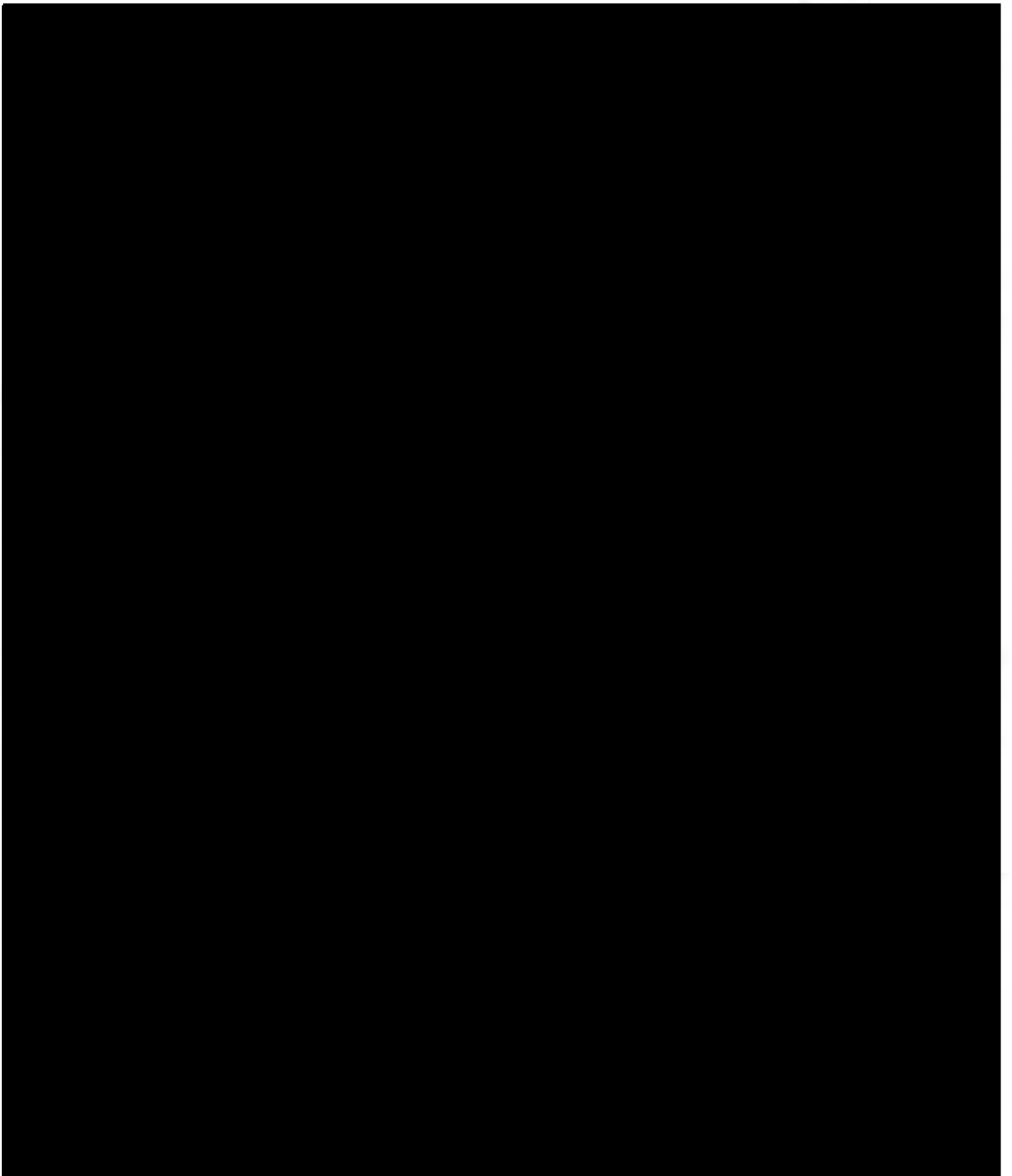
11/02/2021

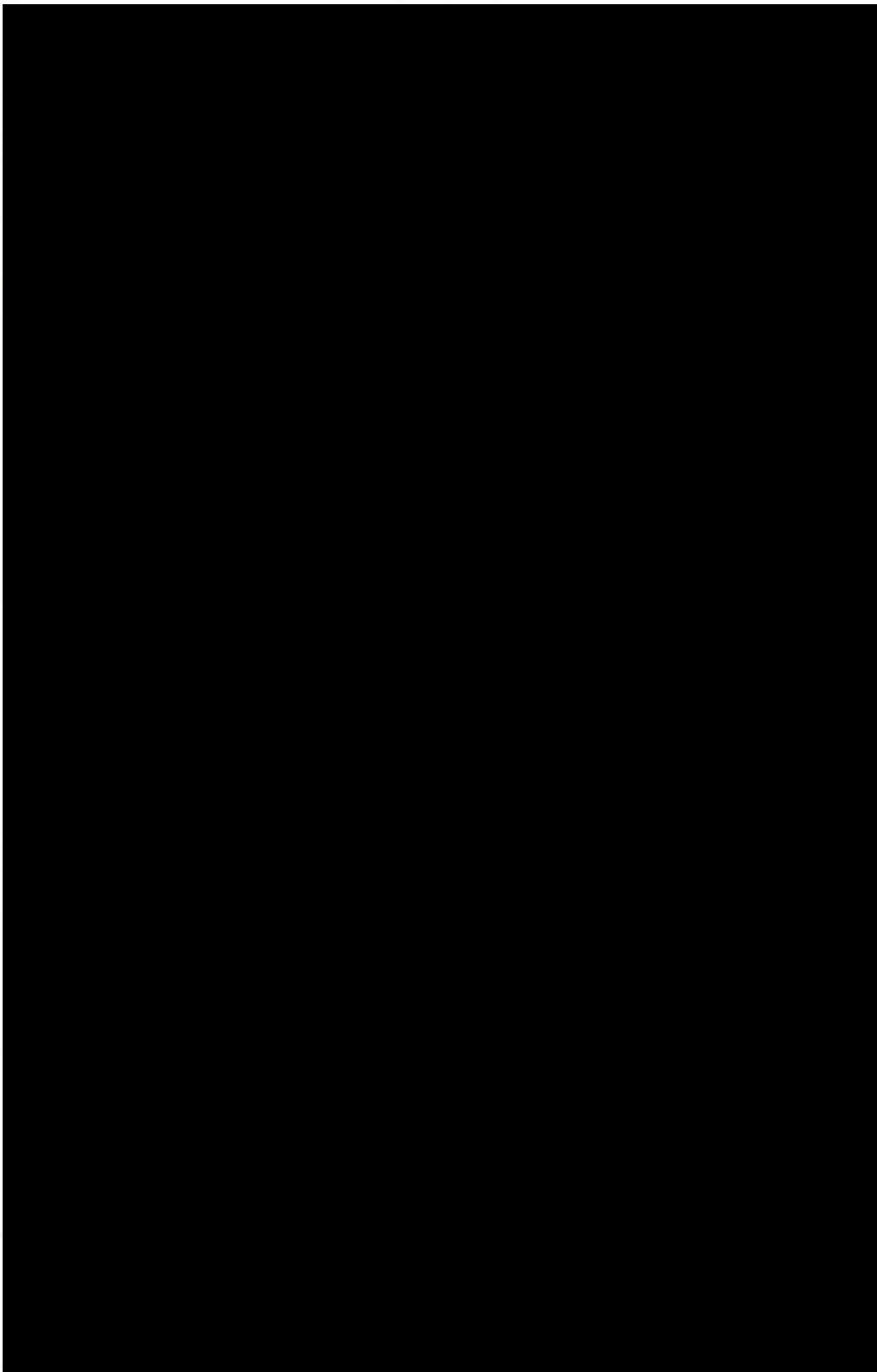
Name

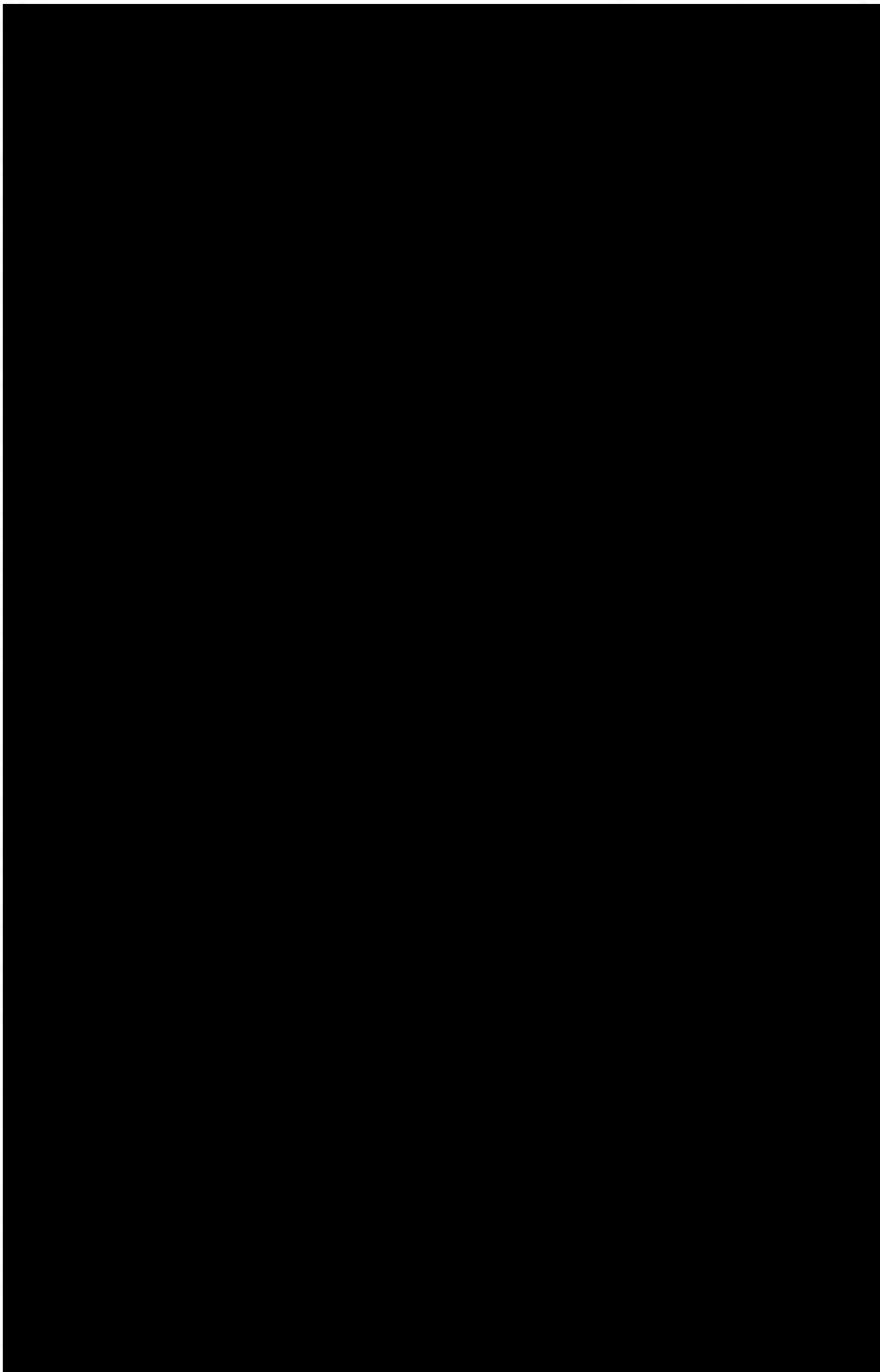
Johnny [Redacted]

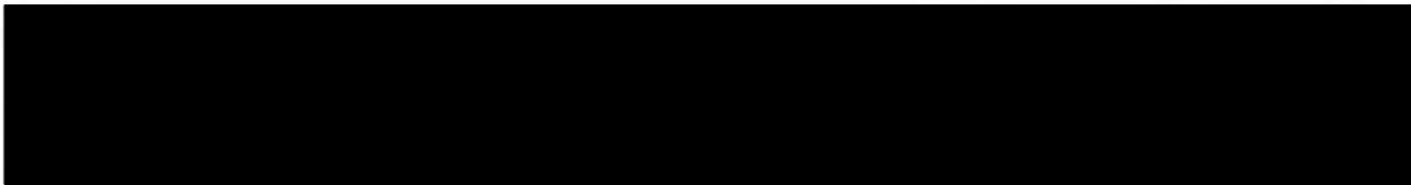
Position

Director









First Day Induction Checklist

NAME: [REDACTED] POSITION: Operator
 Date of Commencement: 8.10.18 Location: Pialligo

Note: Please refer to the Company Induction Notes document HR 03.

No	Item	Completed		Comments If No, please provide comments.
		Yes	No	
1	Able's Company details, business activities, organisation and the importance of your role in ensuring customer satisfaction.	✓		
2	Company Policies	✓		
3	Duty Statement, and Probation and Performance Appraisals/Reviews, Notice of Warning, Applying for Leave – all types Personal, Annual etc.	✓		
4	Timesheets and Payroll – importance of ensuring that timesheets are completed correctly and handed in on time	✓		
5	Construction and Safety meetings	✓		
6	Business Management System requirements including Quality, WHS and Environmental Importance of proper implementation of the system (including maintaining accreditation status) and the effects of poor performance on the quality of a project, on other employees/team mates, and customer satisfaction.	✓		

No	Item	Completed		Comments
		Yes	No	
				If No, please provide comments.
7	Incidents/Accidents and Workers Compensation	✓		
8	General Orientation - Location of toilets/amenities provided? First aid kits – location provided? Emergency numbers provided? Evacuation procedures explained?	✓		
9	Plant and Vehicles - Insurance Provisions e.g. implications of losing your license etc.	✓		
10	PPE and Uniform issued?	✓		
11	Security and Confidentiality matters explained? E.g. Record keeping at Able, confidentiality of Able information etc. (looking after your records and our records)	✓		
12	Medical Assessment booked? Date: _____			
13	Employee Details form completed?	✓		
14	Letter of Offer signed?	✓		
15	Tax Declaration Form completed?	✓		
16	Copies of all licenses and Certificates collected for file?	✓		
17	Introduce employee to Manager, Supervisor and co-workers	✓		
18	Other _____			

Date	Course / Skill	Trained by	Obtained copies of Certificates / Registrations	
			Licence No.	Expiry Date

70. Training Requirements Identified or currently studying

[Redacted area]

Person providing Induction: Jodie Ridley Signed: [Redacted] Date: 26.8.18

I have read and understood all of the Company Policies and Procedures as outlined above and in Able's Business Management System:

New Employee: Male [Redacted] Signed: [Redacted] Date:

19. Competencies

Date	Course / Skill	Trained by	Obtained copies of Certificates / Registrations	
			Licence No.	Expiry Date
	<input type="checkbox"/> Industry Induction			
	<input type="checkbox"/> First Aid Certificate			
	<input type="checkbox"/> Forklift			
	<input type="checkbox"/> Loader			
	<input type="checkbox"/> Skid Steer			
	<input type="checkbox"/> Excavator			
	<input checked="" type="checkbox"/> Drivers License & Class			
	<input type="checkbox"/> Heavy Vehicle License & Class			
	<input type="checkbox"/> Asbestos Awareness			
	<input type="checkbox"/> Other... please list (below)			

CANBERRA REGION LOCAL INDUSTRY PARTICIPATION POLICY AND SECURE LOCAL JOBS LABOUR RELATIONS, TRAINING AND WORKPLACE EQUITY PLAN



Procurements with a value of \$200,000 to \$5million

Tender and business information

Information you enter into the tables below must be able to be verified. Where possible quantify items in your statements.

Tender* title	Community Paths Safety Improvements
Tender number	30684-RFT-401
Responsible Territory Entity / Directorate	Major Projects Canberra
Total tender value (\$AUD) incl. GST	\$279,985.42

* Tender refers to tender, quotation or any other form of bid/response to a procurement for territory-funded work issued by the Territory for the supply of goods, services and/or works, intended to result in a contract.

Legal entity name	Able Landscaping Pty Ltd		
ABN	71 008 542 701		
Trading name	Able Landscaping Pty Ltd		
Business project manager/contact person	Johnny [REDACTED]		
Telephone	[REDACTED]	Email	[REDACTED]

What is your physical presence in the Canberra region?
(Select all that apply)

Head office	Branch office	Warehouse/ Depot	Home office	Null	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Specify:

[REDACTED]

When was this presence established?

1971					
------	--	--	--	--	--

How many full time employees (FTE) do you currently employ in the Canberra region?

[REDACTED]

Describe your existing relationships with other businesses in the Canberra region?

[REDACTED]

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

A: Regional employment

This section measures the potential economic benefit to the Canberra region through the use of Canberra region sourced labour throughout the contract term.

Labour hours from the Canberra region

See Guidance Note 1

Head contract

A1: Estimated internal FTE required to deliver the contract.

of FTE:

See Guidance Note 1

% from the Canberra region

A2: Estimated head count of internal labour required to deliver the contract.

of FTE:

See Guidance Note 1

% from the Canberra region

Subcontract/s or outsourced labour arrangements

A3: Will you need to engage Canberra region based subcontractors to deliver this contract?

Yes

Complete A4

No

Go to Section B

A4: Estimated FTE of subcontracted labour intended to be used to perform the contract.

of FTE:

See Guidance Note 2

% from the Canberra region

Guidance Note:

- 1) The labour your business will employ directly to deliver the contract should you be successful. Do not include labour related to outsourced or subcontracted work.
- 2) An estimate of the labour from any outsourced and subcontracted Canberra region work to deliver the contract.

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

B: Regional suppliers

This section measures the potential economic benefit to the Canberra region by using Canberra region sourced goods and services, and any other non-labour inputs required.

Excluding labour	Total	Sourced from the Canberra Region
B1: Estimated value of goods and services required to deliver the contract?	<input type="text"/>	<input type="text"/>

B2: Will you engage Canberra region based suppliers to deliver goods and services for this contract?

Yes No
 Complete B3 Go to Section C

B3: List the supply inputs (including bundled work packages) to be sourced from Canberra region suppliers.
See Guidance Note 3

	Name and location of regional supplier	Estimated value of input
<input type="text" value="Drainage Products"/>		
<input type="text" value="Concrete & Reinforcement"/>		
<input type="text" value="Landscape Materials incl Boulders"/>		
<input type="text" value="Asphalt Supply"/>		

Guidance Note:

3) Supply inputs include but are not limited to: lease/hire of major equipment, heavy machinery or heavy vehicles; purchase of merchandise; finished products; food and beverages; supplies and raw material; and accommodation.

Describe how you will identify local products and capabilities that meet contract requirements, including:

- ▶ how you will inform local industry about particular opportunities (for example, a communication strategy)
- ▶ how you intend to identify and engage with suppliers in relation to delivery of the contract including your supply chain
- ▶ a commitment to liaising with Canberra region business advocacy groups to identify the availability of local goods and services
- ▶ establishing procedures or policies that encourage local industry participation.

Insert or attach your response here:

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

C: Regional skills development

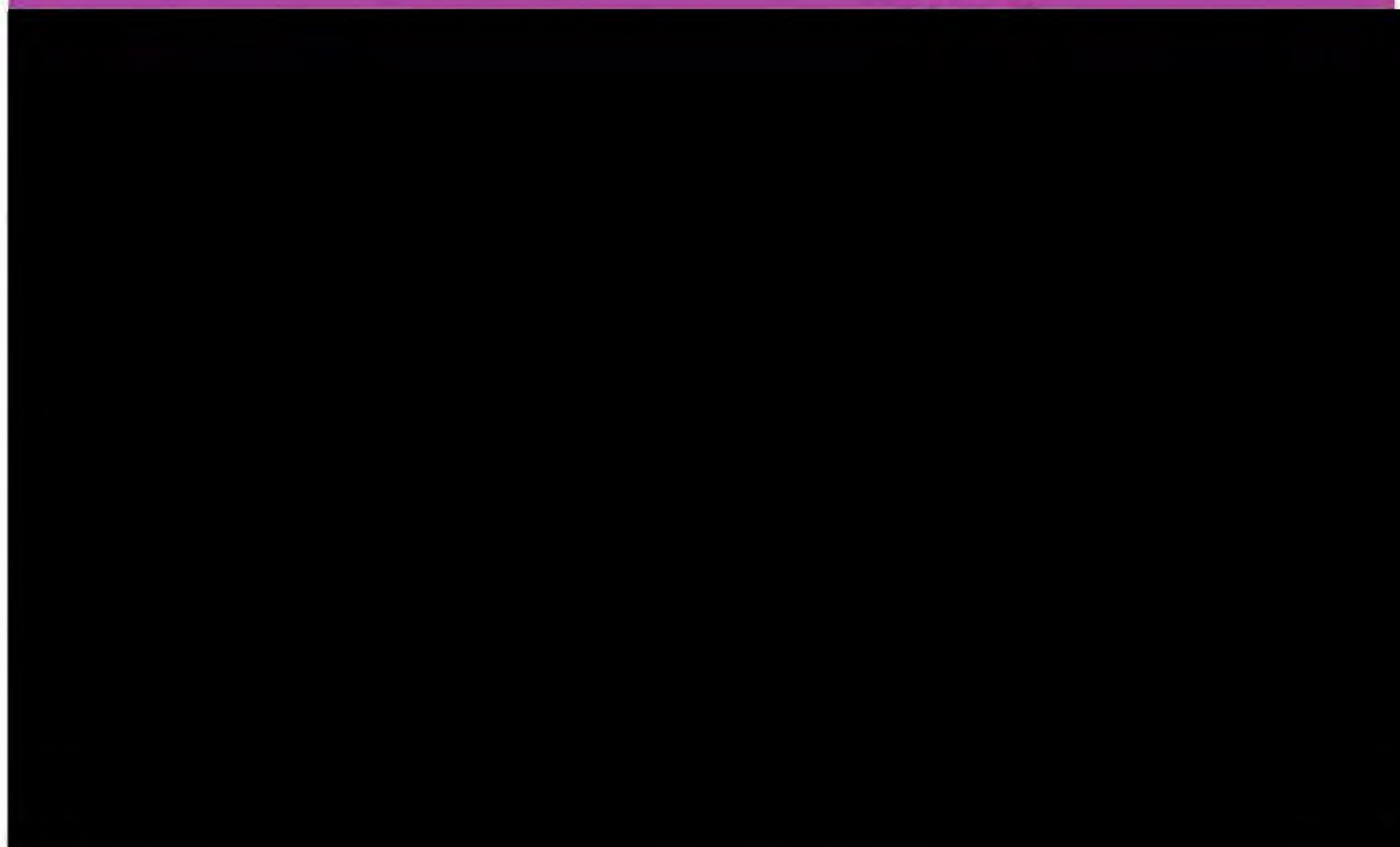
Provide details of any training and skills development that will be provided to Canberra region labour in relation to this contract, including:

- ▶ opportunities for engaging and training apprentices
- ▶ the number of existing positions, local apprenticeships and traineeships to deliver this contract
- ▶ opportunities for increasing the skills of Canberra region employees
- ▶ training programs designed to support employee career development
- ▶ training programs designed for this contract.

Insert or attach your response here:

A large rectangular area that has been completely redacted with black ink, obscuring any text or graphics that were originally present.

Outline evidence and the value of your business' contributions to skills and training development

Evidence of contribution	Estimated value (\$AUD) incl. GST
 The entire body of the table is redacted with black ink, preventing any data from being viewed.	

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

D: Regional investment

Describe how you will identify additional business undertakings that promote economic growth in the Canberra region resulting from this contract. This could include:

- ▶ value-added research or partnerships with universities/CIT
- ▶ potential to undertake further innovation and research, or the development of technology related to this contract
- ▶ use of emerging technologies and materials
- ▶ collaboration with international organisations to increase opportunities for Canberra region businesses.

Insert or attach your response here:



Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

E: Compliance with the Secure Local Jobs Code

Describe how your business will comply with its obligations under the Secure Local Jobs Code for the duration of the contract, including:


- ▶ getting and maintaining a Secure Local Jobs Code Certificate
- ▶ adhering to relevant laws, including industrial relations, employment and workplace safety
- ▶ promoting opportunity for job security and reducing the incidence of insecure work
- ▶ ensuring subcontractors and sub-subcontractors comply with the Code
- ▶ maintaining communication with the workforce throughout the project.

E1: Internal operations



E2: For subcontractors (if applicable)

See Guidance Note 4



Guidance Note:

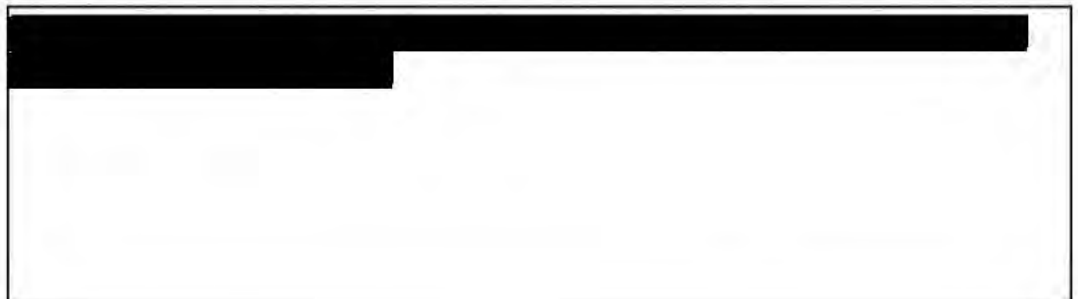
- 4) Provide supporting evidence to demonstrate you have systems in place to only engage Code compliant subcontractors. For example, subcontractors engaged at any tier of the supply chain in connection with the territory-funded work must hold a valid Secure Local Jobs Code Certificate and comply with Code requirements.

F: Systems of work

Describe how your business will incorporate compliance with the Secure Local Jobs Code into policies and systems of work.

F1: Internal operations

See Guidance Note 5



Guidance Note:

- 5) This could include a policy or procedure covering obligations under the Code.

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

G: Understanding Secure Local Jobs Code obligations

Describe how your business will ensure directors, executive managers and employees understand obligations under the Secure Local Jobs Code.

G1: Internal operations

See Guidance Note 6

[Redacted content]

Guidance note:

- 6) This could include training plans, minuted meetings, or a policy or procedure covering directors, executive managers and employee obligations under the Secure Local Jobs Code.

H: Security of employment

Describe how your business seeks to minimise insecure work arrangements. This includes:

- ▶ whether and how you will support transitioning employees from an existing contractor to your business if successful in this contract
- ▶ how you will minimise insecure work arrangements by your subcontractors.

H1: Internal operations

[Redacted content]

H2: Subcontractors or labour hire arrangements (if applicable)

[Redacted content]

Guidance Note:

- 7) Examples of insecure work arrangements includes:
- ▶ temporary employment arrangements
 - ▶ casual employment arrangements.

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

I: Employees' health and wellbeing

Describe and provide evidence of how your business actively supports the physical and mental health of your employees, including activities that reduce the impact and incidence of impairment in the workplace.

I1: Internal operations

See Guidance note 8

Guidance Note:

- 8) This could include: providing employees with access to an Employee Assistance Provider (EAP), workplace policy or procedure, drug and alcohol training, domestic violence training, access to rehabilitation and support services, safety and impairment awareness training, and other measures to support employee health and wellbeing.

J: Diversity in the workplace

Describe how your business strategies and processes to:

- ▶ support employment participation of Aboriginal and Torres Strait Islander people, women, people with disability and people from culturally and linguistically diverse backgrounds
- ▶ address barriers to employment or career development for people from these groups.

J1: Internal operations

Guidance Note:

- 9) Evidence could include: workplace policy or procedures, targeted traineeships/apprenticeships, designated positions or roles, training or support for staff (i.e. literacy and numeracy training, cultural awareness policies or training, LGBTIQI awareness policies or training, domestic violence awareness training or supported leave), and other action you have taken to remove barriers to employment and support career development.

K: Consultation with staff and their representatives

K1: Have you consulted with your staff in developing this Plan?

Yes Complete K2 No Go to Declaration

K2: Describe and provide evidence of how this consultation was done. This could include consultation with eligible unions or relevant staff representatives.

Canberra Region Local Industry Participation Policy and Secure Local Jobs Labour Relations, Training and Workplace Equity Plan

Procurements with a value of \$200,000 to \$5million

Declaration

I am a duly authorised officer of

Able Landscaping Pty Ltd

(Business Name)

I am familiar with the principles and objectives of the Canberra Region Local Industry Participation Policy and Secure Local Jobs Code and the responsibilities under these.

If awarded the contract the business will:

- ▶ note that the Territory reserves the right to negotiate and/or clarify commitments in this Plan before finalising the contract
- ▶ meet the commitments in this or an amended LIPP and LRTWE Plan (as agreed by the Territory)
- ▶ attend any meeting scheduled by the Territory to review progress implementing commitments in this or an amended Labour Relations, Training and Workplace Equity Plan (as agreed by the Territory)
- ▶ report to the Territory on the Canberra region industry participation achieved during the project annually, on the anniversary of the contract award, and at completion of the contract using the LIPP Report template (or another format and timetable as agreed by the Territory).

Signature

[Redacted Signature]

Date

11 March 2021

Name

J [Redacted]

Position

Director

From: "Jodie Ridley" [REDACTED]
Sent: 07/09/2021 3:36 AM
To: "Bownds, Adam" [REDACTED]
Subject: RE: INV00171/CertNo.00344
Attachments: Submission confirmation: Territory Funded Work, Submission confirmation: Territory Funded Work

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.

Adam,

Please find attached the requested forms for both sites.
Let me know if you require any further information

Kind Regards,

Jodie Ridley | Director



[REDACTED]
22A Beltana Road Pialligo ACT 2609

ablelandscaping.com.au



From: Bownds, Adam [REDACTED]
Sent: Monday, 6 September 2021 4:06 PM
To: Jodie Ridley [REDACTED]
Subject: RE: INV00171/CertNo.00344

OFFICIAL

Hi Jodie,

Just checking if you sent in the contact details for the project?

To ensure you are compliant with your obligations in relation to Section 9 of the Secure Local Jobs Code, please complete the online form in the link below. Please also note that this form needs to be completed for **each** site/contract you are working on

[Form Contents - Procurement \(act.gov.au\)](https://act.gov.au)

Regards

Adam Bownds
Secure Local Jobs Code

From: Jodie Ridley [REDACTED]
Sent: Monday, 6 September 2021 3:58 PM
To: Bownds, Adam [REDACTED]
Cc: Johnny [REDACTED]
Subject: RE: INV00171/CertNo.00344

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.

Adam,

Please find attached our response to the investigation raised by the Secure Local Jobs Code Registrar.

Kind Regards,

Jodie Ridley | Director



[REDACTED]
22A Beltana Road Pialligo ACT 2609
ablelandscaping.com.au



From: Bownds, Adam [REDACTED]
Sent: Monday, 23 August 2021 12:40 PM
To: Jodie Ridley [REDACTED]
Subject: INV00171/CertNo.00344

OFFICIAL

Good afternoon

The Secure Local Jobs Code Compliance Team has commenced an investigation as a result of a compliance project initiated by the Secure Local Jobs Code Registrar.

To ensure you are meeting your obligations under the Secure Local Jobs Code, you are required to comply with the Notice attached to this email.

If you have any questions regarding this Notice of Investigation, please contact the Secure Local Jobs Code team at securelocaljobs@act.gov.au.

Kind regards

Adam Bownds | Compliance Officer



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

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



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

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:"noreply@act.gov.au" <noreply@act.gov.au>
Sent:06/09/2021 6:07 AM
To:"Kathy [REDACTED]"
Subject:Submission confirmation: Territory Funded Work

Thank you for submitting your Contact Details for Territory Funded Work.

Below is a summary of your submission.

Complete the details below

Entity Name: Able Landscaping Pty Ltd
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Mirrabei Drive, Amaroo

Worksite contact details:

Contact Person: Kathy [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes
Name:: Kathy [REDACTED]
Position: [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]

Should further information be required the Secure Local Jobs Branch will contact you directly.

Secure Local Jobs Branch

Chief Minister, Treasury and Economic Development Directorate
ACT Government
02 02 6207 3687 E| securelocaljobs@act.gov.au
GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From:"noreply@act.gov.au" <noreply@act.gov.au>
Sent:06/09/2021 10:00 PM
To:"Kathy Wong" <kathy@ablelandscaping.com.au>
Subject:Submission confirmation: Territory Funded Work

Thank you for submitting your Contact Details for Territory Funded Work.

Below is a summary of your submission.

Complete the details below

Entity Name: Able Landscaping Pty Ltd
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Yarralumla Dog Park - Banks Street,
Yarralumla

Worksite contact details:

Contact Person: Kathy [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Kathy [REDACTED]
Position: [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]

Should further information be required the Secure Local Jobs Branch will contact you directly.

Secure Local Jobs Branch

Chief Minister, Treasury and Economic Development Directorate
ACT Government
02 02 6207 3687 E| securelocaljobs@act.gov.au
GPO Box 158 Canberra City ACT 2601 | www.act.gov.au

From: "Bownds, Adam"

Sent: 09/09/2021 2:03 AM

To: "Jodie Ridley" [REDACTED]

Subject: INV00171 - Notice of Decision

Attachments: INV00171_Notice of Decision_NFA_Able Landscaping Pty Ltd.pdf

OFFICIAL

Dear Ms Ridley,

Please find attached a Notice of Decision with no further action required.

Regards,

Adam Bownds | Compliance Officer
[REDACTED]

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

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



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





ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00171/CertNo.00344
Case Officer: A Bowns
Contact: [REDACTED]

Able Landscaping Pty Ltd
Jodie Ridley
PO BOX 772
Fyshwick ACT 2607
Via email: [REDACTED]

Dear Ms Ridley

NOTICE OF DECISION: NO FURTHER ACTION
Under Section 22T of the *Government Procurement Act 2001*
Code Certified Entity: Able Landscaping Pty Ltd (71 008 542 701)

I refer to the investigation initiated by the Secure Local Jobs Code Registrar to ensure that the Entity met its obligations under the *Government Procurement (Secure Local Jobs) Code 2020* (the Code).

Investigation Findings

The investigation found that the Entity was compliant with its obligations under the Code.

Decision

The Registrar has reviewed and considered the information obtained during this investigation and as a result of these findings, has determined **no further action will take place.**

This decision has been determined under section 22T(1)(a) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*.

Regards



Kirsty Bourke
Delegate of the Secure Local Jobs Code Registrar
9 September 2021

From: noreply@act.gov.au
To: [Secure Local Jobs Code](#)
Subject: New Submission of Contact Details for Territory Funded Work
Date: Friday, 24 April 2020 16:18:21

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping Pty Ltd

Secure Local Jobs Code Certificate
Number : 00344

Location of worksite : Fraser and Dunlop Shops

Worksite contact details:

Contact Person: Kiri [REDACTED]

Contact number: [REDACTED]

Contact email: [REDACTED]

Working hours: [REDACTED]

Declaration:

I confirm all information declared in
this form as true and correct: Yes

Name: Kiri [REDACTED]

Position: [REDACTED]

Contact number: [REDACTED]

Contact email: [REDACTED]

From: [Jodie Ridley](#)
To: [Dickson, Matthew](#)
Subject: Read: Updated contact details
Date: Thursday, 7 May 2020 08:16:17
Importance: High

Your message

To: Jodie Ridley
Subject: FW: Updated contact details
Sent: Wednesday, May 6, 2020 4:02:56 PM (UTC+10:00) Canberra, Melbourne, Sydney
was read on Wednesday, May 6, 2020 4:48:52 PM (UTC+10:00) Canberra, Melbourne, Sydney.

From: [Jodie Ridley](#)
To: [Secure Local Jobs Code](#)
Subject: Web Enquiry Secure Local Jobs
Date: Wednesday, 6 May 2020 12:29:06
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

SLJC Team,

I received an email recently asking for us to update our contact details for our Government works.

Able has last week updated our entire computer system and the email making the request has disappeared. Could I ask you to please send the form again and I will complete the details today.

Thank you in advance

Kind Regards,
Jodie Ridley
Director



W www.ablelandscaping.com.au
A 22A Beltana Road, Pialligo
ACT 2609

**2019 THE LANDSCAPE ASSOCIATION -
GOLD WINNER**
Denman Village Local Centre

From: noreply@act.gov.au
To: [Secure Local Jobs Code](#)
Subject: New Submission of Contact Details for Territory Funded Work
Date: Friday, 8 May 2020 10:30:35

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : 14 Mort Street Public Realm Improvements

Worksite contact details:

Contact Person: David [REDACTED]
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Jodie Ridley
Position: Director
Contact number: [REDACTED]
Contact email: [REDACTED]

From: noreply@act.gov.au
To: [Secure Local Jobs Code](#)
Subject: New Submission of Contact Details for Territory Funded Work
Date: Friday, 8 May 2020 10:28:41

Below is a new Submission of Contact Details for Territory Funded Work.

Complete the details below

Entity Name: Able Landscaping
Secure Local Jobs Code Certificate Number : 00344
Location of worksite : Harrison Primary School

Worksite contact details:

Contact Person: Jodie Ridley
Contact number: [REDACTED]
Contact email: [REDACTED]
Working hours: [REDACTED]

Declaration:

I confirm all information declared in this form as true and correct: Yes

Name:: Jodie Ridley
Position: Director
Contact number: [REDACTED]
Contact email: [REDACTED]

From: [Kiri Bell](#)
To: [Jodie Ridley](#)
Cc: [Dickson, Matthew](#)
Subject: RE: Update Contact Details
Date: Thursday, 14 May 2020 09:20:43
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

Hi Matthew

Subcontractors used for the Local Shopping Centre Improvements were:

Fraser



Dunlop



Apologies for the delay in getting this back to you, please contact me if you have any further questions about this site.

Regards,

Kiri 



**P
M
E
W
A** 
www.ablelandscaping.com.au
22A Beltana Road, Pialligo ACT 2609

2019 THE LANDSCAPE ASSOCIATION - GOLD WINNER
Denman Village Local Centre



From: Dickson, Matthew  **On Behalf Of** Secure Local Jobs Code
Sent: Monday, 11 May 2020 1:50 PM
Subject: Update Contact Details

UNOFFICIAL

Dear Sir/Madam



ACT
Government

Chief Minister, Treasury and
Economic Development

Secure Local Jobs Code

INVESTIGATION/COMPLIANCE CASE LOG

INV00171/CertNo.00344 - Able Landscaping Pty Ltd

Date	Action	Comment/Reason	Annexure
23/8/21	Initial letter sent – Notice of Investigation and Request for Information		
6/9/21	Email response received. Investigation report finalized.		
6/9/21	Notice of decision sent no further action		

Contract Number	Contract Title	Directorate	Type of Contract	SLJ Initiative	Status	Execution Date	Expiry Date	Amount	Suppliers
30684-NCT-401	Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP = Yes, Active Cert = No, Prequal = R1 & F1 	Transport Canberra and City Services	Contract	Yes	Current	29/04/2021	08/07/2022	\$ 274,985.00	<ul style="list-style-type: none"> Able Landscaping Pty Ltd

Contract Number	Contract Title	Directorate	Type of Contract	SLJ Initiative	Status	Execution Date	Expiry Date	Amount	Suppliers
30491-NCT-001	Dog Park Improvements Program 	Transport Canberra and City Services	Contract	Yes	Current	26/03/2021	18/03/2023	\$ 132,154.26	<ul style="list-style-type: none"> Able Landscaping Pty Ltd

- **Opening**
 - '(This is vague – I will write it)
- **The allegation**
- The Secure Local Jobs Code Registrar alleges that Able Landscaping Pty Ltd, breached Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019*.
- **Clause 8**

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

Note: If a form is approved by the Minister for this section, the form must be used.

- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

- **The actions that were alleged to be contrary to clause 8**
- Compliance Investigators K Bourke and J Pupulkovski attended the worksite CRA31051.100 Natural Play Spaces Farrer and Eddison Park. They spoke with workers on the site who stated that they “were Able” and were employed by Able Landscaping as employees. The workers were wearing shirts with [REDACTED] [REDACTED] did not hold a valid Secure Local Jobs Certificate at the time they commenced work at the site.
- Evidence obtained through the course of the investigation further confirmed that the workers present on site were in fact employees of [REDACTED] and were not direct employees of Able Landscaping Pty Ltd.
- **The opportunity to heard**
 - **Correspondence with the entity and its lawyers between Date 1 and Date 2 (there is no need to set out every item of correspondence)**
 - **The submissions made were considered**
- On 9 December 2019, a Show Reason Notice was sent to Able Landscaping. The Notice stated that the Investigation findings had found that an “extreme” breach of the Code had occurred. The Notice stated that, under the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018*, an “extreme” breach of the Code would attract 100 sanction points and the cancellation of the Entity’s Secure Local Jobs certificate. The Notice advised that the Registrar had taken into consideration proportionality in line with Section 7.2 of the Guidelines and found that it was reasonable to impose 60 penalty points. The Notice gave 10 Business days to respond.
- On 13 December 2019, the Entity’s legal representative, [REDACTED] provided a response. [REDACTED] stated that the Notice failed to indicate what the allegation of noncompliance was, or the factual basis for the allegation. [REDACTED] requested an extension of time to respond until the 6 January 2020.
- On 20 December 2019, [REDACTED] provided a response. [REDACTED] claimed that correspondence from the Secure Local Jobs Branch “fails to identify which sections of

the Secure Local Jobs Code our client is alleged to have breached and also the factual basis for those allegations”

- On 7 January 2020 a letter was sent to [REDACTED]. The letter provided an extract of the investigation report which outlined which sections of the Code the Entity was alleged to have breached.
- On 13 January 2020, a response to the Show Reason Notice was received, this also contained two statutory declarations.
- **The findings**
 - **Refer to the admission of “guilt”**
- In a statutory declaration dated 13 January 2020 Mr Jean-Michel Noja, Director of Able Landscaping Pty Ltd admitted that a Breach of Section 8 of the Code had occurred and that [REDACTED] had been engaged to perform works when they did not hold a valid Secure Local Jobs certificate
-
- **The sanctions**
 - **The sanctions or actions that are available**
 - **The sanctions or actions foreshadowed to the entity**
- Section 7 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018*, sets out the actions the Registrar may take when imposing Sanctions.
- Table 1 sets out the Classification and infringement points, examples of noncompliance and the possible sanctions that may be imposed.
- The alleged Breach of Section 8 falls into the “Moderate” category, which attracts 20 penalty points. The example given in the table states “*Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity*”
-
- **The facts taken into account that affected the decision**

The Secure Local Jobs Code registrar (the registrar) has reviewed and considered the information obtained during this investigation. It was found that;

- Able Landscaping intended to use it’s own workforce for the works but due to circumstances that arose, they were required to engage subcontractors to perform the works.
- [REDACTED] were not certified when they commenced work on the site, but they did obtain a Secure Local Jobs Code certificate during the course of performing works;
- Able Landscaping took reasonable steps to rectify the situation and provided full admissions to a breach of Section 8 of the Code in a Statutory Declaration.
- **The decision.**
- As a result of the above findings, the registrar has imposed the following conditions:

Code Certificate 000344
Conditions 20 infringement points
Period 24 months

DRAFT

[LETTERHEAD AND ADDRESS DETAILS]

As the Secure Local Jobs Code Registrar, I have considered an allegation that a *Code Certified Entity*, Able Landscaping Pty Ltd has breached one of its obligations under the ACT's *Government Procurement (Secure Local Jobs) Code 2019*.

An allegation was made that Able Landscaping Pty Ltd (**Able Landscaping**) breached Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019* (**the Code**) because it failed to ensure that a Subcontractor engaged in connection with territory-funded work had a valid secure local jobs code certificate and complied with the Code in relation to that work.

Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019*

The relevant provision of the Code is section 8 of the Code which provides:

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*
- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

The evidence

On 28 August 2019, Compliance Investigators spoke with three workers at a worksite at Natural Play Spaces at Farrer. Compliance Investigators saw that construction activities were being undertaken on the site by these workers. The Investigators spoke to the Site Manager. They noticed that the workers' shirts were branded with the words [REDACTED]. One of the Investigators asked the site manager if the workers were employees of Able Landscaping. He stated that they "were Able" and were employees of Able Landscaping.

The Investigators were able to determine from its records that [REDACTED] did not hold a valid Secure Local Jobs Certificate when it commenced work as a subcontractor for Able Landscaping at the Farrer construction site. The certificate in respect of [REDACTED] was valid from 23 August 2019 even though Able Landscaping's records showed that [REDACTED] were working on its construction site prior to that date.

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The investigators were later told by the Director, Jean Michel Noja that the workers were not employees of Able Landscaping. They were always employed by [REDACTED].

On 9 December 2019, a Show Reason Notice was sent to Able Landscaping.

Commented [MC1]: Check the title of the document.

The Notice foreshadowed that I proposed to make:

- a finding that the allegation was established;
- a finding that the breach of the Code was “extreme”;
- to impose 60 penalty points against the Able Landscaping’s Secure Local Jobs Code Certificate having considered the issue of proportionality as required with Section 7.2 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 (the Guidelines)*.

Commented [MC2]: Check these words as against the Guideline

The Notice stated that, under the, an “extreme” breach of the Code would attract 100 sanction points and the cancellation of the Entity’s Secure Local Jobs certificate.

Able Landscaping was invited to respond to the Notice with reasons why the infringement points should not be applied.

Between 9 December 2019 and 7 January 2020, in correspondence with Able Landscaping’s lawyers, I provided further detail.

On 13 January 2020, I received a response to the Show Reason Notice from Able Landscaping together with two statutory declarations from Jean-Michel Noja, a director of Able Landscaping and its construction manager, and Kathy [REDACTED] a project administrator employed by Able Landscaping.

In his statutory declaration dated 13 January 2020, Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] engaged as a subcontractor by Able Landscaping to perform work when it did not hold a valid Secure Local Jobs certificate.

In making my decision, I considered the evidence that arose from the investigation of the allegation and the submissions made in the response to the Show Reason Notice from Able Landscaping together with two statutory declarations that were submitted,

My Findings

I find that on 28 August 2019~~20~~ that Compliance Inspectors were told by Able Landscaping’s site manager at the Farrer construction site, being a site that was , that workers engaged in construction work on the site and who were wearing clothing that linked them to [REDACTED] employees of Able Landscaping.

I find that Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] were engaged as a subcontractor by Able Landscaping

DRAFT

to perform work on its behalf when Able Landscaping *knew* it did not hold a valid Secure Local Jobs certificate in respect of [REDACTED]

I find that between 20 August 2019~~XXXX~~ and 22 August 2019 Able Landscaping being a Code Certified Entity for the purposes of the Code did not ensure that a subcontractors it engaged in connection with territory-funded work had a valid secure local jobs code certificate and there fore did not comply with the Code in relation to that work contrary to section 8(2) of the Code.

The sanctions

Section 7 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018* sets out the actions the Registrar may take when imposing sanctions.

Table 1 of the Guideline sets out the classification of the breach and infringement points, examples of noncompliance and the possible sanctions that may be imposed.

The alleged Breach of Section 8 falls into the "Moderate" category, which attracts 20 penalty points. The example given in the table states "*Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity*"

The facts taken into account that affected the decision on the appropriate sanction

I have reviewed the Secure Local Jobs Code the information obtained during this investigation and make the following findings relevant to

- Able Landscaping intended to use its own workforce for the works but due to circumstances that arose, they were required to engage subcontractors to perform the works.
- [REDACTED] were not certified when they commenced work on the construction site but they did obtain a Secure Local Jobs Code certificate during the course of performing work;
- Able Landscaping took reasonable steps to rectify the situation and provided full admissions to a breach of Section 8 of the Code in a Statutory Declaration
- Jean-Michel Noja, a director of Able Landscaping, apologised on behalf of the company and demonstrated remorse for the company's shortcomings.

In making my decision having considered the issue of proportionality as required with Section 7 of the Guidelines.

My decision on sanction

Commented [MC3]: Check these words against the Guideline

DRAFT

As a result of these findings, I find that there the breach of the Code was 'moderate' and decided to impose 20 infringement points against Able Landscaping's Secure Local Jobs Code Certificate No. 000344 for 24 months.

Please refer to the attached amended Code Certificate 00### displaying these conditions.

This decision has been made under section 22T(1)(e) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*. Infringement points remain in place for the specified timeframe and are published against the Code Certified Entity on the Secure Local Jobs website.

Reviewable Decisions

Please refer to the attached Reviewable Decision Notice, outlining your additional rights to review.

~~Set out the sentences about the right of review.~~

Signature block

DRAFT

THIS DRAFT INCLUDES KIRSTY'S AMENDMENTS

[LETTERHEAD AND ADDRESS DETAILS]

As the Secure Local Jobs Code Registrar, I have considered an allegation that a *Code Certified Entity*, Able Landscaping Pty Ltd has breached one of its obligations under the ACT's *Government Procurement (Secure Local Jobs) Code 2019*. I am authorised and empowered by the *Government Procurement Act 2001 (the Act)*.

An allegation was made that Able Landscaping Pty Ltd (**Able Landscaping**) breached Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019 (the Code)* because it failed to ensure that a Subcontractor engaged in connection with territory-funded work had a valid secure local jobs code certificate and complied with the Code in relation to that work.

If I am satisfied that Able Landscaping has failed to comply with the Code, I can take any of the actions specified in section 22T of the Act.

Commented [MC1]: Is this accurate

Commented [BK2R2]: correct

Commented [BK3]: do we need to list Section 22T here?

Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019*

The relevant provision of the Code is section 8 of the Code which provides:

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*
- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

The evidence

On 28 August 2019, Compliance Investigators spoke with three workers at a worksite at Natural Play Spaces at Farrer. Compliance Investigators saw that construction activities were being undertaken on the site by these workers. The Investigators spoke to the Site Manager. They noticed that the workers' shirts were bore branded with the printed words [REDACTED]. One of the Investigators asked the site manager if the workers were employees of Able Landscaping. He stated that they "were Able" and were employees of Able Landscaping.

The Investigators were able to determine from its records that R [REDACTED] did not hold a valid Secure Local Jobs Certificate when it commenced work as a subcontractor for Able Landscaping at the Farrer construction site. The A certificate in respect of [REDACTED] was valid from 23 August 2019 even though Able

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Landscaping's records showed that R R Building Solutions Pty Ltd were working on its construction site prior to that date.

Commented [MC4]: Confirm accuracy

The investigators were later told by ~~the~~ a Director of Able Landscaping, Jean Michel Noja, that the workers were not employees of Able Landscaping. They were always employed by [REDACTED]

Able Landscaping Pty Ltd were issued a Secure Local Jobs certificate on 7 March 2019. As a Code Certified Entity, Able Landscaping were required to meet and comply with all their obligations as outlined in the Code. PUT IN A STATEMENT ABOUT ABLE LANDSCAPING BEING A CODE CERTIFIED ENTITY, WITH REFERENCE TO ITS CERTIFICATE, THE DATE THAT IT WAS ISSUED AND THE PURPOSE FOR WHICH IT WAS ISSUED.

On 9 December 2019, a Show Reason Notice was sent to Able Landscaping.

Commented [MCS]: Check the title of the document

Commented [BK6R6]: correct

The Notice foreshadowed that I proposed to make:

- a finding that the allegation was established;
- a finding that the breach of the Code was "extreme";
- to impose 60 penalty points against the Able Landscaping's Secure Local Jobs Code Certificate having considered the issue of proportionality as required with Section 7.2 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 (the Guidelines)*.

The Notice stated that, under the, an "extreme" breach of the Code would attract 100 sanction points and the cancellation of the Entity's Secure Local Jobs certificate.

Able Landscaping was invited to respond to the Notice with reasons why the infringement points should not be applied.

Between 9 December 2019 and 7 January 2020, in correspondence with Able Landscaping's lawyers, I provided further detail.

On 13 January 2020, I received a response to the Show Reason Notice from Able Landscaping together with two statutory declarations from Jean-Michel Noja, a director of Able Landscaping and its construction manager, and Kathy [REDACTED] a project administrator employed by Able Landscaping.

In his statutory declaration dated 13 January 2020, Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] engaged as a subcontractor by Able Landscaping to perform work when it did not hold a valid Secure Local Jobs certificate.

In making my decision, I considered the evidence that arose from the investigation of the allegation and the submissions made in the response to the Show Reason Notice from Able Landscaping together with two statutory declarations that were submitted.

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My Findings

I find that Able Landscaping was a *Code Certified Entity* and that a certificate was issued under the Act on 7 March 2019XXXX

I find that on 28 August 2019 that Compliance Inspectors were told by Able Landscaping's site manager at the Farrer construction site, being a site that was , that workers engaged in construction work on the site and who were wearing clothing that linked them to [REDACTED] were employees of Able Landscaping.

I find that Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] was engaged as a subcontractor by Able Landscaping to perform work on its behalf when Able Landscaping knew it did not hold a valid Secure Local Jobs certificate in respect of [REDACTED]

I find that between 20 August 2019 and 22 August 2019 Able Landscaping being a Code Certified Entity for the purposes of the Code did not ensure that a subcontractors it engaged in connection with territory-funded work had a valid secure local jobs code certificate and therefore did not comply with the Code in relation to that work contrary to section 8(2) of the Code.

The ~~sanctions~~possible action following a breach of the Code

In considering the appropriate action to take, I have had regard to Section 22T of the Act and Section 7 of the Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 which sets out the actions the Registrar may take when imposing sanctions.

Table 1 of the Guideline sets out the classification of the breach and infringement points, examples of noncompliance and the possible sanctions that may be imposed.

The alleged Breach of Section 8 falls into the "Moderate" category, which attracts 20 penalty points. The example given in the table states "*Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity*".

The facts taken into account that affected the decision on the appropriate ~~a~~sanction

I have reviewed the Secure Local Jobs Code and the information obtained during this investigation, including the submissions made to me on behalf of Able Landscaping. I and make the following findings relevant to my consideration of the action I propose taking:

- Able Landscaping intended to use its own workforce for the works but due to circumstances that arose, they were required to engage subcontractors to perform the works.
- [REDACTED] were not certified when they commenced work on the construction site but they did obtain a Secure Local Jobs Code certificate during the course of performing work;

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- Able Landscaping took reasonable steps to rectify the situation and provided full admissions to a breach of Section 8 of the Code in a Statutory Declaration
- Jean-Michel Noja, a director of Able Landscaping, apologised on behalf of the company and demonstrated remorse for the company's shortcomings.

In making my decision having considered the issue of proportionality as required with Section 7 of the **Guidelines**.

My decision on sanction

As a result of these findings, I find that there the breach of the Code was 'moderate' and decided to impose 20 infringement points against Able Landscaping's Secure Local Jobs Code Certificate No. 000344 for 24 months.

Please refer to the attached amended Code Certificate [00344###](#) displaying these conditions.

This decision has been made under section 22T(1)(e) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*. Infringement points remain in place for the specified timeframe and are published against the Code Certified Entity on the Secure Local Jobs website.

Reviewable Decisions

Please refer to the attached Reviewable Decision Notice, outlining your additional rights to review.

Signature block

FILE NOTE - RECORD OF CONVERSATION

Contact Name: Kris Johnston

Date: 02-Sep-2019

Contact Number: [REDACTED]

Time: 15:41

Subject: Able Landscaping Pty Ltd

I sent an email to Kris of Worksafe ACT, to alert him to an incident during a site visit to Longerenong Street, Farrer.
Jess and I attended the Site at Farrer as part of Compliance activities for enforcement of the SLJC.
I outlined the details of the incident in an email to Kris (attached) Kris then rang to discuss in more detail.
I explained to Kris that Jess and I attended the Site and asked the gentleman for the sign on sheet, we were advised that he did not have them. I also advised that the people we spoke to were wearing [REDACTED] shirts/jumpers and did not have any site induction information available to view.
Kris stated that, time permitting he would try to attend the site tomorrow, or call them to discuss the issues.

Officer Name: [REDACTED]

Signature: [REDACTED]

Date: [REDACTED]

Final Decision

On 7 January 2020, a [Show Reasons Notice](#) (SR Notice) was sent to the Entity and their representative, [REDACTED]. The SR Notice proposed 60 infringement points be imposed to Code Certificate 000344.

On 13 January 2020, a [response](#) to the SR Notice was received via email from [REDACTED]. The response outlined the following:

- The entity believes they were not given procedural fairness, as they were not provided with the details of the allegation;
- The entity made full admissions in relation to the breach of Section 8 of the Code;
- The entity suggests that this was a minor breach due to the non-certified subcontractor, [REDACTED], becoming certified within three days of the commencement of works;
- The entity provided full admissions in relation to not notifying the Territory prior to the engagement of [REDACTED];
- The entity disputes the fact that false information was provided to the Registrar and has provided statutory declarations
- The entity requests that the alleged breach of Section 12 should be dismissed
- The entity requests that the Registrar consider a reduction of infringement points from 60 for "extreme" noncompliance, to 20 for "moderate" compliance

After taking into consideration the facts of the case, and the submission made by their entity and their representative, I recommend the infringement points be reduced from 60 to 20. Refer to the attached [Notice of Decision](#).

Code Certificate	Conditions	Infringement Points	Period
000344	Infringement points	20	24 months

Case Officer: K Bourke

Date: February 2020

Delegate of the Registrar: J Evans

Date: January 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/000344
Case Officer: K Bourke
Contact: [REDACTED]

Dear Mr [REDACTED]
Able Landscaping Pty Ltd
Via email: [REDACTED]

NOTICE OF DECISION

Under Section 22T of the Government Procurement Act 2001

Code Certified Entity: **Able Landscaping Pty Ltd (ABN 71 008 542 701)**

I refer to the investigation in relation to alleged noncompliance with the *Government Procurement Secure Local Jobs Code 2018* (the Code).

Investigation Findings

The Secure Local Jobs Code Registrar has found that Able Landscaping Pty Ltd, was noncompliant with Section 8 of the Code;

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

Note: If a form is approved by the Minister for this section, the form must be used.

- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work*

On 28 August 2019, Compliance Officers K Bourke and J Pupulkovski found that Able Landscaping had engaged [REDACTED] to perform works on the worksite CRA31051.100 Natural Play Spaces Farrer and Eddison Park. At the time they were performing works, [REDACTED] did not hold a valid Secure Local Jobs Code Certificate, although they did later obtain a Secure Local Jobs Code certificate.

The Secure Local Jobs Code registrar (the registrar) has reviewed and considered the information obtained during this investigation. It was found that;

- Able Landscaping intended to use it's own workforce for the works
- [REDACTED] did obtain a Secure Local Jobs Code certificate during the course of performing works;
- Able Landscaping took reasonable steps to rectify the situation and provided full admissions.



Decision

As a result of the above findings, the registrar has imposed the following conditions:

Code Certificate	000344
Conditions	20 infringement points
Period	24 months

Please refer to the attached amended Code Certificate 000344 displaying these conditions.

This decision has been made under section 22T(1)(e) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*. Infringement points remain in place for the specified timeframe and are published against the Code Certified Entity on the Secure Local Jobs website.

Reviewable Decisions

Please refer to the attached Reviewable Decision Notice, outlining your additional rights to review.

Regards

D Robertson

Secure Local Jobs Code Registrar

1 April 2020



Reviewable Decision Notice

Government Procurement Act 2001

The Secure Local Jobs Registrar decided the attached matter on **DD MONTH YYYY**. If you are dissatisfied for any reason, this notice provides you with your rights to review.

Reviewable decisions are those mentioned in the below schedule:

Schedule 2 Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	22J	decision not to grant secure local jobs code certificate	applicant
2	22K (1) (b) and (2)	decision to impose, amend or remove condition on secure local jobs code certificate	entity that holds certificate
3	22T (1) (b)	decision to cancel secure local jobs code certificate	entity that holds certificate
4	22T (1) (c)	decision to suspend secure local jobs code certificate	entity that holds certificate
5	22T (1) (d)	decision to prohibit application for secure local jobs code certificate	entity that is prohibited from making application
6	22T (1) (e)	decision to impose or amend conditions on secure local jobs code certificate	entity that holds certificate

Your rights to seek merits review of the determination of your objection—ACT Civil and Administrative Tribunal Act 2008

If you wish to seek a review of the determination, you must apply in writing to the ACT Civil and Administrative Tribunal (the ACAT) within 28 days of the date of the determination. The application must state clearly your reasons for seeking a review. For further information,



contact the ACAT Registry. There may be a fee associated with lodging an application to the ACAT. For current fee schedules, and for information on fee waivers, contact the ACAT Registry.

Other rights

Your rights to a review of the decision do not preclude the exercise of any other rights you may have under the laws of the Australian Capital Territory. You may also have rights under the Ombudsman Act, Administrative Decisions (Judicial Review) Act and the Freedom of Information Act. If you have any further questions concerning your rights to a review of a decision, or you require assistance, contact the ACAT Registry.



ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/00344
Case Officer: K Bourke
Contact: [REDACTED]

Able Landscaping Pty Ltd
22A Beltana Road
Pialligo ACT 2609
Via email: [REDACTED]

]Dear Mr [REDACTED],

As the Secure Local Jobs Code Registrar, I have considered an allegation that a *Code Certified Entity*, Able Landscaping Pty Ltd has breached one of its obligations under the ACT's *Government Procurement (Secure Local Jobs) Code 2019*. I am authorised and empowered by the *Government Procurement Act 2001 (the Act)*.

An allegation was made that Able Landscaping Pty Ltd (**Able Landscaping**) breached Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019 (the Code)* because it failed to ensure that a Subcontractor engaged in connection with territory-funded work had a valid secure local jobs code certificate and complied with the Code in relation to that work.

If I am satisfied that Able Landscaping has failed to comply with the Code, I can take any of the actions specified in section 22T of the Act.

Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019*

The relevant provision of the Code is section 8 of the Code which provides:

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*
- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*



The evidence

On 28 August 2019, Compliance Investigators spoke with three workers at a worksite at Natural Play Spaces at Farrer. Compliance Investigators saw that construction activities were being undertaken on the site by these workers. The Investigators spoke to the Site Manager. They noticed that the workers' shirts bore the printed words [REDACTED]. One of the Investigators asked the site manager if the workers were employees of Able Landscaping. He stated that they "were Able" and were employees of Able Landscaping.

The Investigators were able to determine from its records that [REDACTED] did not hold a valid Secure Local Jobs Certificate when it commenced work as a subcontractor for Able Landscaping at the Farrer construction site. A certificate in respect of [REDACTED] was valid from 23 August 2019 even though Able Landscaping's records showed that [REDACTED] working on its construction site prior to that date.

The investigators were later told by a Director of Able Landscaping, Jean Michel Noja, that the workers were not employees of Able Landscaping. They were always employed by [REDACTED].

Able Landscaping Pty Ltd were issued a Secure Local Jobs certificate on 7 March 2019. As a Code Certified Entity, Able Landscaping were required to meet and comply with all their obligations as outlined in the Code.

On 9 December 2019, a Show Reason Notice was sent to Able Landscaping.

The Notice foreshadowed that I proposed to make:

- a finding that the allegation was established;
- a finding that the breach of the Code was "extreme";
- to impose 60 penalty points against the Able Landscaping's Secure Local Jobs Code Certificate having considered the issue of proportionality as required with Section 7.2 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 (the Guidelines)*.

The Notice stated that, under the, an "extreme" breach of the Code would attract 100 sanction points and the cancellation of the Entity's Secure Local Jobs certificate.

Able Landscaping was invited to respond to the Notice with reasons why the infringement points should not be applied.

Between 9 December 2019 and 7 January 2020, in correspondence with Able Landscaping's lawyers, I provided further detail.



On 13 January 2020, I received a response to the Show Reason Notice from Able Landscaping together with two statutory declarations from Jean-Michel Noja, a director of Able Landscaping and its construction manager, and Kathy [REDACTED], a project administrator employed by Able Landscaping.

In his statutory declaration dated 13 January 2020, Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] engaged as a subcontractor by Able Landscaping to perform work when it did not hold a valid Secure Local Jobs certificate.

In making my decision, I considered the evidence that arose from the investigation of the allegation and the submissions made in the response to the Show Reason Notice from Able Landscaping together with two statutory declarations that were submitted.

My Findings

I find that Able Landscaping was a *Code Certified Entity* and that a certificate was issued under the Act on 7 March 2019

I find that on 28 August 2019 that Compliance Inspectors were told by Able Landscaping's site manager at the Farrer construction site, being a site that was [REDACTED], that workers engaged in construction work on the site and who were wearing clothing that linked them to [REDACTED] were employees of Able Landscaping.

I find that Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] was engaged as a subcontractor by Able Landscaping to perform work on its behalf when Able Landscaping knew it did not hold a valid Secure Local Jobs certificate in respect of [REDACTED]

I find that between 20 August 2019 and 22 August 2019 Able Landscaping being a Code Certified Entity for the purposes of the Code did not ensure that a subcontractors it engaged in connection with territory-funded work had a valid secure local jobs code certificate and therefore did not comply with the Code in relation to that work contrary to section 8(2) of the Code.

The possible action following a breach of the Code

In considering the appropriate action to take, I have had regard to Section 22T of the Act and Section 7 of the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018* which sets out the actions the Registrar may take when imposing sanctions.

Table 1 of the Guideline sets out the classification of the breach and infringement points, examples of noncompliance and the possible sanctions that may be imposed.

The alleged Breach of Section 8 falls into the "Moderate" category, which attracts 20 penalty points. The example given in the table states "*Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity*".



The facts taken into account that affected the decision on the appropriate action

I have reviewed the Secure Local Jobs Code and the information obtained during this investigation, including the submissions made to me on behalf of Able Landscaping. I make the following findings relevant to my consideration of the action I propose taking:

- Able Landscaping intended to use its own workforce for the works but due to circumstances that arose, they were required to engage subcontractors to perform the works.
- [REDACTED] were not certified when they commenced work on the construction site but they did obtain a Secure Local Jobs Code certificate during the course of performing work;
- Able Landscaping took reasonable steps to rectify the situation and provided full admissions to a breach of Section 8 of the Code in a Statutory Declaration
- Jean-Michel Noja, a director of Able Landscaping, apologised on behalf of the company and demonstrated remorse for the company's shortcomings.

In making my decision having considered the issue of proportionality as required with Section 7 of the Guidelines.

My decision on sanction

As a result of these findings, I find that there the breach of the Code was 'moderate' and decided to impose 20 infringement points against Able Landscaping's Secure Local Jobs Code Certificate No. 000344 for 24 months.

Please refer to the attached amended Code Certificate 00344 displaying these conditions.

This decision has been made under section 22T(1) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*. Infringement points remain in place for the specified timeframe and are published against the Code Certified Entity on the Secure Local Jobs website.

Reviewable Decisions

Please refer to the attached Reviewable Decision Notice outlining your rights to review.

Regards

D Robertson
Secure Local Jobs Code Registrar
1 April 2020



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Economic Development

Reference: INV00016/00344
Case Officer: K Bourke
Contact: [REDACTED]

Able Landscaping Pty Ltd
22A Beltana Road
Pialligo ACT 2609
Via email: [REDACTED]

Dear Mr [REDACTED]

As the *Secure Local Jobs Code Registrar (the Registrar)*, I have considered an allegation that a *Code Certified Entity*, Able Landscaping Pty Ltd has breached one of its obligations under the ACT's *Government Procurement (Secure Local Jobs) Code 2019*. I am authorised and empowered by the *Government Procurement Act 2001 (the Act)* and if I am satisfied that Able Landscaping has failed to comply with the Code, I can take any of the actions specified in section 22T of the Act.

An allegation was made that Able Landscaping Pty Ltd (**Able Landscaping**) breached Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019 (the Code)* because it failed to ensure that a Subcontractor engaged in connection with *territory-funded work* had a valid *Secure Local Jobs Code certificate* and complied with the Code in relation to that work.

~~If I am satisfied that Able Landscaping has failed to comply with the Code, I can take any of the actions specified in section 22T of the Act.~~

Section 8 of the *Government Procurement (Secure Local Jobs) Code 2019*

The relevant provision of the Code is section 8 of the Code which provides:

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*
- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*



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The evidence

On 28 August 2019, Secure Local Jobs Code Compliance Investigators (Compliance Investigators) spoke with three workers at a worksite at Natural Play Spaces at Farrer. Compliance Investigators saw that construction activities were being undertaken on the site by these workers. The Compliance Investigators spoke to the Site Manager and observed. They noticed that the workers' shirts bore the printed words [REDACTED]. One of the Compliance Investigators asked the site manager if the workers were employees of Able Landscaping. He stated that they "were Able" and were employees of Able Landscaping.



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The Compliance Investigators were able to determine from its Secure Local Jobs Code records that [REDACTED] did not hold a valid Secure Local Jobs Code Certificate when it commenced work as a subcontractor for Able Landscaping at the Farrer construction site. A Secure Local Jobs Code certificate in respect of [REDACTED] was valid from 23 August 2019, ~~even though~~ Able Landscaping's records showed that [REDACTED] were working on its construction site prior to that date.

The Compliance investigators were later told by a Director of Able Landscaping, Mr Jean-Michel Noja, that the workers were not employees of Able Landscaping, they were always employed by [REDACTED].

Able Landscaping Pty Ltd ~~werewas~~ issued a Secure Local Jobs Code certificate on 7 March 2019. As a Code Certified Entity, Able Landscaping ~~wereis~~ required to meet and comply with all obligations as outlined in the Code.

On 9 December 2019, a Show Reason Notice was sent to Able Landscaping.

The Notice foreshadowed the Registrar proposed to make:

- a finding that the allegation was established;
- a finding that the breach of the Code was "extreme";
- to impose 60 penalty points against the Able Landscaping's Secure Local Jobs Code Certificate having considered the issue of proportionality as required with Section 7.2 of the Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 (the Guidelines).

The Notice stated that, under the Guidelines, an "extreme" breach of the Code would attract 100 sanction points and the cancellation of the Entity's Secure Local Jobs Code certificate.

Able Landscaping was invited to respond to the Notice with reasons why the infringement points should not be applied.

Between 9 December 2019 and 7 January 2020, in correspondence with Able Landscaping's lawyers, the Registrar provided further detail.

On 13 January 2020, the Registrar received a response to the Show Reason Notice from Able Landscaping together with two statutory declarations from Mr Jean-Michel Noja, a Director of Able Landscaping and its construction manager, and Ms Kathy [REDACTED], a project administrator employed by Able Landscaping.

In his statutory declaration dated 13 January 2020, Mr Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] were



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engaged as a subcontractor by Able Landscaping to perform work when it did not hold a valid *Secure Local Jobs Code* certificate.

In making my decision, I have considered the evidence ~~that arose~~ from the investigation of the allegation and the submissions made in the response to the Show Reason Notice from Able Landscaping, together with two statutory declarations that were submitted.

My Findings

I find that Able Landscaping was a *Code Certified Entity* and that a *Secure Local Jobs Code* certificate was issued under the Act on 7 March 2019

I find that on 28 August 2019, ~~that~~ Compliance ~~Investigator~~spectors were told by Able Landscaping's site manager at the Farrer construction site, being a site that was ~~territory-funded work~~, that workers engaged in construction work on the site and who were wearing clothing that linked them to [REDACTED] were employees of Able Landscaping.

I find that Mr Jean-Michel Noja admitted that a Breach of Section 8 of the Code had occurred because [REDACTED] was engaged as a subcontractor by Able Landscaping to perform work on its behalf when Able Landscaping knew it did not hold a valid *Secure Local Jobs Code* certificate in respect of [REDACTED]

I find that between 20 August 2019 and 22 August 2019 Able Landscaping being a *Code Certified Entity* for the purposes of the Code- did not ensure that a subcontractors it engaged in connection with ~~territory-funded work~~ had a valid ~~secure local jobs code~~ certificate and therefore did not comply with the Code in relation to that work contrary to ~~section 8(2)~~ of the Code.

The possible action following a breach of the Code

~~In considering the appropriate action to take, I have had regard to Section 22T of the Act and Section 7 of the Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018 which sets out the actions the Registrar may take when imposing sanctions.~~

~~Table 1 of the Guideline sets out the classification of the breach and infringement points, examples of noncompliance and the possible sanctions that may be imposed.~~

~~The alleged Breach of Section 8 falls into the "Moderate" category, which attracts 20 penalty points. The example given in the table states "Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity".~~

Commented [RD1]: Is this part necessary? Seems a little verbose given the decision below.?



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The facts taken into account that affected the decision ~~on the appropriate action~~

I have reviewed the Secure Local Jobs Code and the information obtained during this investigation, including the submissions made to ~~me~~ the Registrar on behalf of Able Landscaping. I make the following findings relevant to my consideration of the action I propose taking:

- Able Landscaping intended to use its own workforce for the works but due to circumstances that arose, ~~they~~ were required to engage subcontractors to perform the works;
- [REDACTED] were not certified when they commenced work on the construction site but ~~they~~ did obtain a Secure Local Jobs Code certificate during the course of performing work;
- Able Landscaping took reasonable steps to rectify the situation and provided full admissions to a breach of Section 8 of the Code in a Statutory Declaration;
- Mr Jean-Michel Noja, a Director of Able Landscaping, apologised on behalf of the company and demonstrated remorse for the company's shortcomings.

In making my decision having considered the issue of proportionality as required with Section 7 of the Guidelines.



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Decision and sanction

My decision on sanction

As a result of the investigationse findings, I ~~find that~~determine Able Landscaping Pty Ltd, a Secure Local Jobs Code Certified Entity, has breached their obligations under the Secure Local Jobs Code.

I have ~~determined~~ ~~this~~~~here~~ ~~the~~ breach of the Code ~~was as~~ 'moderate' ~~and decided to~~ ~~and~~ impose 20 infringement points against Able Landscaping's Secure Local Jobs Code Certificate No. 000344 for 24 months from the date of this letter.

Please refer to the attached amended Secure Local Jobs Code Certificate 00344 displaying these conditions.

This decision has been made under section 22T(1) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*. Infringement points remain in place for the specified timeframe and are published against the Code Certified Entity on the Secure Local Jobs Code website.

Reviewable Decisions

Please refer to the attached Reviewable Decision Notice outlining your rights to review.

RegardsRegards,

David Robertson
Secure Local Jobs Code Registrar

16 ~~1~~ April 2020



Investigation Details

Entity Name: Able Landscaping Pty Ltd

ABN: 71 008 542 701

Certificate Number: 000344

Start Date: 30 September 2019

Background

This investigation commenced as the result of site visits conducted by the Secure Local Jobs Compliance Unit. The visits investigated a selection of Code Certified Entities', who were working on current ACT Government job sites that were covered by the Code.

On 28 August 2019, Compliance Officers Jessica Pupulkovski and Kirsty Bourke attended three sites for the CCE, being Mort Street Braddon (contract number CRA31051.100), Natural Play Spaces Farrer and Eddison Park Woden (contract number 2019.30678.400). Upon entering the site at Farrer, Compliance Officers spoke to three workers wearing shirts and hats branded, [REDACTED]. When Compliance Officers asked the workers who they were employed by, the stated they were directly employed by Able Landscaping. Compliance Officers asked to see sign on sheets and were advised that they were held on the Braddon worksite. (Folio)

On 24 September 2019, Compliance Officers Jessica Pupulkovski and Kirsty Bourke attended a site of the CCE being Harrison School Landscaping (contract number 2019.3130.300.01). One site we spoke with a female who stated she was not employed directly through Able but through a labour hire company. (Folio)

On 30 September 2019, a Notification of Investigation letter was sent, pursuant to Section 12 of the Code, requesting information on potential non-compliance with Section 8 of the *Government Procurement (Secure Local Jobs Code) 2018* (the Code).

8 Subcontractors

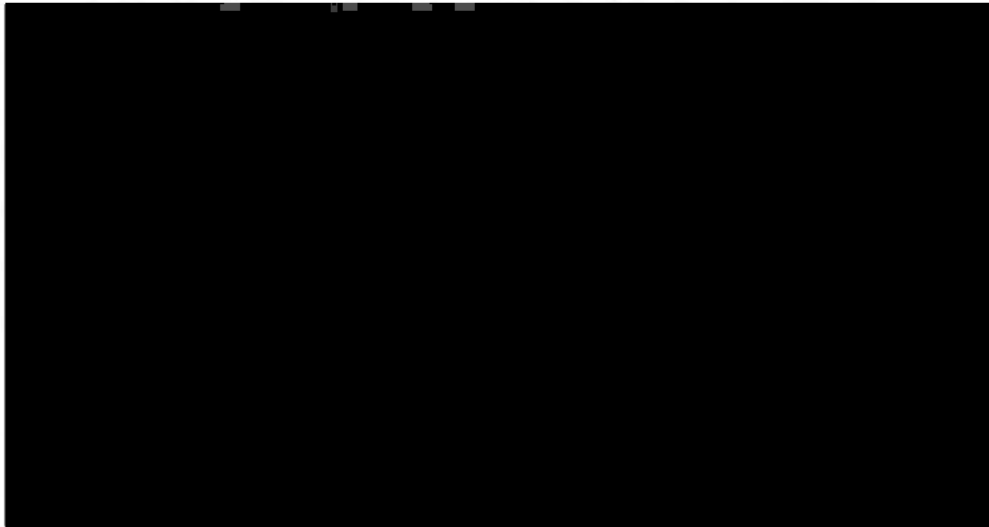
- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

On 8 October 2019, a phone call was made to Able to confirm that the request for information had been received (Folio)

On 8 October 2019, a response to the Notification of Investigation letter was received by email (Folio)

On 9 October 2019, an email was sent to Able to advise that the file provided could not be accessed (Folio)

On 10 October 2019, an email was sent to Able confirming that the file could be accessed. The email also advised that the sign in sheets that were requested had not been provided. Able were given until close of business on 11 October 2019, to provide the sign in sheets. The file provided by Able contained the following;



The file also contained a letter from the Director, Jean-Michel Noja. The letter provided further details about subcontractors that had been engaged on Territory funded worksites (folios)

On 17 October 2019, an email was sent containing a request for further information letter. The letter requested that Able provide copies of payslips for all Able Landscaping employees onsite at Farrer Park and to provide further information relating to Hay and Kelton on the Harrison School site (Folio)

On 22 October 2019, a phone call was received from Johnny [REDACTED]. Mr [REDACTED] identified himself as a Director of Able Landscaping. Mr [REDACTED] stated that the prestart that were completed and provided, stated that workers on the Farrer site were employees. Mr [REDACTED] admitted that this was not true and that they were subcontractors that worked for another company. Mr [REDACTED] stated that he wanted to work to fix the issue and he was advised that he would need to provide the correct information (Folio)

On 25 October 2019, a response to the request for further information was received. In his email, Mr Noja provided two payslips for Able landscaping employees Jean-Michel Noja and Kathy [REDACTED]. He also stated that due to the large size of the Farrer and Eddison Park sites, he had two dedicated site management staff to oversee the management of subcontractors. Mr [REDACTED] stated that [REDACTED] were engaged on this project. Mr [REDACTED] stated that Hays provided labour hire services and Kelton Rentals provided machinery on the Harrison School site (Folio)

On 4 November 2019, a request for further information letter was emailed. The request asked for the following;

- Payslips for employees listed as Able Landscaping Pty Ltd staff
- Why sign in sheets were not available at Farrer during a site visit
- Why [REDACTED] were not listed as a proposed subcontractor
- Evidence that [REDACTED] held a valid SLJC certificate at the time they were engaged to perform works on the Farrer and Eddison Park sites (Folio)

On 11 November 2019, a response to the request for information was received. In his response, Mr Noja stated the following;

- The staff listed as Able Landscaping staff were not employees of the company and in fact worked for [REDACTED]
- When asked for sign in sheets, [REDACTED] (site Manager) was confused about what he was being asked for.
- Why [REDACTED] were not listed as proposed contractors – Mr [REDACTED] apologised and stated that originally the works were going to be undertaken with inhouse resourcing, when circumstances changed, Able elected to subcontract elements of the work.
- [REDACTED] did not hold a valid SLJC certificate at the time they were engaged to perform works, they obtained their certificate three days after the commencement of works

Recommendation

Section 7.1 of the Secure Local Jobs Complaints and Noncompliance Investigation Guidelines (the Guidelines) outlines that the Registrar may impose sanctions against a Code Certified Entity for noncompliance with the Code.

Section 7.3 of the Guidelines outline the classifications of noncompliance, infringement point allocation and possible sanctions in relation to a 'moderate' and 'extreme' offence:

Moderate 20 points – non compliance with the Code

- Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity.*
- Failure to meet obligations under the Code.*

Extreme 100 points – non compliance with the Code

- Providing false or misleading information on a statutory declaration.*
- Falsification or concealment of documents requested by the registrar under Section 22S of the Code.*
- Failure to provide documents requested by the registrar under Section 22S of the Code.*
- Intentional disregard for the law.*

This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. When Inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees. When the Director, Mr [REDACTED] phoned this Office, he admitted that he had provided false information to the Registrar. Through the course of the investigation, Mr [REDACTED] also admitted that Able Landscaping Pty Ltd had engaged non-certified subcontractors, [REDACTED] on

their Farrer and Eddison Park sites. Mr [REDACTED] admitted that, at the time they were engaged, [REDACTED] did not hold a valid SLJC certificate and did not obtain certification until three days after works had commenced.

As the Entity engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed and provided false and/or misleading information throughout the investigation, I recommend the registrar sanction 120 points.

7.1 of the Guidelines states that the Registrar will consider proportionality to the breach. In considering proportionality under Section 7.2, I have considered the following;

- Able Landscaping intended to use its own workforce on the Farrer and Eddison Park sites
- [REDACTED] do hold a valid SLJC certificate
- The Director of Able Landscaping Pty Ltd, admitted that false and/or misleading information and took steps to rectify the situation and provided full admissions

Therefore, I recommend that the Registrar impose 60 sanction points to SLJC certificate 000344. I recommend the Entity be advised of this decision and given 10 days to provide a written response.

Compliance Inspector: K Bourke

_____ Date: December 2019

Comments:

Registrar: A Parkinson

_____ Date: November 2019

Comments:



Investigation Details

Entity Name: Able Landscaping Pty Ltd

ABN: 71 008 542 701

Certificate Number: 000344

Start Date: 30 September 2019

Background

This investigation commenced as the result of site visits conducted by the Secure Local Jobs Compliance Unit. The visits investigated a selection of Code Certified Entities', who were working on current ACT Government job sites that were covered by the Code.

On 28 August 2019, Compliance Officers Jessica Pupulkovski and Kirsty Bourke attended three sites for the CCE, being Mort Street Braddon (contract number CRA31051.100), Natural Play Spaces Farrer and Eddison Park Woden (contract number 2019.30678.400). Upon entering the site at Farrer, Compliance Officers spoke to three workers wearing shirts and hats branded, [REDACTED]. When Compliance Officers asked the workers who they were employed by, the stated they were directly employed by Able Landscaping. Compliance Officers asked to see sign on sheets and were advised that they were held on the Braddon worksite. (Folios 1-3)

On 24 September 2019, Compliance Officers Jessica Pupulkovski and Kirsty Bourke attended a site of the CCE being Harrison School Landscaping (contract number 2019.3130.300.01). One site we spoke with a female who stated she was not employed directly through Able but through a labour hire company. (Folios 4-5)

On 30 September 2019, a Notification of Investigation letter was sent, pursuant to Section 12 of the Code, requesting information on potential non-compliance with Section 8 of the *Government Procurement (Secure Local Jobs Code) 2018* (the Code).

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory (Folios 6-8)*

On 8 October 2019, a phone call was made to Able to confirm that the request for information had been received (Folio 9)

On 8 October 2019, a response to the Notification of Investigation letter was received by email (Folio 10)

On 9 October 2019, an email was sent to Able to advise that the file provided could not be accessed (Folios 10)

their Farrer and Eddison Park sites. Mr [REDACTED] admitted that, at the time they were engaged, [REDACTED], did not hold a valid SLJC certificate and did not obtain certification until three days after works had commenced.

As the Entity engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed and provided false and/or misleading information throughout the investigation, I recommend the registrar sanction 100 points for an extreme breach of the Code.

7.1 of the Guidelines states that the Registrar will consider proportionality to the breach. In considering proportionality under Section 7.2, I have considered the following;

- Able Landscaping intended to use its own workforce on the Farrer and Eddison Park sites
- [REDACTED] do hold a valid SLJC certificate
- The Director of Able Landscaping Pty Ltd, admitted that false and/or misleading information was provided and took steps to rectify the situation and provided full admissions

Therefore, I recommend that the Registrar reduce the amount of sanction points from 100 to 60 sanction points to SLJC certificate 000344. I recommend the Entity be advised of this decision and given 10 days to provide a written response.

Compliance Inspector: K Bourke

Date: 3 December 2019

Comments:

Registrar: A Parkinson

Date: *5 December.*
November 2019

[REDACTED]

FILE NOTE - RECORD OF CONVERSATION

Contact Name: Steve McDonnell

Date: 28-Aug-2019

Contact Number: 0230 782 597

Time: 10:56

Subject: Able Landscaping ACT sites (multiple)

I phoned Steve today regarding the multiple ACT sites for Able.

Steve confirmed the following:


Eddison park: works had not commenced

Farrer: works are in progress and there are workers onsite today who would be able

Mort St City: He is onsite there all day and will be able to assist.

I thanked Steve for his time and confirmed we would meet him at Mort Street later that day.

Officer Name: J Pupulkovski

Signature: 

Date: 28-Aug-2019

FILE NOTE - RECORD OF CONVERSATION

Location: Longerenong St Farrer and Launceston St Phillip, Eddison Park

Subject: Able Landscaping site visit

Date: 28-Aug-2019

Attendees: Kirsty Bourke
Jess Pupulkovski
Andy and Steve (employees)

Time: 11:22

We attended the Able Landscaping site today.

There were about 4 employees on site. All of these employees were wearing jumpers with the company name [REDACTED] on them.

One employee Andy confirmed they had just been dealt with SLJ in the last day. Jess asked the employee Andy if there were any Able Landscaping employees on site? Andy said 'we are Able'. Jess asked to speak to Steve.

Steve confirmed they had been on site for about 1 week. Jess asked if they had any sign on sheets. Steve looked in his car and came back and confirmed the site manager whos name is also 'Steve', was the one with the sign on sheets.

We thanked the employees for their time and left the site.

Officer Name: J Pupulkovski

Signature: [REDACTED]

Date: 28-Aug-2019

FILE NOTE - RECORD OF CONVERSATION

Location: 14 Mort Street

Subject: Able Landscaping site visit Date: 28-Aug-2019

Attendees: Steve [REDACTED] Time: 13:30

We met onsite at 14 Mort Street with Steve from Able Constructions.

Steve confirmed the site at 14 Mort street was a 20 week project, and briefly ran over the kinds of things they are going to do.

He confirmed they will use some of their regular subcontractors and he is aware they are all certified for SLJ, they will be used for concreting and tiling.

He mentioned that he will be attending the Mugga way briefing next week.

Officer Name: J Pupulkovski

Signature: [REDACTED]

Date: 28-Aug-2019

File Note - Record of Meeting

Location: Eddison Park Woden

Subject: Able Landscaping site visit Date: 24-Sep-2019

Attendees: J Pupulkovski Time: 02:15
K Bourke

The SLJ branch attended the worksite of Able Landscaping at Eddison Park in Woden. The branch had previously attended this site earlier in September, however, the works had not commenced yet.

This site was packed up for the day and the employees were leaving. Both Kirsty and I noticed a truck pull up and leave straight away, the truck has the logo for [REDACTED] on the side.

Officer Name: J Pupulkovski

Signature: [REDACTED]

Date: 30-Sep-2019

File Note - Record of Meeting

Location: Harrison Primary School

Subject: Able Landscaping Site Visit Date: 24-Sep-2019

Attendees: J Pupulkovski
K Bourke Time: 11:48

The branch visited Harrison School today to speak with Able Landscaping in relation to their ACT Government Contract.

When we arrived on-site we approached a landscaper who identified herself and provided her name; Ally. Ally was wearing a jumper with the logo [REDACTED] on it.

We asked if we could speak with someone from Able Landscaping. She advised Gavin was the best person to speak to however he was not there at the time. She confirmed there were no other Able workers available.

We thanked Ally for her time and left the school.

Officer Name: J Pupulkovski

Signature: [REDACTED]

Date: 30-Sep-2019



Reference: INV00016/00344
Case Officer: J Pupulkovski
Contact: [REDACTED]

Dear Sir/Madam

Via email: [REDACTED]

**Notification of Investigation and Request for Information
pursuant to section 12 (1) of the *Government Procurement
(Secure Local Jobs) Code 2018 (the Code)*
CODE CERTIFIED ENTITY ABLE LANDSCAPING PTY LTD (ABN 71 008 542 701)**

I refer to recent site visits conducted by the Secure Local Jobs Branch on 28 August and 24 September 2019 at the below Territory-funded worksites:

Contract number	Description of work
CRA31051.100	Mort Street Public Realm Improvements
2019.30678.400	Community and Neighbourhood Priorities Natural Play Spaces Farrer and Eddison Park Woden (Construction)
2019.3130.300.01	Harrison School Landscape Reinstatement

Findings from these site visits have revealed potential non-compliance the Entity's obligations under the Secure Local Jobs Code. As a result, an investigation has commenced under section 6.1 of the *Secure Local Jobs Complaints and Noncompliance Investigation Guidelines* to establish whether there has been one or more instances of noncompliance.

Under section 8 of the Code, as a Code Certified Entity contracted to Territory-funded work, you are required to provide details of any proposed subcontractors to the territory prior to engaging them.

To establish whether you have been compliant with this section of the code, you are required to provide the following information for each of the ACT Government contracts listed above:

- Names of all subcontractors engaged
- Copies of correspondence with the Territory providing details of proposed subcontractors
- A copy of your Labour Relation, Training and Workplace Equity Plan, submitted at the time of tender, and;
- Site sign-on sheets identifying workers and companies attending sites.

Section 12(1) of the Code states that a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating Code Compliance.

Your response and the requested information is required by **8 October 2019**.

Please note, you may be contacted by this Office and asked to provide further evidence or information in relation to this investigation. If you have any further questions, please do not hesitate to contact Ms Jess Pupulkovski on [REDACTED]

Regards

[REDACTED]

Kirsty Bourke

Delegate of the Secure Local Jobs Code Registrar

30 September 2019

From: [Secure Local Jobs Code](#)
To: [REDACTED]
Subject: Notification of investigation & request for information
Date: Monday, 30 September 2019 9:20:00 AM
Attachments: [INV00016_000344_Able Landscaping_Notification of Inv.pdf](#)

UNCLASSIFIED Sensitive

Good morning Jodie

Please see the attached notice issued pursuant to section 12 (1) of the Government Procurement (Secure Local Jobs Code) 2018.

Kind regards

Jess Pupulkovski | Compliance Officer

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

ACT Government

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

File Note - Record of Conversation

Contact: Jodie [REDACTED]

Subject: Able Landscaping Request for Information Date: 08-Oct-2019

Time: 11:16

I phoned Jodie today to confirm that she received the request for information sent last week. She confirmed it had been received by them and that they would provide their response today.

Officer Name: J Pupulkovski

Signature: [REDACTED]

Date: 8-Oct-2019

From: [Secure Local Jobs Code](#)
To: [Jodie Ridley](#)
Subject: RE: Notification of investigation & request for information
Date: Thursday, 10 October 2019 11:01:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

UNCLASSIFIED

Good morning Jodie,

Thank you for your response received on 8 October 2019.

I have managed to open the zip file and retrieve the documents you have provided, however, I noticed your response did not include copies of any site sign-on sheets. As sign-on sheets were included in original request for information dated 30 September 2019, you are required to provide this additional information by COB Friday 11 October 2019.

Should you have any questions or concerns please do not hesitate to contact me via email or on the number below.

Please note, failure to provide requested information within a reasonable timeframe could result in the imposition of conditions to your Secure Local Jobs Code Certificate.

Kind regards

Jess Pupulkovski | Compliance Officer

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

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

From: Secure Local Jobs Code
Sent: Wednesday, 9 October 2019 9:28 AM
To: Jodie Ridley [REDACTED]
Subject: RE: Notification of investigation & request for information

UNCLASSIFIED

Hi Jodie,

Unfortunately I am unable to open a zip file, are you able to provide your response as an attachment to this email?

Jess Pupulkovski | Compliance Officer

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

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

From: Jodie Ridley [REDACTED]
Sent: Tuesday, 8 October 2019 5:46 PM
To: Secure Local Jobs Code <securelocaljobs@act.gov.au>
Subject: RE: Notification of investigation & request for information

Hi Jess,

Please see the attached link for our response to your information request.

<https://we.tl/t-621WXi28tf>

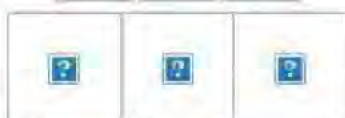
Please contact me for any further information.

Regards,

Jodie Ridley

Director
ABLE LANDSCAPING PTY LTD
22A Beltana Rd PIALLIGO ACT 2609

able_45years_rgb_FA



W: www.ablelandscaping.com.au

From: Secure Local Jobs Code [<mailto:securelocaljobs@act.gov.au>]

Sent: Monday, 30 September 2019 9:21 AM

To: Jodie Ridley

Subject: Notification of investigation & request for information

UNCLASSIFIED Sensitive

Good morning Jodie

Please see the attached notice issued pursuant to section 12 (1) of the Government Procurement (Secure Local Jobs Code) 2018.

Kind regards

Jess Pupulkovski | Compliance Officer

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

ACT Government

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

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**ACT**
GovernmentChief Minister, Treasury and
Economic Development

Reference: INV00016/00344
Case Officer: K Bourke
Contact: [REDACTED]

Dear sir/madam

Via email: [REDACTED]

REQUEST FOR FURTHER INFORMATION**Under Section 22S of the Government Procurement Act 2001 (the Act)
Code Certified Entity Able Landscaping Pty Ltd (ABN 71 008 542 701)**

I refer to your response of 8 October 2019 and the accompanying information relating to the investigation into Able Landscaping Pty Ltd's (the Entity's) potential noncompliance with the Secure Local Jobs Code (the Code).

An investigation has commenced into the Entity's potential noncompliance with its obligations under section 8 (2) of the Code, as result of findings from recent site visits conducted on 28 August 2019 and 24 September 2019.

Following a review of the 'prestart meeting records' you provided for Harrison Primary School and Farrer Park, you are required to provide the following additional information:

- Copies of payslips for all Able Landscaping employees onsite at Farrer Park for the period covering 20 August to 29 August, and;
- Provided further information relating to the companies identified as 'Hays' and 'Kelton' on the prestart meeting records for Harrison Primary School.

Section 12 of the Code states a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating Code compliance. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the Act.

Your response and the requested information is required by **26 October 2019**.

Please note, you may be contacted by this Office and asked to provide further evidence or information in relation to this investigation. If you have any further questions, please do not hesitate to contact Ms K Bourke on [REDACTED]

Regards

[REDACTED]
D Smith
Secure Local Jobs Code Registrar
16 October 2019

From: [Bourke, Kirsty](#)
To: [REDACTED]
Subject: request for further information
Date: Thursday, 17 October 2019 8:25:00 AM
Attachments: [5_INV00016_000344_Able Landscaping_Req for further info.pdf](#)
[image001.jpg](#)

UNCLASSIFIED

Good morning,

Please see attached request for further information.

If you have any questions please do not hesitate to contact me.

Kind Regards

Kirsty Bourke | Assistant Director

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

[REDACTED]

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

Rap-signature-block



File Note - Record of Conversation

Contact: [REDACTED]

Subject: request for further information letter Date: 22-Oct-2019

Time: 15:36

Phone: 0418 113 678

I answered a call from Johnny. He identified himself as a Director from Able Landscaping. He stated that he wanted to speak to me about the information that was provided in relation to the Farrer site. He stated that the pre-starts that were completed, stated that the men onsite worked for Able, this was not true, and they are sub contractors who work for a different company.

Johnny stated that the information that provided may seem like it was strategic but it was totally negligent on his part, as he should have checked the information before it was sent to our Office.

Johnny asked how to go about fixing this situation. I explained to him that the best outcome would be to provide me with all of the correct information. It would be in his best interests to be totally honest as if it is found that he has intentionally provided false information, it would be a much higher penalty imposed.

I explained that the best way to begin to fix this would be to explain what information was send through to this Office, and then provide me with the correct information including the name of the subcontracting company and the exact dates that they were on the site at Farrer. I explained that there would be a penalty imposed if it was found that they were using non certified subcontractors, but that penalty would be much lower than if it was found that they have intentionally lied or provided false information.

Johnny stated that he understood what he needed to do and that he would send through an amended response to the letter and provide all the correct information.

I thanked him for his call and the conversation ended.

Officer Name: K Bourke

Signature: [REDACTED]

Date: 22-Oct-2019

From: Johnny [REDACTED]
To: Bourke, Kirsty
Cc: Jodie Ridley
Subject: RE: request for further information
Date: Friday, 25 October 2019 2:40:46 PM
Attachments: image008.jpg
 image009.jpg
 image010.jpg
 image011.jpg
 image012.jpg
 image013.png
 image014.jpg
 image015.jpg
 image016.jpg
 image017.jpg
 image018.jpg
 image019.jpg
 image020.jpg
 Kathy Wong - Payslip.pdf
 Jean-Michel Noja - Payslip.pdf
 SLJC Letter Able Landscaping 20191025.pdf

Hi Kirsty,

Thank you for your time earlier this week, I am sorry for our miscommunication with respects to the previously issued Subcontractor letter, please see attached amended letter.

In relation to your recent request for additional information for Farrer Park and Harrison Primary School, please see below our response;

Farrer & Eddison Parks

Due to the nature and large size of the project, Able Landscaping have dedicated two management staff to oversee the delivery and the management of our subcontractors.

[REDACTED] are engaged on this project and have been working with our management system, which includes completing daily pre-start records, conducting weekly toolbox talks and other mandatory paperwork.

Attached are copies of our direct employees payslips between 20 August 2019 and 29 August 2019 as requested.

Harrison Primary School

Please be advised that the two companies noted on the Harrison Primary School pre-starts are not subcontractors.

Hays is a specialist recruitment group who provide labour hire services and Kelton Rentals is a machinery rental company that was either dropping off and/or picking up machinery from the site.

Should you have any further queries please do not hesitate to contact me.

Regards,

Johnny [REDACTED]
 Director / Construction Manager



www.ablelandscaping.com.au
 22A Beltana Road, Pialligo ACT 2609



2016 LANDSCAPE PROJECT MANAGER OF THE YEAR
2017 LANDSCAPE NSW & ACT SILVER WINNER

From: Jodie Ridley [REDACTED]
Sent: Friday, 25 October 2019 1:47 PM
To: Johnny [REDACTED]
Subject: FW: request for further information

Regards,

Jodie Ridley

ABLE LANDSCAPING PTY LTD
22A Belfara Rd PIALLIGO ACT 2609



[REDACTED]
W: www.ablelandscaping.com.au

From: Jodie Ridley
Sent: Friday, 25 October 2019 1:38 PM
To: Kathy [REDACTED] Jodie Ridley [REDACTED]
Subject: FW: request for further information

Regards,

Jodie Ridley

ABLE LANDSCAPING PTY LTD
22A Belfara Rd PIALLIGO ACT 2609



██████████
██
W: www.ablelandscaping.com.au

From: Bourke, Kirsty ██████████
Sent: Thursday, 17 October 2019 8:26 AM
To: Jodie Ridley ██████████
Subject: request for further information

UNCLASSIFIED

Good morning,

Please see attached request for further information.

If you have any questions please do not hesitate to contact me.

Kind Regards

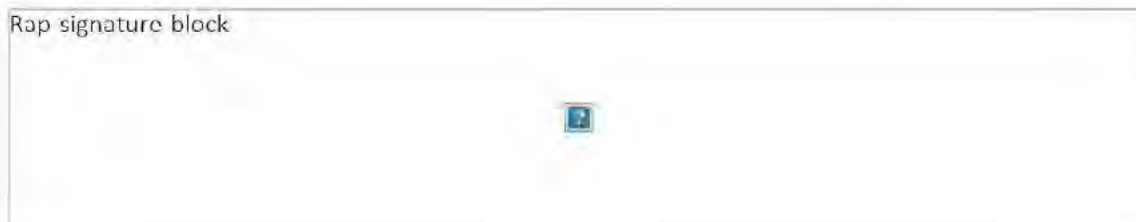
Kirsty Bourke | Assistant Director

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



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

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ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/00344.
Case Officer: K Bourke
Contact: [REDACTED]

Dear Mr Noja

Via email: Johnny@ablelandscaping.com.au

NOTICE OF INVESTIGATION

Request for information under Section 22S of the Government Procurement Act 2001 (the Act)

Code Certified Entity Able Landscaping Pty Ltd (ABN 71 008 542 701)

I refer to your response of 25 October 2019 and the accompanying information relating to the investigation into Able Landscaping Pty Ltd's (the Entity's) compliance with the Secure Local Jobs Code (the Code).

Following a review of the information you have provided; you are required to provide the following additional information:

- Pay slips and employment status for employees; [REDACTED] [REDACTED] (spelling may be incorrect) listed as Able Landscaping employees for Farrer and Eddison Park or information about who they were employed by,
- Explanation as to why sign in sheets were not available to be viewed during a visit of the site conducted on 28 August 2019;
- Information about why [REDACTED] was not listed as a proposed subcontractor for works at Farrer and Eddison Park, but were listed on your letter dated 25 October 2019 and;
- Evidence to show that [REDACTED] held a valid Secure Local Jobs Code certificate for the period they were engaged and performed works at Farrer and Eddison Park.

Section 12 of the Code states a Code Certified Entity must comply with any reasonable request for information, access to records and directions given by the registrar for the purposes of investigating Code compliance. Failure to comply with this request could result in the imposition of conditions to your Code Certificate under section 22T of the Act.

Your response and the requested information is required by **11 November 2019**.

Please note, you may be contacted by this Office and asked to provide further evidence or information in relation to this investigation. If you have any further questions, please do not hesitate to contact me on [REDACTED].

Regards

[REDACTED]

K Bourke
Delegate of the
Secure Local Jobs Code Registrar
4 November 2019

From: [Bourke, Kirsty](#)
To: Johnny [REDACTED]
Subject: RE: request for further information
Date: Monday, 4 November 2019 2:27:00 PM
Attachments: [6_TNV00016_000344\)Able Landscaping Request for further information_041119.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
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[image011.jpg](#)
[image012.jpg](#)
[image013.jpg](#)

UNCLASSIFIED

Good afternoon Mr [REDACTED],

Please see attached request for further information.

If you have any questions please do not hesitate to contact me

Kind Regards

Kirsty Bourke | Assistant Director

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

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

Rap-signature-block



From: Johnny [REDACTED]
Sent: Friday, 25 October 2019 2:38 PM
To: Bourke, Kirsty [REDACTED]
Cc: Jodie Ridley [REDACTED]
Subject: RE: request for further information

Hi Kirsty,

Thank you for your time earlier this week, I am sorry for our miscommunication with respects to the previously issued Subcontractor letter, please see attached amended letter.

In relation to your recent request for additional information for Farrer Park and Harrison Primary School, please see below our response;

Farrer & Eddison Parks

Due to the nature and large size of the project, Able Landscaping have dedicated two management staff to oversee the delivery and the management of our subcontractors.

████████████████████ are engaged on this project and have been working with our management system, which includes completing daily pre-start records, conducting weekly toolbox talks and other mandatory paperwork.

Attached are copies of our direct employees payslips between 20 August 2019 and 29 August 2019 as requested.

Harrison Primary School

Please be advised that the two companies noted on the Harrison Primary School pre-starts are not subcontractors.

Hays is a specialist recruitment group who provide labour hire services and Kelton Rentals is a machinery rental company that was either dropping off and/or picking up machinery from the site.

Should you have any further queries please do not hesitate to contact me.

Regards,

Johnny ██████
Director / Construction Manager



████████████████████
W www.ablelandscaping.com.au
A 22A Beltana Road, Pialligo ACT 2609



2016 LANDSCAPE PROJECT MANAGER OF THE YEAR
2017 LANDSCAPE NSW & ACT SILVER WINNER
National Arboretum Canberra, Gallery of Gardens
Constitution Avenue Upgrade

From: Jodie Ridley ██████
Sent: Friday, 25 October 2019 1:47 PM
To: Johnny ██████
Subject: FW: request for further information

Regards,

Jodie Ridley

ABLE LANDSCAPING PTY LTD
22A Beltana Rd PIALLIGO ACT 2609



[Redacted]
W: www.ablelandscaping.com.au

From: Jodie Ridley
Sent: Friday, 25 October 2019 1:38 PM
To: Kathy [Redacted] Jodie Ridley [Redacted]
Subject: FW: request for further information

Regards,

Jodie Ridley

ABLE LANDSCAPING PTY LTD
22A Belfana Rd PIALLIGO ACT 2609



[Redacted]
W: www.ablelandscaping.com.au

From: Bourke, Kirsty [Redacted]
Sent: Thursday, 17 October 2019 8:26 AM
To: Jodie Ridley [Redacted]
Subject: request for further information

UNCLASSIFIED

Good morning,

Please see attached request for further information.

If you have any questions please do not hesitate to contact me.

Kind Regards

Kirsty Bourke | Assistant Director

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

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

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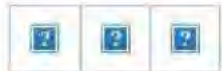
From: [Johnny Noia](#)
To: [Bourke, Kirsty](#)
Cc: [Jodie Ridley](#)
Subject: RE: request for further information
Date: Monday, 11 November 2019 5:13:42 PM
Attachments: [image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
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[image018.jpg](#)
[image019.jpg](#)
[image020.jpg](#)
[SLJC Letter Able Landscaping 20191111.pdf](#)

Hi Kirsty,

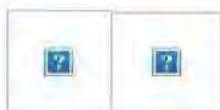
See attached response, could you please call if you wish to discuss further.

Regards,

Johnny [REDACTED]
 Director / Construction Manager



[REDACTED]
 W
 A
www.ablelandscaping.com.au
 22A Beltana Road, Pialligo ACT 2609



2016 LANDSCAPE PROJECT MANAGER OF THE YEAR
2017 LANDSCAPE NSW & ACT SILVER WINNER
 National Arboretum Canberra, Gallery of Gardens
 Constitution Avenue Upgrade

From: Bourke, Kirsty [REDACTED]
Sent: Monday, 4 November 2019 2:28 PM
To: Johnny [REDACTED]
Subject: RE: request for further information

UNCLASSIFIED

Good afternoon Mr [REDACTED],

Please see attached request for further information.

If you have any questions please do not hesitate to contact me

Kind Regards

Kirsty Bourke | Assistant Director

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

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

Rap-signature-block



From: Johnny [REDACTED]

Sent: Friday, 25 October 2019 2:38 PM

To: Bourke, Kirsty [REDACTED]

Cc: Jodie Ridley [REDACTED]

Subject: RE: request for further information

Hi Kirsty,

Thank you for your time earlier this week, I am sorry for our miscommunication with respects to the previously issued Subcontractor letter, please see attached amended letter.

In relation to your recent request for additional information for Farrer Park and Harrison Primary School, please see below our response;

Farrer & Eddison Parks

Due to the nature and large size of the project, Able Landscaping have dedicated two management staff to oversee the delivery and the management of our subcontractors.

[REDACTED] are engaged on this project and have been working with our management system, which includes completing daily pre-start records, conducting weekly toolbox talks and other mandatory paperwork.

Attached are copies of our direct employees payslips between 20 August 2019 and 29 August 2019 as requested.

Harrison Primary School

Please be advised that the two companies noted on the Harrison Primary School pre-starts are not subcontractors.

Hays is a specialist recruitment group who provide labour hire services and Kelton Rentals is a machinery rental company that was either dropping off and/or picking up machinery from the site.

Should you have any further queries please do not hesitate to contact me.

Regards,

Johnny [REDACTED]

Director / Construction Manager



W www.ablelandscaping.com.au
A 22A Beltana Road, Pialligo ACT 2609



2016 LANDSCAPE PROJECT MANAGER OF THE YEAR
2017 LANDSCAPE NSW & ACT SILVER WINNER
National Arboretum Canberra, Gallery of Gardens
Constitution Avenue Upgrade

From: Jodie Ridley [REDACTED]
Sent: Friday, 25 October 2019 1:47 PM
To: Johnny [REDACTED]
Subject: FW: request for further information

Regards,

Jodie Ridley

ABLE LANDSCAPING PTY LTD
22A Beltana Rd PIALLIGO ACT 2609



[REDACTED]
W: www.ablelandscaping.com.au

From: Jodie Ridley
Sent: Friday, 25 October 2019 1:38 PM
To: Kathy [REDACTED] Jodie Ridley [REDACTED]

Subject: FW: request for further information

Regards,

Jodie Ridley

ABLE LANDSCAPING PTY LTD
22A Beltana Rd PIALLIGO ACT 2609



[REDACTED]
W: www.ablelandscaping.com.au

From: Bourke, Kirsty [REDACTED]
Sent: Thursday, 17 October 2019 8:26 AM
To: Jodie Ridley [REDACTED]
Subject: request for further information

UNCLASSIFIED

Good morning,

Please see attached request for further information.

If you have any questions please do not hesitate to contact me.

Kind Regards

Kirsty Bourke | Assistant Director

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

[REDACTED]

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

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On 11 November 2019, a response to the request for information was received. In his response, Mr [REDACTED] stated the following;

- The staff listed as Able Landscaping staff were not employees of the company and in fact worked for [REDACTED]
- When asked for sign in sheets, [REDACTED] (site Manager) was confused about what he was being asked for.
- Why [REDACTED] were not listed as proposed contractors – Mr [REDACTED] apologised and stated that originally the works were going to be undertaken with inhouse resourcing, when circumstances changed, Able elected to subcontract elements of the work.
- RR Building did not hold a valid SLJC certificate at the time they were engaged to perform works, they obtained their certificate three days after the commencement of works

Recommendation

The investigation findings revealed that an “extreme” noncompliance of the Code has occurred. The investigation found that Able Landscaping Pty Ltd breached Section 8 and Section 12 of the Code. I have outlined these sections below;

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

Note: If a form is approved by the Minister for this section, the form must be used.

- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

12 Requests for information

- (1) *A Code Certified Entity must, subject to law, comply with any reasonable request for information, access to records and directions given by the registrar or an approved auditor for the purposes of investigating Code compliance pursuant to this Code and the GPA.*

Section 7.1 of the Secure Local Jobs Complaints and Noncompliance Investigation Guidelines (the Guidelines) outlines that the Registrar may impose sanctions against a Code Certified Entity for noncompliance with the Code.

Section 7.3 of the Guidelines outline the classifications of noncompliance, infringement point allocation and possible sanctions in relation to a ‘moderate’ and ‘extreme’ offence:

Moderate 20 points – non compliance with the Code

- i) *Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity.*

ii) *Failure to meet obligations under the Code.*

Extreme 100 points – non compliance with the Code

- i) *Providing false or misleading information on a statutory declaration.*
- ii) *Falsification or concealment of documents requested by the registrar under Section 225 of the Code.*
- iii) *Failure to provide documents requested by the registrar under Section 225 of the Code.*
- iv) *Intentional disregard for the law.*

This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. When Inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees. When the Director, Mr [REDACTED] phoned this Office, he admitted that he had provided false information to the Registrar. Through the course of the investigation, Mr [REDACTED] also admitted that Able Landscaping Pty Ltd had engaged non-certified subcontractors, [REDACTED] on their Farrer and Eddison Park sites. Mr Noja admitted that, at the time they were engaged, [REDACTED], did not hold a valid SLJC certificate and did not obtain certification until three days after works had commenced.

As the Entity engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed and provided false and/or misleading information throughout the investigation, I recommend the registrar sanction 120 points.

7.1 of the Guidelines states that the Registrar will consider proportionality to the breach. In considering proportionality under Section 7.2, I have considered the following;

- Able Landscaping intended to use its own workforce on the Farrer and Eddison Park sites
- [REDACTED] do hold a valid SLJC certificate
- The Director of Able Landscaping Pty Ltd, admitted that false and/or misleading information and took steps to rectify the situation and provided full admissions

Therefore, I recommend that the Registrar impose 60 sanction points to SLJC certificate 000344. I recommend the Entity be advised of this decision and given 10 days to provide a written response.

Compliance Inspector: K Bourke

_____ Date: December 2019

Comments:

Registrar: Jacinta Evans

_____ Date: January 2020

Comments:



ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/000344
Case Officer: K Bourke
Contact: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

SHOW REASONS NOTICE

Under to Section 8 of the Government Procurement (Secure Local Jobs Complaints and Noncompliance) Investigation Guidelines Code Certified Entity: Able Landscaping Pty Ltd (ABN 71 008 542 701)

I refer to your letter dated 13 December 2019, relating to the investigation in relation to an alleged noncompliance by Able Landscaping Pty Ltd.

As mentioned in the Show Reasons Notice dated 9 December 2019, an investigation took place and found that Able Landscaping Pty Ltd did not meet its obligations under the Secure Local Jobs Code and therefore an “extreme” breach of the Code has occurred.

As requested, I have provided the “recommendation” from the investigation report below;

‘Section 7.1 of the Secure Local Jobs Complaints and Noncompliance Investigation Guidelines (the Guidelines) outlines that the Registrar may impose sanctions against a Code Certified Entity for noncompliance with the Code.

Section 7.3 of the Guidelines outline the classifications of noncompliance, infringement point allocation and possible sanctions in relation to a ‘moderate’ and ‘extreme’ offence;

Moderate 20 points – non compliance with the Code

- i) Failure of Code Certified Entity to ensure that all subcontractors it engages on territory funded work are also a Code Certified Entity.*
- ii) Failure to meet obligations under the Code.*

Extreme 100 points – non compliance with the Code

- i) Providing false or misleading information on a statutory declaration.*
- ii) Falsification or concealment of documents requested by the registrar under Section 225 of the Code.*
- iii) Failure to provide documents requested by the registrar under Section 225 of the Code.*
- iv) Intentional disregard for the law.*

This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. When Inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees. When the Director, Mr [REDACTED] phoned this Office, he admitted that he had provided false information to the Registrar. Through the course of the investigation, Mr [REDACTED] also admitted that Able Landscaping Pty Ltd had engaged non-certified subcontractors, [REDACTED] on their Farrer and Eddison Park sites. Mr [REDACTED] admitted that, at the time they were engaged, [REDACTED] did not hold a valid SLJC certificate and did not obtain certification until three days after works had commenced.

As the Entity engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed and provided false and/or misleading information throughout the investigation, I recommend the registrar sanction 120 points.

7.1 of the Guidelines states that the Registrar will consider proportionality to the breach. In considering proportionality under Section 7.2, I have considered the following;

- Able Landscaping intended to use its own workforce on the Farrer and Eddison Park sites*
- [REDACTED] do hold a valid SLJC certificate*
- The Director of Able Landscaping Pty Ltd, admitted that false and/or misleading information was provided and took steps to rectify the situation and provided full admissions'*

As a result, I propose to impose **60 infringement points** against Able Landscaping Pty Ltd's Secure Local Jobs Code Certificate 000344. The infringement points will be applied in accordance with section 7 of the Guidelines and will be published on the Secure Local Jobs Code website.

Under section 8 of the Guidelines, you are provided with the opportunity to respond to this Notice, outlining reasons why the infringement points should not be applied.

Submissions received in writing by **13 January 2020** will be considered. If no response is received, **60 infringement points** will be applied without further consultation.

If you have any further questions, please do not hesitate to contact the case officer, Ms Kirsty Bourke on [REDACTED]

Regards

Andrew Parkinson
Secure Local Jobs Code Registrar
16 December 2019

This investigation was initiated through a site visit by compliance inspectors from the Secure Local Jobs Branch. When Inspectors attended, the workers on site provided false information about their employment status. When documentation was requested from Able Landscaping Pty Ltd, they also stated that the workers were employees. When the Director, Mr [REDACTED] phoned this Office, he admitted that he had provided false information to the Registrar. Through the course of the investigation, Mr [REDACTED] also admitted that Able Landscaping Pty Ltd had engaged non-certified subcontractors, [REDACTED] on their Farrer and Eddison Park sites. Mr [REDACTED] admitted that, at the time they were engaged, [REDACTED], did not hold a valid SLJC certificate and did not obtain certification until three days after works had commenced.

As the Entity engaged a subcontractor which was not a Secure Local Jobs Certified Entity at the time the works were performed and provided false and/or misleading information throughout the investigation, I recommend the registrar sanction 120 points.

7.1 of the Guidelines states that the Registrar will consider proportionality to the breach. In considering proportionality under Section 7.2, I have considered the following;

- *Able Landscaping intended to use its own workforce on the Farrer and Eddison Park sites*
- *[REDACTED] do hold a valid SLJC certificate*
- *The Director of Able Landscaping Pty Ltd, admitted that false and/or misleading information was provided and took steps to rectify the situation and provided full admissions'*

As a result, I propose to impose **60 infringement points** against Able Landscaping Pty Ltd's Secure Local Jobs Code Certificate 000344. The infringement points will be applied in accordance with section 7 of the Guidelines and will be published on the Secure Local Jobs Code website.

Under section 8 of the Guidelines, you are provided with the opportunity to respond to this Notice, outlining reasons why the infringement points should not be applied.

Submissions received in writing by **13 January 2020** will be considered. If no response is received, **60 infringement points** will be applied without further consultation.

If you have any further questions, please do not hesitate to contact the case officer, Ms Kirsty Bourke on [REDACTED]

Regards

[REDACTED]
Andrew Arkinson
Secure Local Jobs Code Registrar
16 December 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00016/000344
Case Officer: K Bourke
Contact: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

SHOW REASONS NOTICE

Under Section 8 of the Government Procurement
(Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018
Code Certified Entity: Able Landscaping Pty Ltd (ABN 71 008 542 701)

Commented [PJ1]: Currently section 8 of the Guidelines, need to update when V2 of the guidelines are published

I refer to your letters of 13 and 20 December 2019 in relation to the investigation of an alleged noncompliance by Able Landscaping Pty Ltd with its obligations under the *Government Procurement (Secure Local Jobs) Code 2019* (the Code).

Investigation Findings

The investigation findings revealed that an "extreme" noncompliance of the Code has occurred. The investigation found that Able Landscaping Pty Ltd breached Section 8 and Section 12 of the Code. I have outlined these sections below;

8 Subcontractors

- (1) *Prior to engaging any Subcontractor in relation to territory-funded work, a Code Certified Entity (in contract with a territory entity) must provide details of the proposed Subcontractor to the Territory.*

Note: If a form is approved by the Minister for this section, the form must be used.

- (2) *A Code Certified Entity (that is in contract with a territory entity) must ensure that any Subcontractors engaged in connection with territory-funded work have a valid secure local jobs code certificate and comply with the Code in relation to that work.*

12 Requests for information

- (1) *A Code Certified Entity must, subject to law, comply with any reasonable request for information, access to records and directions given by the registrar or an approved auditor for the purposes of investigating Code compliance pursuant to this Code and the GPA.*

I also provided you with an extract of the investigation report, which further outlined the allegation of noncompliance.

Under the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines 2018* (the Guidelines), the possible sanction for this type of noncompliance is 100 infringement points and immediate cancellation of the entity's Code Certificate. In taking into consideration proportionality under section 7.2 of the Guidelines, I consider it appropriate to reduce the amount of sanction points from 100 to 60 points.

As a result, I propose to impose **60 infringement points** against Able Landscaping Pty Ltd's Secure Local Jobs Code Certificate 000344. The infringement points will be applied in accordance with section 7 of the Guidelines and will be published on the Secure Local Jobs Code website.

Under Section 8 of the *Government Procurement (Secure Local Jobs) Complaints and Noncompliance Investigation Guidelines*, Able Landscaping have been given the opportunity to respond to the show reason notice by **13 January 2020**. In this response, Able Landscaping can provide the Registrar with information to show that the breach did not occur. If Able Landscaping Pty Ltd provide a submission to the Registrar, it will be considered, and a final decision notice will be sent. If no submission is received, a final decision notice will be sent.

The final decision by the Registrar is a reviewable decision under Section 22T of the *Government Procurement Act 2001*.

If you have any further questions, please do not hesitate to contact, Ms Bourke on [REDACTED]

Regards

Andrew Parkinson
Secure Local Jobs Code Registrar
January 2020



Investigation Details

Entity Name:	Able Landscaping Pty Ltd		
ABN:	71 008 542 701		
Certificate Number:	00344		
Start Date:	23 August 2021	End Date:	7 September 2021

Background

This investigation commenced as the result of a compliance check initiated by the Secure Local Jobs Code Registrar.

On 23 August 2021, a Notice of Investigation and Request for Information (The Notice) was emailed to Able Landscaping Pty Ltd (the Entity), requesting they complete the following:

1. Update Contact Details for Territory-Funded Work, Secure Local Jobs - Code Certified Entity Site Contact Information form; and
2. Provide a list of all subcontractors used on the identified ACT Governments, 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP and 30491-NCT-001 - Dog Park Improvements Program that the Entity was engaged on, pursuant to section 12 of the *Government Procurement (Secure Local Jobs) Code 2019* and Section 225 of the *Government Procurement Act 2001*.

A response to the Notice was due by close of business 6 September 2021.

On 6 September 2021, an email was received from the Entity providing a list of sub-contractors used on ACT Government Projects 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP and 30491-NCT-001 - Dog Park Improvements Program along with a submission with relevant site contact information.

Findings

The investigation found that the Entity has provided contact details for ACT Government Contracts - 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP and 30491-NCT-001 - Dog Park Improvements Program and all the Entities subcontractors hold a valid Secure Local Jobs Certificate. The Entity has therefore met its obligations under Section 8 and Section 9 of the *Secure Local Jobs Code 2019*.

Recommendation

The Entity is compliant with Section 8 and Section 9 of the *Secure Local Jobs Code 2019* and it is recommended that the investigation be finalised and that no further action take place.

Investigation Officer: A Bownds

Date: September 2021

Delegate of the Secure Local Jobs Code Registrar: Kirsty Bourke

Date: 9 September 2021



Investigation Details

Entity Name: Able Landscaping Pty Ltd
ABN: 71 008 542 701
Certificate Number: 00344
Start Date: 23 August 2021 End Date: 7 September 2021

Background

This investigation commenced as the result of a compliance check initiated by the Secure Local Jobs Code Registrar.

On 23 August 2021, a Notice of Investigation and Request for Information (The Notice) was emailed to Able Landscaping Pty Ltd (the Entity), requesting they complete the following:

1. Update Contact Details for Territory-Funded Work, Secure Local Jobs - Code Certified Entity Site Contact Information form; and
2. Provide a list of all subcontractors used on the identified ACT Governments, 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP and 30491-NCT-001 - Dog Park Improvements Program that the Entity was engaged on, pursuant to section 12 of the *Government Procurement (Secure Local Jobs) Code 2019* and Section 22S of the *Government Procurement Act 2001*.

A response to the Notice was due by close of business 6 September 2021.

On 6 September 2021, an email was received from the Entity providing a list of subcontractors used on ACT Government Projects 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP and 30491-NCT-001 - Dog Park Improvements Program along with a submission with relevant site contact information.

Findings

The investigation found that the Entity has provided contact details for ACT Government Contracts - 30684-NCT-401 - Cycling Paths Improvements - Addressing Hazards to Cyclists / DLP and 30491-NCT-001 - Dog Park Improvements Program and all the Entities subcontractors hold a valid Secure Local Jobs Certificate. The Entity has therefore met its obligations under Section 8 and Section 9 of the *Secure Local Jobs Code 2019*.

Recommendation

The Entity is compliant with Section 8 and Section 9 of the *Secure Local Jobs Code 2019* and it is recommended that the investigation be finalised and that no further action take place.

Investigation Officer: A Bownds

Date: 9 September 2021

Delegate of the Secure Local Jobs Code Registrar: Kirsty Bourke

Date: 9 September 2021



Investigation Details

Entity Name:	Able Landscaping Pty Ltd		
ABN:	71 008 542 701		
Certificate Number:	00344		
Start Date:	22 April 2020	End Date:	11 June 2020

Background

This investigation commenced as the result of a compliance check initiated by the Secure Local Jobs Code Registrar.

On 22 April 2020, an email (The Notice) of investigation was sent to Able Landscaping Pty Ltd (the Entity), requesting they complete the following:

1. Update Contact Details for Territory-Funded Work, Secure Local Jobs - Code Certified Entity Site Contact Information form; and
2. provide a list of all subcontractors used on the identified contracts for Territory-funded work the CCE was engaged on, pursuant to section 12 of the *Government Procurement (Secure Local Jobs) Code 2019* and Section 22S of the *Government Procurement Act 2001*.

A response to the Notice was due by close of business 1 May 2020 (folio 1-2).

On 24 April 2020, the Entity provided the completed "Contact Details for Territory Funded Work" form in relation to ACT Government Contract number 2019.53870.310 via email (folio 3).

On 4 May 2020, an email was sent to the Entity requesting updated contact information including a list of all subcontractors used for project(s) undertaken. (folios 4-6).

On 6 May 2020, a reply email from the Entity was received. The Entity stated "*I received an email recently asking for us to update our contact details for our Government works. Able has last week updated our entire computer system and the email making the request has disappeared. Could I ask you to please send the form again and I will complete the details today*". The request of updated contact information was resent to the entity (folio 7).

On 8 May 2020, the Entity provided the Entity completed two further "Contact Details for Territory Funded Work" forms relating to 14 Mort Street and Harrison Primary (folios 8-11)

On 14 May 2020, the Entity provided a list of subcontractors for their Fraser and Dunlop "Local Shopping Centre Improvement" sites. The subcontractors were checked against the Secure Local Jobs Master data spreadsheet and were found to hold valid Secure Local Jobs certificates (folios)

Findings

The investigation found that the Entity had met its obligations under Section 8 and Section 12 of the Code. The Entity complied with all requests for information and engaged Secure Local Jobs Code certified subcontractors to perform works on the Territory funded site subject to investigation.

Recommendation

As the entity used compliant Secure Local Jobs Certified Subcontractors to perform any works onsite, the entity remains compliance with the Code. Therefore, I recommend the investigation be finalised and no further action take place.

Investigation Officer: M. Dickson

_____ Date: June 2020

Supervisor: K. Bourke

_____ Date: June 2020

Findings

The investigation found that the Entity had met its obligations under Section 8 and Section 12 of the Code. The Entity complied with all requests for information and engaged Secure Local Jobs Code certified subcontractors to perform works on the Territory funded site subject to investigation.

Recommendation

As the entity used compliant Secure Local Jobs Certified Subcontractors to perform any works onsite, the entity remains compliance with the Code. Therefore, I recommend the investigation be finalised and no further action take place.

Investigation Officer: M. Dickson

_____ Date: June 2020

Supervisor: K. Bourke

_____ Date: 18 June 2020

From:"Dickson, Matthew"

Sent:17/06/2020 10:58 PM

To: [REDACTED]

Subject:Contact Information Request

Attachments:Notice of Decision NFA Able Landscaping.pdf

UNOFFICIAL

Good afternoon please see attached notice of decision regarding the updated contact information request. Thank you for your time

Regards

Matthew Dickson

Matthew Dickson | Compliance Support Officer

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

[REDACTED]

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





ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00043/CertNo.00344
Case Officer: M Dickson
Contact: [REDACTED]

Dear Jodie Ridley
Able Landscaping Pty Ltd
[REDACTED]

NOTICE OF DECISION: NO FURTHER ACTION

Under Section 22T of the Government Procurement Act 2001

Code Certified Entity: Able Landscaping Pty Ltd (ABN 71 008 542 701)

I refer to the investigation in relation to ACT Government contract 2019.53870.310. This investigation was initiated by the Secure Local Jobs Code Registrar to ensure that Able Landscaping Pty Ltd met its obligations under the *Government Procurement (Secure Local Jobs) Code 2019* (the Code).

Investigation Findings

The investigation found that Able Landscaping Pty Ltd was compliant with its obligations under the Secure Local Jobs Code.

Decision

The Registrar has reviewed and considered the information obtained during this investigation and as a result of these findings, has determined **no further action will take place**.

This decision has been determined under section 22T(1)(a) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*.

Regards

K Bourke
Delegate of the Secure Local Jobs Code Registrar
17 June 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: INV00171/CertNo.00344
Case Officer: A Bownds
Contact: [REDACTED]

Able Landscaping Pty Ltd
Jodie Ridley
PO BOX 772
Fyshwick ACT 2607
Via email: [REDACTED]

Dear Ms Ridley

NOTICE OF DECISION: NO FURTHER ACTION
Under Section 22T of the *Government Procurement Act 2001*
Code Certified Entity: Able Landscaping Pty Ltd (71 008 542 701)

I refer to the investigation initiated by the Secure Local Jobs Code Registrar to ensure that the Entity met its obligations under the *Government Procurement (Secure Local Jobs) Code 2020* (the Code).

Investigation Findings

The investigation found that the Entity was compliant with its obligations under the Code.

Decision

The Registrar has reviewed and considered the information obtained during this investigation and as a result of these findings, has determined **no further action will take place**.

This decision has been determined under section 22T(1)(a) of the *Government Procurement Act 2001* and in accordance with the *Government Procurement (Secure Local Jobs Complaints and Noncompliance Investigation) Guidelines*.

Regards

Kirsty Bourke
Delegate of the Secure Local Jobs Code Registrar
9 September 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

Secure Local Jobs Code Certificate – Registrar Decision

1. Secure Local Jobs Code Certificate Application Information

Applicant entity: Able Landscaping Pty Ltd

ABN/ACN: 71 008 542 701

Received date: 1 March 2019

Approved auditor: [REDACTED]

Application date: 31 January 2019

Audit report date:

2. Compliance Officer Recommendation

I am satisfied that the Registrar's Office has received all information required to make a decision on whether to grant a Secure Local Jobs Code Certificate.

I do recommend that the applicant entity receive a Secure Local Jobs Code Certificate.

Review Date: 7 March 2019

Officer Name: K.Bourke

Position Title: Compliance Officer

3. Secure Local Jobs Code Registrars Decision

This request for a Secure Local Jobs Code Certificate is:

Granted

Declined

Comments:

Certificate number: 00344

Validation Period: 18 months

Exemptions: Nil

Expires: 8 September 2020

Conditions: Nil

Registrar Signature

[REDACTED SIGNATURE]

Date:

7

March 2019

Secure Local Jobs Code Registrar

Secure Local Jobs Branch

Chief Minister, Treasury and Economic Development Directorate



Reviewable Decision Notice

Government Procurement Act 2001

The Secure Local Jobs Registrar decided the attached matter on **16 April 2020**. If you are dissatisfied for any reason, this notice provides you with your rights to review.

Reviewable decisions are those mentioned in the below schedule:

Schedule 2 Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	22J	decision not to grant secure local jobs code certificate	applicant
2	22K (1) (b) and (2)	decision to impose, amend or remove condition on secure local jobs code certificate	entity that holds certificate
3	22T (1) (b)	decision to cancel secure local jobs code certificate	entity that holds certificate
4	22T (1) (c)	decision to suspend secure local jobs code certificate	entity that holds certificate
5	22T (1) (d)	decision to prohibit application for secure local jobs code certificate	entity that is prohibited from making application
6	22T (1) (e)	decision to impose or amend conditions on secure local jobs code certificate	entity that holds certificate

Your rights to seek merits review of the decision—ACT Civil and Administrative Tribunal Act 2008

If you wish to seek a review of the decision, you must apply in writing to the ACT Civil and Administrative Tribunal (the ACAT) within 28 days of the date of the decision. The application must state clearly your reasons for seeking a review. For further information, contact the ACAT Registry. There may be a fee associated with lodging an application to the ACAT. For current fee schedules, and for information on fee waivers, contact the ACAT Registry.

Other rights

Your rights to a review of the decision do not preclude the exercise of any other rights you may have under the laws of the Australian Capital Territory. You may also have rights under the Ombudsman Act, Administrative Decisions (Judicial Review) Act and the Freedom of Information Act. If you have any further questions concerning your rights to a review of a decision, or you require assistance, contact the ACAT Registry.

From:smartforms@act.gov.au

Sent:08/09/2020 1:57 PM

To:"Secure Local Jobs Code" <securelocaljobs@act.gov.au>

Subject:Secure Local Jobs Code Certificate: Audit Report, 5LGZ3S28, Able Landscaping Pty Ltd

Attachments:ABNCurrentDetails_71008542701-1.pdf, 5LGZ3S28.pdf

Secure Local Jobs Code Certificate: Audit Report

Form data summary

Entity name	Able Landscaping Pty Ltd
Reference code	5LGZ3S28

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au .



Current details for ABN 71 008 542 701

ABN details

Entity name:	ABLE LANDSCAPING PTY LTD
ABN status:	Active from 19 Jan 2000
Entity type:	Australian Private Company
Goods & Services Tax (GST):	Registered from 01 Jul 2000
Main business location:	NSW 2620

Business name(s)

Business name	From
Able Landscape & Civil	05 Jul 2017
ABLE LANDSCAPING	19 Jan 2000

Trading name(s)

From 1 November 2023, ABN Lookup will not display trading names and will only display registered business names. For more information, click [help](#)

Trading name	From
ABLE LANDSCAPING	19 Jan 2000

ASIC registration - ACN or ARBN

008 542 701 [View record on the ASIC website](#)

Deductible gift recipient status

Not entitled to receive tax deductible gifts

Disclaimer

The Registrar makes every reasonable effort to maintain current and accurate information on this site. The Commissioner of Taxation advises that if you use ABN Lookup for information about another entity for taxation purposes and that information turns out to be incorrect, in certain circumstances you will be protected from liability. For more information see [disclaimer](#)



Secure Local Jobs Code Certificate: Audit Report - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

08 Sep 2020 1:52:55 PM

5LGZ3528

Chief Minister and Treasury Directorate
Secure Local Jobs Code

Phone: (02) 6207 3005
Email: securelocaljobs@act.gov.au

Audit details

What type of audit is this? *

New Renewal

Certificate number *

Certificate expiry date *

[REDACTED]

[REDACTED]

Type and select the auditor name *

[REDACTED]

Auditor number

Auditor email address *

[REDACTED]

[REDACTED]

Applicant information

Entity name *

Able Landscaping Pty Ltd

ABN (Australian Business Number) *

71008542701

Email *

[REDACTED]

Phone *

[REDACTED]

Business structure *

Company

Services provided *

Construction

Description of work *

Landscaping construction

Number of employees (ACT only)

[REDACTED]

Number of employees (Australia-wide)

[REDACTED]

Primary place of business (this will be included on the certificate)

Address line 1 *

22A BELTANA RD

Address line 2

Suburb *

PIALLIGO

State *

ACT

Postcode *

2609

Postal address

Same as business address

Address line 1 *

PO BOX 772

Address line 2

Suburb *

FYSHWICK

State *

ACT

Postcode *

2609

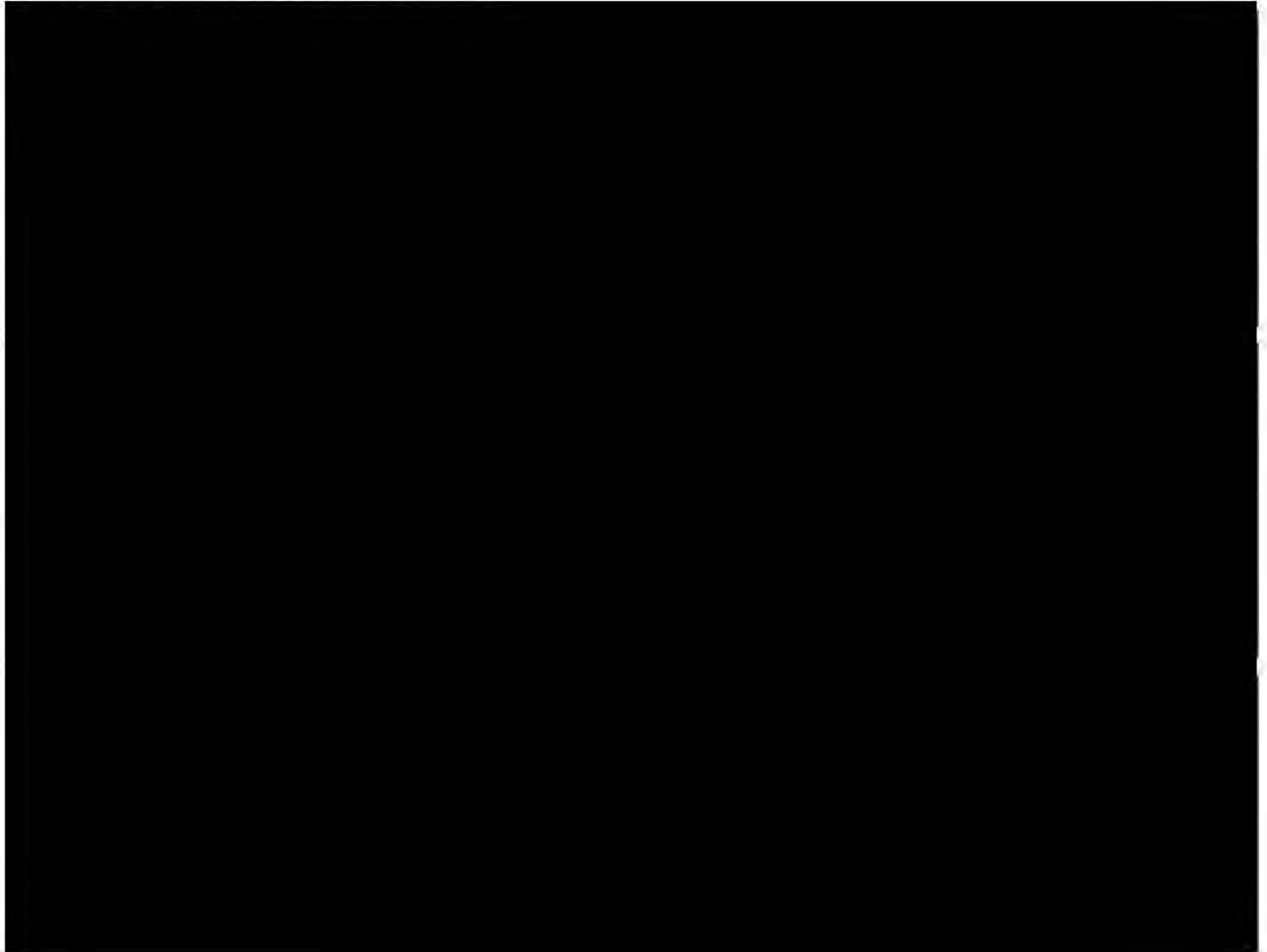
Are there any associated entities connected to the applicant? *

Yes

No

Associated entities

I want to attach a list of associated entities



ASIC extract document number *

200907-C1093-000HO

Date of ASIC extract *

07 Sep 2020

Did the applicant disclose associated entities in the application? *

Yes No

Business details

Does the Business identify as Aboriginal or Torres Strait Islander?

Yes No

Proceedings

Have there been any proceedings, findings, convictions, claims or prosecutions against the applicant or any of its associated entities, within the last 5 years? *

Yes No

Provide details *

Able was found to have used a non-compliant sub-contractor [REDACTED] on ACT Government funded project (Park site). 20 sanctions were applied to the Able Landscaping SLJC certificate for using the contractor. At the time [REDACTED] had submitted their SLJC Application, however they had not received a copy of their certificate. Able Landscaping were issued with a non-conformance letter on 30/09/2019.

Are there remedial measures in place for the above? *

Yes No

Provide details *

3 Days after the Sanction, [REDACTED] provided a copy of the SLJC certificate was presented to Able Landscaping. Able Landscaping has provided documentation detailing how they have improved and implemented a pre-qualification process for all sub-contractors providing services for all projects

Did the applicant disclose proceedings, findings, convictions or prosecutions and any associated remedial measures in the application? *

Yes No

Tax information

Which of the following tax information have you collected? *

Business Activity Statements (past 24 months) AND ATO Business Portal activity (past 24 months)

Instalment Activity Statements AND ATO Business Portal activity (past 24 months)

Comments

Superannuation

Is the client required to make contributions to a superannuation scheme on behalf of each of its employees? *

Yes - evidence collected (past 24 months)

No

Comments

Long Service Leave Authority

Is the applicant required to make contributions to the ACT Long Service Leave Authority? *

Yes - Certificate of Currency collected

No

Comments

Workers compensation insurance

Does the applicant have a workers compensation insurance policy and Certificate of Currency for employees who work in the ACT for six months or more? *

Yes

No



Does the description match the applicants primary services? *

Yes

No

Public liability insurance

Does the applicant have a public liability insurance policy? *

Yes

No



Payroll tax

Is the applicant required to pay payroll tax in any State or Territory? *

Yes - statement of payments collected

No

Employee entitlements

Is the applicant paying employee entitlements in accordance with a Modern Award OR an Enterprise Agreement? *

Yes - Modern award

Yes - Enterprise agreement - Fair Work Commission approval collected

No

Provide the details of award (name, year) *

MA00000020 Building and Construction General OnsiteAward 2010. Payslips have been provided and are compliant with the award listed above.

Other industry funds and schemes

Is the applicant required by an enterprise agreement (or other industrial instrument) to make contributions to an industry fund, levy or scheme? *

Yes - schemes listed

No

Secure Local Jobs Code systems

Have you collected the applicant's Secure Local Jobs systems and policies? *

Yes

No

Are you satisfied the systems and policies support employees and subcontractors to understand Secure Local Jobs Code obligations? *

Yes

No

Comments

Attach Australian Business Register 'ABN Lookup' search *

[ABNCurrentDetails_71008542701.pdf](#)

Request for exemption

An entity can apply for an exemption from a requirement of the Code if complying with the requirement would result in non compliance with a Commonwealth Law.

Does the applicant wish to apply for an exemption from a requirement of the Code, due to a conflict with Commonwealth Law? *

Yes

No

Declaration

The *Criminal Code 2002* provides for significant penalties, including fines and imprisonment, for making a false or misleading statement to the Territory.

I understand that giving false or misleading information is a serious offence *

Privacy Statement

All information collected by the Territory is protected by the *Information Privacy Act 2014* (ACT). Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.

Auditor recommendation

Based on the information reviewed I recommend the applicant: *

- is issued a Secure Local Jobs Code Certificate
- is not issued a Secure Local Jobs Code Certificate

Auditor declaration

- I am a Secure Local Jobs Code approved auditor. *
- I do not have a conflict of interest, either real or perceived, with the applicant or its associated entities. *
- I have not undertaken more than two previous audits for the applicant or its associated entities. *
- I have a clear understanding of the legislative requirements under the Code. *
- I will ensure all documentation associated with this report is stored securely for seven years. *
- I understand that failure to comply with the Code may result in the imposition of sanctions by the Registrar, which may include the removal of my approved auditor status. *
- All answers and supporting documentation I have checked and obtained as a part of this audit report form are true and correct to the best of my knowledge. *

Internal officer review

Internal officer

Lauren Wubbels

Date audit report submitted

08 Sep 2020

Length of certificate *

18 months

Valid from *

09 Sep 2020

Valid to

09 Mar 2022

Comments

Renewal received before expiry 8 September 2020. The entity has been investigated for non compliance with the Code and were found to be in breach of Section 8 of the Code and were sanctioned 20 points as per stated in the proceedings. Due to this I recommend they are to receive only another 18 month certificate period.

Review date

08 Sep 2020

Supervisor

Enter partial ACTGOV user name *

Kirsty Bourke

Email

Phone

Supervisor review

Supervisor

Comments

Conditions

Exemptions

This application is *

Approved

Declined

Approval date



SECURE LOCAL JOBS CODE

This is to certify that

Able Landscaping Pty Ltd

71008542701

22A BELTANA RD, PIALIGO ACT 2609

P | 0262300699 E | [REDACTED]

is a Code Certified Entity under the
Secure Local Jobs Code

Government Procurement Act 2001

Certificate number 00344

Valid from 09 Sep 2020 to 09 Mar 2022

Conditions:

Exemptions:

Approved Auditor: [REDACTED]



D. Robertson
Secure Local Jobs Code Registrar

