

From: ozemail.com.au
Sent: Monday, 2 November 2009 8:37 AM
To: Committees
Subject: Submission - Enquiry ACT Government Procurement

I welcome this opportunity to offer a brief submission to the Enquiry into ACT Government Procurement.

I have seen first hand the effect that poor management, lack of implementation and refusal of accountability can have on employees who are entitled to be covered by the principles of Probity and Ethical Behaviour.

I have serious concerns about how the Aussie Junk situation has been handled, particularly ethical and legal obligations of the certain parties involved.

I am one of the former employees of Aussie Junk Pty Ltd who have been identified by the Fair Work Ombudsman as owed approx \$280,000 in unpaid entitlements and superannuation.
Aussie Junk was sub-contracted to the principal contractor Thiess Services who hold the government contract at the Mitchell Resource Recovery Facility.

In Sep 2007 we officially notified Thiess Services, ACT Nowaste and the TWU of serious breaches of our entitlements and environmental concerns at the site.

These included:

- No superannuation
- No Public Holiday pay
- Illegal Payslips
- No Award
- Unregistered Vehicles
- No safety equipment
- No training in handling or disposal of hazardous and toxic materials
- Working in an environment with asbestos
- The exploitation of workers from a menâ€™s refuge â€” paid \$50 cash a day

The Government and Thiess Services obligations including sub-contractors are regulated by legislation and Ethical Suppliers Declaration.

The Government has a Memorandum of Understanding with UnionsACT.

What is the point of legislation and memorandums if no one enforces them?

A group of vulnerable workers could not get anyone to take action on serious and obvious breaches of Industrial Relations and Work Safety regulations.

A sceptical mind may suggest this was due to the involvement of a billion dollar multinational company.

With no one to enforce these regulations or legislation we were hung out to dry and were ultimately sacked without entitlements or notice on 23 July 2008.

I have a few questions that I would like answered:

Did the government follow it's obligations under the Government Procurement ACT 2001 in regard to these complaints?

Has Thiess Services satisfied the government of compliance with their Ethical Suppliers Declaration?

Did the government request a statutory declaration from Thiess Services after receiving complaints of underpayments & failure to pay superannuation by its sub-contractor?

Did Thiess Services provide such a statutory declaration?

An email from the Chief Ministers Office dated 3 Dec 2008 stated that following the complaints the Government instructed Thiess Services to conduct an audit based on the areas of the complaints.

This audit concluded that there were no significant areas of concern.

Given that the Fair Work Ombudsman has investigated using the same information as supplied to the Thiess Services auditors and found serious breaches and substantial underpayments (approx \$280,000) is the government concerned about the probity of this audit report?

Can the government explain how an audit conducted in 2008 by Thiess Services found no significant areas of concern, given the fact that Aussie Junk are now in liquidation and the creditors report shows the company lost \$330,000 in 2008 and owe the ATO over \$250,000.

Is the credibility of this report now in question?

Is the government satisfied that Thiess Services has not breached The Trade Practices Act 1974 under section 52 "corporations shall not engage in conduct that is misleading or deceptive"?

Is the government concerned about Thiess Services and the governments undertakings made through the Memorandum of Understanding with Unions ACT?

Will any breach of the Memorandum of Understanding put into question Thiess Services future contracts?

What effect will the Adverse Rulings against Aussie Junk for breach of its employee and Industrial Relations obligations, which is effectively a breach by Thiess Services according to the Ethical Suppliers Declaration have on their current contracts?

Will the government enforce section 8.6 of Thiess Services contract?

This submission contains information that some may say is not relevant or is not appropriate to this forum, but the questions raised are fundamental to the entire process and without answers all enquiries, legislation, submissions, recommendations and regulations are just bells and whistles.

Regards

Jamie Winters