



GPO Box 9887 Sydney NSW 2001

22 September 2020

s.22 irrelevant information
s.47E(d) Certain Operations of Agencies

Copy via email s.22 irrelevant information

Reference number: s.22 Irrelevant information

FINDINGS OF CONTRAVENTION

(issued under Regulation 5.05 of the *Fair Work Regulations 2009*)

Dear s.22 irrelevant information

I refer to the Fair Work Ombudsman's (FWO) investigation commenced on 23 May 2020 into s.47E(d) Certain Oper (the Company) engagement of security guards at the following COVID19 quarantine hotels between April and May 2020:

- Sydney Harbour Marriott Hotel
- Sheraton Grand Sydney Hyde Park

The investigation was commenced following disclosure of information from the Department of Premier and Cabinet to the FWO, relating to concerns about employment of security guards engaged to work at the abovementioned quarantine hotels.

We do not act for either side in workplace disputes. We are here to support and enforce compliant, productive and inclusive workplaces.

I am writing to let you know the outcome of my investigation.

Investigation findings

Based on information and evidence given to the FWO during my investigation, I have found that the Employer has contravened Commonwealth workplace laws.

Details of the specific contraventions are set out in Appendix A.

Evidence considered

In finding there has been a contravention of Commonwealth workplace laws I have relied upon:

- Records provided by the Company in response to NTP issued on 26 May 2020;
- Information provided by s.22 Irrelevant information in emails and phone calls with FWI s.22 Irrelevant information; and
- Information provided by employees of the Company.

What you need to do

Please review the contraventions outlined in Appendix A.

If you do not agree with the findings please write to me by **Tuesday, 29 September 2020** with details of each finding disputed and evidence to support your claims. I will review any additional evidence you provide.

Enforcement action

It is important for you to note the FWO may take enforcement action. Efforts by the Employer to address the contraventions set out will be considered in deciding whether or not to start enforcement action.

Enforcement action can include taking the Employer to court to seek financial penalties and/or other orders for non-compliance with Commonwealth workplace laws.

We can also start legal action against individuals and/or other businesses involved in contraventions of Commonwealth workplace laws.

Possible maximum penalties for each contravention are generally \$66,600 for a body corporate and \$13,320 for an individual.

If you need more information or would like to talk to me about these findings, please contact me on s.22 Irrelevant information by email at s.22 Irrelevant information or by post to the address above. Please quote the reference number s.22 Irrelevant information.

Yours sincerely

s.22 Irrelevant information

Fair Work Inspector
Fair Work Ombudsman



APPENDIX A

Details of contraventions

s.47E(d) Certain Operations of Agencies (the Company) is covered by the *Fair Work Act 2009* (FW Act).

From 10 April 2019, the industrial instrument applicable to the Company's employees is the **REDACTED** Employee Collective Agreement 2018 **s.47E(d)** (the Agreement).

I have found that the following contraventions have occurred:

1. Contravention of Payment of Wages schedule in an Enterprise Agreement

Section 50 of the FW Act provides:

"A person must not contravene a term of an enterprise agreement"

Clause 10.1 of the Agreement provides:

"10.1 Wages will be paid fortnightly in arrears directly into the Employee's nominated banking account."

Review of the time and wage records provided by the Company show that two employees were not paid in accordance with clause 10.1:

- **s.22 Irrelevant information** performed work between 8 and 18 April 2020 and was paid on 4 August 2020
- **s.22 Irrelevant information** worked shifts between 2 and 30 April 2020 and was paid on 3 August 2020.

2. Contravention of s712(3) Failure to Comply with NTP in full by due date.

Section 712(3) of the FW Act provides:

"(3) A person who is served with a notice to produce must not fail to comply with the notice.

(4) Subsection (3) does not apply if the person has a reasonable excuse."

On 26 May 2020, I issued a Notice to Produce (NTP) to the Company with a due date of 23 June 2020 (4 weeks).

On the 23 June 2020, the Company produced some records to the FWO in response to the NTP. Upon assessment, records were identified as missing from the response that prevented a complete reconciliation of time worked and amounts paid to employees. A number of follow up enquiries were made with the Company to produce the missing records between July to September 2020. These included:

- 15 July 2020, email titled *Query regarding missing records in NTP response*
- 23-23 July 2020, the Company provided a series of 5 emails with additional time records but no pay records
- 17 August 2020, letter sent via email titled *Missing Pay Records*, requesting a narrowed scope of pay records for selected employees and for set dates only.
- 25 August 2020, the Company provided pay slips for some employees in response to the above

letter but not all requested employees

- 26 August 2020, further email sent titled, *Pay and EFT records still missing*
- 26 August 2020, the Company replied and provided the remaining pay records requested and advising the EFT Remittance records is pending further investigation.
- 2 September 2020, email titled *Re: Pay and EFT records still missing*, and requesting a telephone meeting.
- 2 September 2020, the Company provided a written response explaining the issues with batch payments making EFT evidence difficult to obtain and reasons for delayed response to NTP records
- 8 September 2020, telephone conversation between myself and s.22 irrelevant information regarding preliminary investigation findings, including delayed and missing records since 23 June 2020. A subsequent email was sent to the Company on the same date, titled *Further questions/clarification sought*
- 11 September 2020, the Company produced further evidence of payment to s.22 irrelevant information, an explanation as to the circumstances that contributed to missing or delay in providing records and further clarification relating to other issues found in the investigation.

The FWO has considered the reasons provided by the Company on the 2 and 11 September 2020. However, in light of the number of opportunities provided to the Company to comply with the NTP as outlined above, including narrowing the scope of records to be provided, the FWO does not consider that the Company has provided a reasonable excuse in accordance with s712(4) of the FW Act.

Our role and helpful resources

For information about how we deal with workplace disputes see our Compliance and enforcement policy, available at www.fairwork.gov.au.

Our website also has tools to help you understand and comply with your obligations. These include:

- [Pay and Conditions Tool \(PACT\)](#) to accurately calculate pay, leave and other entitlements
- [My Account](#) to save all your information in one place and get priority support when you need it
- [Templates and checklists](#) to make record keeping easy
- [Online learning centre to learn the basics and get new skill](#)



7 October 2020

s.22 Irrelevant information

s.47E(d) Certain Operations of Agencies

Reference number: s.22 Irrelevant information

LETTER OF CAUTION

Dear s.22 Irrelevant information

I refer to the compliance activity undertaken by the Fair Work Ombudsman (FWO) into s.47E(d) Certain Operations of Agencies (the Company) concerning the engagement of security guards at the following COVID19 quarantine hotels between April and May 2020:

- Sydney Harbour Marriott Hotel
- Sheraton Grand Sydney Hyde Park

The investigation was commenced following the disclosure of information from the Department of Premier and Cabinet to the FWO, relating to concerns about employment of security guards engaged to work at the abovementioned quarantine hotels.

The FWO is an independent statutory agency responsible for ensuring compliance with the *Fair Work Act 2009* (FW Act) and other relevant Commonwealth workplace laws.

BACKGROUND

An investigation was conducted to establish whether s.47G Business information, s.47E(d) Certain Operations of Agencies had breached the FW Act and other relevant Commonwealth workplace laws.

As per previous communications in this matter, the investigation identified s.47E(d) Certain Operations of Agencies had breached the FW Act and the s.4 Employee Collective Agreement 2018 s.47E(d) (the Agreement) as follows:

- Contravention of Section 50 of the FW Act by contravening a term of an enterprise agreement pursuant to a Contravention of Clause 10.1 Payment of Wages of the Agreement; and
- Contravention of Section 712(3) of the FW Act by failing to comply with the Notice to Produce records and/or documents issued by Fair Work Inspector [REDACTED] on 26 May 2020 by failing to produce all of the required records and/or documents in full by 23 June 2020 without a reasonable excuse in accordance with s712(4) of the FW Act.

FWO COMPLIANCE AND ENFORCEMENT POLICY

In accordance with the FWO's Compliance and Enforcement Policy, a Letter of Caution is a written warning given to a party when we have found breaches and want to put them on notice that future breaches could result in us seeking financial penalties – see <https://www.fairwork.gov.au/about-us/our-policies>

Any decision to commence civil proceedings requires a two-stage test be satisfied:

- First, there must be sufficient evidence to commence civil proceedings; and
- Secondly, it must be evident from the facts of the case, and all the surrounding circumstances, that commencing civil proceedings is in the public interest.

The FWO has formed the view it is not in the public interest to commence civil proceedings in the present case, and instead a formal caution is appropriate.

FORMAL CAUTION

Please be advised that if the FWO becomes aware of any future non-compliance by [REDACTED], the issuing of this Letter of Caution will be a factor the FWO will take into account in deciding whether it is in the public interest to commence civil proceedings in respect of those further breaches of the FW Act

The FWO may tender a copy of this Letter of Caution (and, if appropriate, the material relied upon in reaching this view) to a court in any future proceedings, including in relation to the consideration of a determination to be made about what penalty, if any, should be imposed on [REDACTED].

NEXT STEPS

As a result of the investigation identifying the above breaches, the FWO recommends you review the Company's obligations under the FW Act in relation to ALL employees to ensure you are compliant with your legal obligations.

The FWO also recommends you take the following action:

- Register at www.fairwork.gov.au for My Account to save all your information in one place and get priority support when you need it.

Our website also has tools to help you understand and comply with your obligations, including:

- A Pay and Conditions Tool (PACT) to accurately calculate pay, leave and other entitlements
- Templates and checklists to make record keeping easy
- An online learning centre to learn the basics and get new skills

We welcome feedback about your experience with us. It helps us to know what we're doing well and what changes we need to make.

Tell us what you think about our services, or request a review of a decision, by completing our [online feedback form](https://www.fairwork.gov.au/feedback) at www.fairwork.gov.au/feedback.

Should you wish to discuss this letter or clarify any of the issues raised please contact Fair Work Inspector **s.22 irrelevant information**, or by email at **s.22 irrelevant information**

Yours sincerely

s.22 Irrelevant information

Assistant Director
Fair Work Ombudsman

Documents released by the Fair Work Ombudsman
Under the Freedom of Information



s.47E(d) Certain Operations of Agencies
[Redacted]
[Redacted]
[Redacted]

Infringement Notice No.	[Redacted]
Date of issue	6 January 2021
Penalty amount	[Redacted]
Date due	4 February 2021

Alleged contravention:

It is alleged that on 17 November 2020 the recipient contravened the following provision of the *Fair Work Act 2009*:

Subsection 536(2) – pay slip not in prescribed form and/or not containing prescribed information

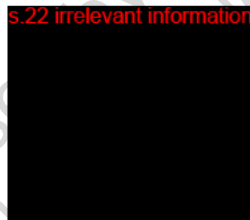
Details of the alleged contravention:

Payslips given by s.47E(d) Certain Operations of Agencies do not specify the gross amount.

Fair Work Inspector

s.22 irrelevant information

Signature of Fair Work Inspector:



Name of person served on:

s.22 irrelevant information

Position of person served on:

Director

PAYMENT OPTIONS:

Government EasyPay by phone or internet from your credit card.
Call 1300 453 579 or visit www.fairwork.gov.au
Customer Reference Number: **128021416**

	Billers Code: [Redacted]
	Ref: [Redacted]

Telephone & Internet Banking – BPAY®
Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au

Note: See overleaf for further information

METHODS TO FINALISE THIS MATTER

The penalty stated in this Infringement Notice must be paid by the 'Date Due', being within **28 days** after the date of service of the Notice (unless an application has been made or granted to extend the period for payment in accordance with Regulation 4.07, or have the Infringement Notice withdrawn in accordance with Regulation 4.08). The 'Date Due' is set out on the front page of this Notice.

You may choose from the payment options contained on the front page of this Notice. (If you are unable to make a payment via the options on the front page of this Notice, please contact the Fair Work Ombudsman for an alternative arrangement.)

If the penalty is not paid within the 28 day payment period, and no application has been made or granted to withdraw the Infringement Notice, nor an application made or granted to extend the period for payment, court proceedings may be instigated to obtain orders for the payment of the maximum penalty.

The maximum penalty that may be imposed by an applicable court in relation to a contravention of subsection 535(1); 535(2); 535(4); 536(1); 536(2) or 536(3) of the *Fair Work Act 2009* is:

- a. in the case of a body corporate - \$66,600; or
- b. in the case of an individual - \$13,320.

Payment of the penalty stated in this Infringement Notice means any liability for the alleged contravention is discharged and court proceedings cannot be commenced against you in relation to the alleged contravention. Payment of the penalty is not an admission of having committed the alleged contravention and no conviction is recorded in relation to the alleged contravention.

An application to:

- a. have this Infringement Notice withdrawn; or
- b. extend the period for payment of the penalty prescribed in this Infringement Notice for a further period of up to 28 days,

may be made in writing before the end of the 'Date Due' for payment to:

Nominated Person
Fair Work Ombudsman
GPO Box 9887
In your capital city

GPO Box 9887

ADELAIDE SA 5001

9 February 2021

s.22 irrelevant information

s.47E(d) Certain Operations of Agencies

Reference number: s.22 Irrelevant information

COMPLIANCE NOTICE ISSUED TO s.47E(d) Certain Operations of Agencies

Dear s.22 Irrelevant information

I refer to the compliance activity undertaken by the Fair Work Ombudsman (FWO) into s.47E(d) Certain Operations of Agencies concerning the entitlements and record keeping for employees engaged to provide security services for the purpose of the New South Wales Government's COVID-19 hotel quarantine program.

The FWO is an independent agency responsible for ensuring compliance with the *Fair Work Act 2009* (FW Act) and other relevant Commonwealth workplace laws.

BACKGROUND

An investigation was conducted to establish whether s.47E(d) Certain Operations of Agencies had complied with the FW Act.

As a result of that investigation, I reasonably believe that s.47E(d) Certain Operations of Agencies has contravened a provision of the Security Services Industry Award 2020 [MA000016], as set out in the attached compliance notice dated 9 February 2021 (**Compliance Notice**).

To date, the underpayments arising as a result of this contravention have not been rectified.

On this basis, I have determined that the appropriate enforcement measure in this instance is to issue s.47G Bush s.47E(d) Certain with the Compliance Notice under s 716 of the FW Act.

ACTION REQUIRED

The Compliance Notice provides s.47E(d) Certain Operations of Agencies with a further opportunity to rectify the contravention.

The Compliance Notice sets out a number of actions that s.47E(d) Certain Operations of Agencies is required to take on or before **8 March 2021**. Please consider the actions specified in the Notice carefully.

Complying with the Compliance Notice is not an admission (nor does it constitute a finding) that **s.47E(d) Certain Operations of Agencies** has contravened the Security Services Industry Award 2020 [MA000016].

In order to assist you to undertake the calculations and rectification required by the Compliance Notice, we have attached:

- (a) a link to of the Security Services Industry Award 2020 [MA000016]
- (b) the relevant Security Services Industry Award 2020 [MA000016] pay guide; and
- (c) a fact sheet on annual leave.

This information can also be found on our website (www.fairwork.gov.au), which contains further tools to help you understand and comply with your obligations, including:

- (a) a Pay and Conditions Tool (PACT) to accurately calculate pay, leave and other entitlements;
- (b) templates and checklists to make record keeping easy; and
- (c) an online learning centre to learn the basics and get new skills.

We recommend that you also register at our website for My Account to save all your information in one place and get priority support when you need it.

OBLIGATIONS UNDER THE COMPLIANCE NOTICE

If **s.47E(d) Certain Operations of Agencies** Ltd fails to comply with the Compliance Notice by **8 March 2021**, it may contravene section 716(5) of the FW Act (unless it has a reasonable excuse).

In those circumstances, the FWO may (without further notice) commence legal action against **s.47E(d)** and/or individuals involved in **s.47E(d) Certain** failure to comply with the Compliance Notice. A Court may impose penalties of up to \$6,660 in respect of an individual or \$33,300 in respect of a body corporate for each failure to comply with a Compliance Notice.

Alternatively, **s.47E(d) Certain Operations of Agencies** may apply to the Federal Court, Federal Circuit Court or an eligible State or Territory Court for a review of this Compliance Notice on either or both of the following grounds:

- (a) **s.47E(d) Certain** did not commit the contravention(s) set out in this Compliance Notice
- (b) the Compliance Notice does not comply with sections 716(2) or 716(3) of the FW Act.

For further general information about Compliance Notices, please refer to our Compliance and Enforcement Policy, which can be found on our website.

Finally, we note that you may be liable to a civil penalty or other civil remedy under the FW Act if you give false or misleading information, or produce false or misleading documents, to the FWO. You may also be liable for a criminal offence under the *Criminal Code* (Cth) if you do so.

Should you wish to discuss this letter, or clarify any of the issues raised in the Compliance Notice, please contact me on **s.22 irrelevant information**

Yours sincerely

s.22 irrelevant information

Fair Work Inspector
Fair Work Ombudsman

GPO Box 9887
ADELAIDE SA 5001

COMPLIANCE NOTICE

(issued under section 716(2) of the *Fair Work Act 2009* (Cth))

Date of Issue: 9 February 2021

Name of Employer:

s.47E(d) Certain Operations
of Agencies

ABN:

s.47E(d) Certain
Operations of

Director:

s.22 irrelevant information

I, ^{s.22 irrelevant information}, being a duly appointed Fair Work Inspector, reasonably believe that ^{s.47E(d) Certain Operations of Agencies} ^{s.22 irrelevant information} (Employer) has contravened a term of the *Security Services Industry Award 2020* (Award), as described below. This Compliance Notice requires you to take steps to remedy the contraventions described below.

Rights and obligations under this Compliance Notice

1. Failure to comply with this Compliance Notice may contravene section 716(5) of the *Fair Work Act 2009* (Cth) (FW Act) and render you liable for a civil penalty (unless you have a reasonable excuse).
2. You may be liable to a civil remedy if you give false or misleading information or produce false or misleading documents. It is also a serious offence under the *Criminal Code* (Cth).
3. If you do not comply with this Compliance Notice, the Fair Work Ombudsman may, without further notice, commence legal action against you and/or individuals involved in your failure to comply with this Compliance Notice to recover any outstanding monies which this Compliance Notice requires you to pay and to seek civil penalties.
4. Complying with the Compliance Notice is not an admission that you contravened, or have been found to have contravened, the Award or the FW Act.
5. You may apply to the Federal Court, Federal Circuit Court or eligible State or Territory Court for a review of this Compliance Notice on either or both of the following grounds:
 - (a) you did not commit the contraventions set out in this Compliance Notice;
 - (b) this Compliance Notice does not comply with sections 716(2) or 716(3) of the FW Act.

Details of the contraventions

6. The Employer, between 1 July 2020 and 11 August 2020 (Period), contravened the clauses of the Award set out in the table below.

No	Clause	Details of contravention
(a)	Clause 21.3(ii)	Payment for Annual Leave Loading contravention Failing to pay full-time and part-time employees who took periods of annual leave or paid accrued annual leave upon termination of employment, failing to pay those employees a loading of 17.5% in addition to the minimum hourly rate.

Required action under this Compliance Notice

7. In accordance with section 716(2) of the FW Act, I require you by **1 March 2021** to:

Step 1 – calculate and rectify underpayments

(a) in respect of the contravention referred to in row (a) of the table above:

(i) identify each employee employed by the Employer who was not paid (but was required by the Award to be paid) the Entitlement that is the subject of the contravention – the Entitlement is found in the 'Details of Contravention' column of the table above

(ii) in respect of each such employee identified:

1. identify the employee's classification under the Award and their employment status (ie full-time, part-time or casual)
2. identify the number of annual leave hours the employee received payment for during the Period in respect of which the Entitlement was required to be paid by the Award (**Hours**)
3. identify the amount the Employer paid to the employee during the Period in respect of the Entitlement (having regard to the Hours, where applicable)
4. calculate the amount the Employer should have paid to the employee during the Period in respect of the Entitlement (having regard to the Hours, where applicable)
5. make a payment to the employee of the difference between the amount referred to in (3) and the amount referred to in (4) immediately above
6. make a record of the information and amounts referred to in (1) to (4) and the amount of the payment referred to in (5) immediately above (**Underpayment Rectification Information**)

Step 2 – Superannuation

(b) calculate additional superannuation contributions required by clause 18.2 of the Award in respect of the amounts required to be paid to employees of the Employer as a result of Step 1

(c) in relation to each employee who is owed such additional superannuation contributions, pay such additional superannuation contributions to the chosen Superannuation Fund of the employee.

Reasonable evidence of steps taken to comply with this Compliance Notice

8. In accordance with section 716(2) of the FW Act, I require you to produce the following reasonable evidence of your compliance with the actions specified in paragraph 7 above:

(a) a schedule that sets out:

- (i) the full name of each employee identified in Step 1
 - (ii) in relation to each such employee, and in respect of each contravention that concerns the employee, the Underpayment Rectification Information
 - (iii) in relation to each such employee, the additional superannuation contributions calculated for the employee and paid to the employee's Superannuation Fund in accordance with Step 2
- (b) proof that full payment has been made to each employee identified in Step 1 of the payments required to be made by Step 1 and Step 2, such as a bank transfer showing the transfer of funds to the employee and their Superannuation Fund, or a copy of the employee's payroll records showing the payment(s).
9. The evidence referred to above must be provided to the Fair Work Ombudsman by **8 March 2021** by email to **s.22 irrelevant information**, mail to GPO Box 9887, Adelaide SA 5001 or in person at Level 13, 175 Liverpool Street, Sydney NSW 2000.
10. You may be liable to a civil penalty or other civil remedy under the FW Act if you give false or misleading information or produce false or misleading documents in response to this Compliance Notice. You may also be liable for a criminal offence under the *Criminal Code* (Cth) if you do so.

s 22 irrelevant information

Fair Work Inspector
Fair Work Ombudsman

GPO Box 9887

ADELAIDE SA 5001

8 March 2021

s.22 irrelevant information

s.47E(d) Certain Operations
of Agencies

Via email – s.22 irrelevant information

Reference number: s.22 Irrelevant

LETTER OF ACKNOWLEDGEMENT OF COMPLIANCE

Dear s.22 irrelevant information

I refer to the compliance activity undertaken by the Fair Work Ombudsman (FWO) into s.47E(d) Certain Operations of Pty. Ltd (Company) concerning its compliance with Commonwealth workplace laws.

BACKGROUND

As per previous communications in this matter, an audit was conducted to establish whether the Company had complied with the *Fair Work Act 2009* (Cth) (FW Act).

As a result of that audit, I reasonably believed that the Company had contravened a provision of the *Security Services Industry Award 2020* as follows:

1. 21.3(a)(ii) of the Award provides for payment of a loading of 17.5% in addition to the amount an employee would have earned for ordinary hours of work and any applicable allowances during a period of annual leave. Based on pay slips provided by the Company, employees did not receive annual leave loading paid on annual leave paid to them.

As a result of my reasonable belief that contraventions of Commonwealth workplace laws had occurred, the Company was served with a compliance notice dated 9 February 2021 regarding the contraventions detailed above (Compliance Notice).

ACKNOWLEDGEMENT OF COMPLIANCE

This letter is to acknowledge that the Company has complied with the Compliance Notice. As a result, no further action will be taken by the FWO in relation to the contraventions detailed in the Compliance Notice.

NEXT STEPS

Following your compliance with the Compliance Notice, it is very important that you review your practices moving forward to ensure that all of your employees have their minimum entitlements met in accordance with any applicable awards, agreements, determinations and/or orders and the FW Act.

This information can be found on our website (www.fairwork.gov.au), which contains further tools to help you understand and comply with your obligations, including:

- (a) a Pay and Conditions Tool (PACT) to accurately calculate pay, leave and other entitlements;
- (b) templates and checklists to make record keeping easy; and
- (c) an online learning centre to learn the basics and get new skills.

We recommend that you register at www.fairwork.gov.au for My Account to save all your information in one place and get priority support when you need it.

We welcome feedback about your experience with us. It helps us to know what we're doing well and what changes we need to make. Tell us what you think about our services, by completing our online feedback form at www.fairwork.gov.au/feedback.

Should you wish to discuss this letter or any of your obligations further, please contact me on s.22 irrelevant information or at s.22 irrelevant information

Yours sincerely

s.22 irrelevant information

Fair Work Inspector
Fair Work Ombudsman



GPO Box 9887 MELBOURNE VIC 3001

COMPLIANCE NOTICE

(issued under section 716(2) of the *Fair Work Act 2009* (Cth))

Date of Issue: 1 March 2021

Name of Employer: Unified Security Group (Australia) Pty Ltd

ABN: 81138976397

Director: s.22 irrelevant information

I, s.22 irrelevant information, being a duly appointed Fair Work Inspector, reasonably believe that Unified Security Group (Australia) Pty Ltd (Employer) has contravened a term of the *Security Services Industry Award 2010* (Award), as described below. This Compliance Notice requires you to take steps to remedy the contravention described below.

Rights and obligations under this Compliance Notice

1. Failure to comply with this Compliance Notice may contravene section 716(5) of the *Fair Work Act 2009* (Cth) (FW Act) and render you liable for a civil penalty (unless you have a reasonable excuse).
2. You may be liable to a civil remedy if you give false or misleading information or produce false or misleading documents. It is also a serious offence under the *Criminal Code* (Cth).
3. If you do not comply with this Compliance Notice, the Fair Work Ombudsman may, without further notice, commence legal action against you and/or individuals involved in your failure to comply with this Compliance Notice to recover any outstanding monies which this Compliance Notice requires you to pay and to seek civil penalties.
4. Complying with the Compliance Notice is not an admission that you contravened, or have been found to have contravened, the Award or the FW Act.
5. You may apply to the Federal Court, Federal Circuit Court or eligible State or Territory Court for a review of this Compliance Notice on either or both of the following grounds:
 - (a) you did not commit the contraventions set out in this Compliance Notice;
 - (b) this Compliance Notice does not comply with sections 716(2) or 716(3) of the FW Act.

Details of the contravention(s)

6. The Employer, between 31 May 2020 and 25 August 2020 (Period), contravened the clause of the Award set out in the table below.

No	Clause	Details of contraventions
(a)	Award Clauses 10.7 and 15.1	Part-time Minimum Wage contravention failing to pay s.22 irrelevant information the rate of 1/38 th of the weekly rate prescribed for the class of work performed in respect of ordinary hours worked (Part-time Minimum Wage entitlement)

Required action under this Compliance Notice

7. In accordance with section 716(2) of the FW Act, I require you by 22 March 2021 to:

Step 1 – calculate and rectify underpayments

- (a) in respect of the contravention referred to in row (a) of the table above, and in respect of s.22 irrelevant information (Employee) who was employed by the Employer during the Period as a part-time Level 1 employee under the Award:
1. identify the number of hours the employee worked during the Period in respect of which the Entitlement was required to be paid by the Award (Hours). The Entitlement can be found in the 'Details of Contravention' column of the table above.
 2. identify the amount the Employer paid to the employee during the Period in respect of the Entitlement (having regard to the Hours)
 3. calculate the amount the Employer should have paid to the employee during the Period in respect of the Entitlement (having regard to the Hours)
 4. make a payment to the employee of the difference between the amount referred to in (2) and the amount referred to in (3) immediately above
 5. make a record of the information and amounts referred to in (1) to (3) and the amount of the payment referred to in (4) immediately above (**Underpayment Rectification Information**)

Step 2 – Superannuation

- (b) calculate additional superannuation contributions required by clause 18.2 of the Award in respect of the amounts required to be paid to employees of the Employer as a result of Step 1
- (c) in relation to each employee who is owed such additional superannuation contributions, pay such additional superannuation contributions to the chosen Superannuation Fund of the employee.

Reasonable evidence of steps taken to comply with this Compliance Notice

8. In accordance with section 716(2) of the FW Act, I require you to produce the following reasonable evidence of your compliance with the actions specified in paragraph 7 above:
- (a) a schedule that sets out:
- (i) the full name of the Employee
 - (ii) in relation to the Employee, and in respect of the contravention identified above, the Underpayment Rectification Information

- (iii) in relation to the Employee, the additional superannuation contributions calculated for the Employee and paid to the Employee's Superannuation Fund in accordance with Step 2
 - (b) proof that full payment has been made to the Employee of the payments required to be made by Step 1 and Step 2, such as a bank transfer showing the transfer of funds to the Employee and their Superannuation Fund, or a copy of the Employee's payroll records showing the payments.
9. The evidence referred to above must be provided to the Fair Work Ombudsman by **29 March 2021** by mail to GPO Box 9887 MELBOURNE VIC 3001 or email to **s.22 irrelevant information**
10. You may be liable to a civil penalty or other civil remedy under the FW Act if you give false or misleading information or produce false or misleading documents in response to this Compliance Notice. You may also be liable for a criminal offence under the *Criminal Code* (Cth) if you do so.

s.22 irrelevant information

**Fair Work Inspector
Fair Work Ombudsman**

Documents released by the Fair Work Ombudsman
Under the Freedom of Information



GPO Box 9887 MELBOURNE VIC 3001

1 March 2021

s.22 irrelevant information

Unified Security Group (Australia) Pty Ltd
ZM Partners Pty Ltd
L 5, 350 Kent Street
SYDNEY NSW 2000

s.22 irrelevant information

Reference number: s.22 Irrelevant information

COMPLIANCE NOTICE ISSUED TO UNIFIED SECURITY GROUP (AUSTRALIA) PTY LTD

Dear s.22 irrelevant information

I refer to the compliance activity undertaken by the Fair Work Ombudsman (FWO) into Unified Security Group (Australia) Pty Ltd (Company) concerning payment of minimum entitlements, issuance of pay slips and keeping of employee records.

The FWO is an independent agency responsible for ensuring compliance with the *Fair Work Act 2009* (FW Act) and other relevant Commonwealth workplace laws.

BACKGROUND

An audit was conducted to establish whether the Company had complied with the FW Act.

As a result of that audit, I reasonably believe that the Company has contravened a term of the *Security Services Industry Award* [MA000016] (Award) as set out in the attached compliance notice dated 1 March 2021 (Compliance Notice).

On this basis, I have determined that the appropriate enforcement measure in this instance is to issue the Company with the Compliance Notice under s 716 of the FW Act.

ACTION REQUIRED

The Compliance Notice provides the Company with a further opportunity to rectify the contraventions.

The Compliance Notice sets out a number of actions that the Company is required to take on or before 22 March 2021. Please consider the actions specified in the Notice carefully.

Complying with the Compliance Notice is not an admission (nor does it constitute a finding) that the Company has contravened the Award.

In order to assist you to undertake the calculations and rectification required by the Compliance Notice, we have attached:

- (a) a link to the Award (as in force at the time of the contraventions);
<http://awardviewer.fwo.gov.au/award/version/MA000016?vn=64&rvn=40>
- (b) the relevant Award pay guide is attached to the Award on the FWO website;
- (c) information about your pay slip and record keeping obligations;
<https://www.fairwork.gov.au/pay/pay-slips-and-record-keeping>

This information can also be found on our website (www.fairwork.gov.au), which contains further tools to help you understand and comply with your obligations, including:

- (a) a Pay and Conditions Tool (PACT) to accurately calculate pay, leave and other entitlements;
- (b) templates and checklists to make record keeping easy; and
- (c) an online learning centre to learn the basics and get new skills.

We recommend that you also register at our website for My Account to save all your information in one place and get priority support when you need it.

OBLIGATIONS UNDER THE COMPLIANCE NOTICE

If the Company fails to comply with the Compliance Notice by **22 March 2021**, it may contravene section 716(5) of the FW Act (unless it has a reasonable excuse).

In those circumstances, the FWO may (without further notice) commence legal action against the Company and/or individuals involved in the Company's failure to comply with the Compliance Notice. A Court may impose penalties of up to \$6,660 in respect of an individual or \$33,300 in respect of a body corporate for each failure to comply with a Compliance Notice.

Alternatively, the Company may apply to the Federal Court, Federal Circuit Court or an eligible State or Territory Court for a review of this Compliance Notice on either or both of the following grounds:

- (a) the Company did not commit the contraventions set out in this Compliance Notice
- (b) the Compliance Notice does not comply with sections 716(2) or 716(3) of the FW Act.

For further general information about Compliance Notices, please refer to our Compliance and Enforcement Policy, which can be found on our website.

Finally, we note that you may be liable to a civil penalty or other civil remedy under the FW Act if you give false or misleading information, or produce false or misleading documents, to the FWO. You may also be liable for a criminal offence under the *Criminal Code* (Cth) if you do so.

Should you wish to discuss this letter, or clarify any of the issues raised in the Compliance Notice, please contact me on **s.22 irrelevant information**

Yours sincerely

s.22 irrelevant information

Fair Work Inspector
Fair Work Ombudsman

s.22 irrelevant information

From: MaC Insolvency - Employees Unified <employees.unified@macinsolvency.com>
Sent: Thursday, 10 June 2021 3:23 PM
To: s.22 irrelevant information
Subject: RE: ATTN: Trent McMillen - Compliance Notice issued to Unified Security Group (Australia) Pty Ltd [SEC=OFFICIAL:Sensitive]
Attachments: Fair Work Ir out - compliance notice - 100621.pdf

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

Please see attached letter in response.

Regards,
 The Liquidator
 Unified Security Group (Australia) Pty Ltd (In Liquidation)



MaC INSOLVENCY
 INSOLVENCY. TURNAROUND. ADVISORY

SAVING BUSINESSES IN DEBT DISTRESS. EVERY DAY.

Correspondence to: PO Box 133, Windsor NSW 2756
 Offices in Parramatta, Windsor & Bathurst

P: (02) 8002 9580 | W: www.macinsolvency.com

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Liability limited by a scheme approved under Professional Services Legislation.

From: s.22 irrelevant information
Sent: Thursday, 10 June 2021 1:42 PM
To: MaC Insolvency - Employees Unified <employees.unified@macinsolvency.com>
Subject: FW: ATTN: Trent McMillen - Compliance Notice issued to Unified Security Group (Australia) Pty Ltd [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Dear Mr Mc Millen,

I was unable to contact you today by phone, following up from our previous conversation and the follow up email (see below).

The Fair Work Ombudsman (FWO) is aware a number employees still have not received their termination entitlements in response to the attached Compliance Notice.

As per our conversation you agreed to provide a written response to the FWO in regards to the outstanding termination entitlements owed by Unified Security Group (Australia) Pty Ltd and the Compliance Notice issued.

Can you please provide the FWO with a written response by 5pm, 11 June 2021.

Regards,

s.22 Irrelevant information | Fair Work Inspector
Compliance Branch
FAIR WORK OMBUDSMAN

s.22 Irrelevant information

GPO Box 9887 Hobart TAS 7001 | Level 5, 2-8 Kirksway Place, Battery Point TAS 7004

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We welcome feedback about your experience with us. It helps us to know what we're doing well and what changes we need to make. Tell us what you think about our services, or request a review of a decision, by completing [our online feedback form](#).

From s.22 Irrelevant information
Sent: Monday, 31 May 2021 2:35 PM
To: employees.unified@macinsolvency.com
Subject: ATTN: Trent McMillen - Compliance Notice issued to Unified Security Group (Australia) Pty Ltd [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Dear Mr Mc Millien,

Thank you for your time on the phone today. As discussed the Fair Work Ombudsman (**FWO**) issued the attached Compliance Notice to Unified Security Group (Australia) Pty Ltd (**USG**).

As per our conversation, you confirmed that USG is in liquidation and not administration. USG did not notify you of the Compliance Notice and you are currently working with FEG to get outstanding entitlements owed to employees because USG will not be complying with the requirements of the Compliance Notice.

If you can please provide a formal response to the legal status of USG so the FWO can make a determination on the next steps for the agency.

Regards,

s.22 Irrelevant information | Fair Work Inspector
Compliance Branch
FAIR WORK OMBUDSMAN

s.22 Irrelevant information

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This email is sent by the Fair Work Ombudsman (ABN 43 884 188 232).

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If you have received this email in error, please immediately:

- (1) notify the Fair Work Ombudsman by calling 13 13 94;
- (2) notify the sender by return email;
- (3) delete the message and any attachments from your system;
- (4) destroy any printed copy; and
- (5) do not disclose or use any of the information contained in the message or the attachments.

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The Fair Work Ombudsman respects your privacy.

Our privacy policy can be accessed from our web site www.fairwork.gov.au.

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Documents released by the Fair Work Ombudsman
Under the Freedom of Information Act

10 June 2021

Fair Work Ombudsman
GPO Box 9887
HOBART TAS 7001

By email **s.22 irrelevant information**

Dear Sir

UNIFIED SECURITY GROUP (AUSTRALIA) PTY LTD (IN LIQUIDATION)
ACN 138 976 397 ("THE COMPANY")

Compliance Notice Dated 24 May 2021

I refer to your Compliance Notice dated 24 May 2021 regarding the Company's failure to pay annual leave and payment in lieu entitlements (the entitlements).

I confirm that I was appointed Liquidator of the Company on 26 May 2021.

There are 1,800 employees affected by the liquidation and since my appointment I have issued multiple written notices to all employees advising them how they can claim their monies via Fair Entitlements Guarantee (FEG) or, if ineligible for FEG, via a claim in the liquidation.

The FEG process is well underway and my office is working with FEG to enable the prompt payment of entitlements to all eligible employees. FEG seeks to make payments within sixteen weeks.

Those former employees who are not eligible for payments under FEG have a priority claim in the liquidation and will be dealt with according to the various provisions of the Corporations Act 2001 (the Act). At this time there are insufficient funds to pay a dividend to employees and future dividends will be dependent upon successful litigation to recover debts owed to the Company. In my view, it is likely employees will receive a substantial dividend, although the need for litigation may mean any dividend is likely not to be paid for at least twelve months.

I note all court proceedings against the Company are stayed at the appointment of the Liquidator, given the requirements for parties to obtain leave of the Court under s471B of the Act.

Information for employees on how to make a claim on FEG or the liquidation can be found on my website: www.macinsolvency.com

If you have any queries please contact my office on 02 8002 9580.

Yours faithfully
Unified Security Group (Australia) Pty Ltd (In Liquidation)

s.22 irrelevant information

TRENT McMILLEN
LIQUIDATOR

s.22 irrelevant information

From: s.22 irrelevant information
Sent: Thursday, 17 June 2021 1:01 PM
To: 'MaC Insolvency - Employees Unified'
Subject: RE: ATTN: Trent McMillen - Compliance Notice issued to Unified Security Group (Australia) Pty Ltd [SEC=OFFICIAL:Sensitive]
Attachments: 17062021_Unified Security Group_Withdraw Compliance Notice.pdf

OFFICIAL: Sensitive

Dear Mr Mc Millen,

Please find the attached correspondence regarding Unified Security Group (Australia) Pty Ltd (Company).

The Fair Work Ombudsman (FWO) will now close the matter due to the Company being in liquidation.

If you require anything from the FWO to assist with proof of debt related to the employees subject to the Compliance Notice please contact me to discuss further.

Regards,

s.22 irrelevant information | Fair Work Inspector

Compliance Branch
FAIR WORK OMBUDSMAN

s.22 Irrelevant information

GPO Box 9887 Hobart TAS 7001 | Level 5, 2-8 Kirksway Place, Battery Point TAS 7004

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Fair Work Infoline
13 13 94
www.fairwork.gov.au



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We welcome feedback about your experience with us. It helps us to know what we're doing well and what changes we need to make. Tell us what you think about our services, or request a review of a decision, by completing [our online feedback form](#).

From: MaC Insolvency - Employees Unified <employees.unified@macinsolvency.com>
Sent: Thursday, 10 June 2021 3:23 PM
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Subject: RE: ATTN: Trent McMillen - Compliance Notice issued to Unified Security Group (Australia) Pty Ltd [SEC=OFFICIAL:Sensitive]

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

Please see attached letter in response.

Regards,
The Liquidator
Unified Security Group (Australia) Pty Ltd (In Liquidation)



SAVING BUSINESSES IN DEBT DISTRESS. EVERY DAY.

Correspondence to: PO Box 133, Windsor NSW 2756
Offices in Parramatta, Windsor & Bathurst

P: (02) 8002 9580 | W: www.macinsolvency.com

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OFFICIAL: Sensitive

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The Fair Work Ombudsman (FWO) is aware a number employees still have not received their termination entitlements in response to the attached Compliance Notice.

As per our conversation you agreed to provide a written response to the FWO in regards to the outstanding termination entitlements owed by Unified Security Group (Australia) Pty Ltd and the Compliance Notice issued.

Can you please provide the FWO with a written response by 5pm, 11 June 2021.

Regards,

s.22 Irrelevant information Fair Work Inspector

Compliance Branch
FAIR WORK OMBUDSMAN

s.22 Irrelevant information

GPO Box 9887 Hobart TAS 7001 | Level 5, 2-8 Kirksway Place, Battery Point TAS 7004

Record my hours – available now





GPO Box 9887, Hobart TAS 7001

17 June 2021

MaC Insolvency
ATTN: Trent Mc Millen
Unified Security Group (Australia) Pty Ltd
ACN: 138 976 397

by email: employees.unified@macinsolvency.com

Reference number: s.22 Irrelevant information

Withdrawal of Compliance Notice issued on 24 May 2021

Dear Mr Mc Millen,

I refer to the Compliance Notice dated 24 May 2021, issued by Fair Work Inspector s.22 Irrelevant information, Fair Work Inspector from the Fair Work Ombudsman (FWO), by Express Post to Unified Security Group (Australia) Pty Ltd pursuant to section 716(2) of the *Fair Work Act 2009*.

I am formally immediately withdrawing the Compliance Notice issued on 24 May 2021 to Unified Security Group (Australia) Pty Ltd.

If you have any questions or wish to discuss this matter please contact me on s.22 Irrelevant information or s.22 Irrelevant information. Please quote the reference number s.22 Irrelevant information.

Yours sincerely,

s.22 Irrelevant information

Fair Work Inspector
Fair Work Ombudsman